

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
WASHINGTON, D.C. 20555

January 5, 1993

NRC INFORMATION NOTICE NO. 93-03: RECENT REVISIONS TO 10 CFR PART 20 AND
CHANGE OF IMPLEMENTATION DATE TO
JANUARY 1, 1994

Addressees

All byproduct, source, and special nuclear material licensees

Purpose

NRC is issuing this information notice to notify addressees of the change in the deadline for implementation of revised 10 CFR Part 20, and of recent regulatory guides and draft guides published in conjunction with the revision. This information notice also describes two recent changes to the revised Part 20. It is expected that licensees will review this information for applicability to their operations, distribute it to appropriate staff, and consider actions to prepare for, and incorporate, these changes. However, suggestions contained in this information notice are not new NRC requirements; therefore, no specific action nor written response is required.

Description of Circumstances

In December 1990, the Commission approved the final revised Part 20, "Standards for Protection Against Radiation," which became effective June 21, 1991. At the time of the publication in the Federal Register, licensees were permitted to delay implementation of the new revisions until January 1, 1993.

In the fall of 1991, the Nuclear Management and Resources Council (NUMARC) requested that the Commission extend the deadline for implementation of the revised Part 20 for one year, to January 1, 1994. This delay would allow all licensees sufficient time to prepare for and implement for the rule.

In May 1992, the Commission published a proposed rule in the Federal Register, to extend the implementation date of the revised Part 20 to January 1, 1994. Thirty-six comment letters were received on the proposed rule, with the majority in favor of the extension.

On August 26, 1992, the Commission published, in the Federal Register (Attachment 1), a final rule that extends the implementation deadline date, for the revised Part 20, to January 1, 1994.

On August 31, 1992, additional changes in the revised Part 20 were published in the Federal Register (Attachment 2) in response to a Presidential memorandum requesting agency review and modification of Federal government

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regulations that cause any unnecessary burden. The areas in Part 20 affected included:

1. Exemptions to Posting Requirements (10 CFR 20.1903(b)) - to include exceptions to posting requirements for rooms occupied by patients otherwise releasable pursuant to 10 CFR Part 35.75;
2. Procedures for Receiving and Opening Packages (10 CFR 20.1906(b)) - to eliminate certain provisions for contamination monitoring of packages containing certain types of radioactive material.

Discussion

The Federal Register notices that describe each of these final rules are in Attachments 1 and 2. The notices give statements of consideration for the change in the implementation deadline, and for changes to the revised Part 20.

Licensees are encouraged to review the applicable regulatory guides for assistance in the implementation of Part 20. The regulatory guides that have been developed to assist with the implementation of the revised Part 20 include the following:

1. Regulatory Guide 8.7, Revision 1, "Instructions for Recording and Reporting Occupational Exposure Data"
2. Regulatory Guide 8.25, Revision 1, "Air Sampling in the Workplace"
3. Regulatory Guide 8.34, "Monitoring Criteria and Methods to Calculate Occupational Radiation Doses"
4. Regulatory Guide 8.35, "Planned Special Exposures"
5. Regulatory Guide 8.36, "Radiation Dose to the Embryo/Fetus"

Copies of issued regulatory guides may be purchased from the Government Printing Office (GPO) at the current GPO price. Information on prices may be obtained by contacting the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, D.C. 20013-7082, or by telephoning (202) 512-2249 or (202) 512-2171.

Several additional guides have been published in draft form for comment and should be published as regulatory guides by mid-93. These are:

1. DG-8005, "Assessing External Radiation Dose from Airborne Radioactive Materials"
2. DG-8009, "Interpretation of Bioassay Measurements (Proposed Revision to Regulatory Guide 8.9)"
3. DG-8013, "ALARA Levels for Effluents from Materials Facilities"

For single copies of draft guides (which may be reproduced), requests should be made to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Office of Administration, Distribution and Mail Services Section.

This information notice requires no specific action nor written response. If you have any questions about the information in this notice, please contact one of the technical contacts listed below or the appropriate regional office.



Richard E. Cunningham, Director
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

Technical contacts: Joseph E. DeCicco, NMSS
(301) 504-2067

Charleen T. Raddatz, RES
(301) 492-3645

Attachments:

1. Copy of *Federal Register*, Vol. 57, No. 166,
August 26, 1992, pp. 38588-38590
2. Copy of *Federal Register*, Vol. 57, No. 169,
August 31, 1992, pp. 39353-39358
3. List of Recently Issued NMSS Information Notices
4. List of Recently Issued NRC Information Notices

destinations must be at least 1½ inches in diameter. Also, red-skinned varieties of potatoes may be shipped without regard to a minimum size requirement, if they otherwise grade at least U.S. No. 1. Non-red-skinned varieties of potatoes that are 1½ inches in diameter or less may be shipped if they grade at least U.S. No. 1. Prior to the interim final rule, potatoes shipped in 50-pound cartons had to meet a minimum grade of U.S. No. 1 except that potatoes that failed to meet the U.S. No. 1 grade only because of hollow heart and/or internal discoloration could be shipped provided that no more than ten percent hollow heart and/or internal discoloration was present or not more than five percent serious damage by internal defects.

Customers had been requesting U.S. No. 2 grade potatoes in 50-pound cartons because 50-pound burlap sacks and paper bags were messy, unsanitary and did not stack well on pallets. Some retail and restaurant trade buyers complained that burlap sacks were dirty and could shed fibers. Further, paper bags could tear before arriving at their destination.

Many customers had been purchasing potatoes from other areas where U.S. No. 2 grade potatoes are packed in 50-pound cartons. The committee responded to these changing market conditions so handlers would not lose sales.

This action continues to authorize Oregon-California potato handlers to ship U.S. No. 2 grade potatoes, weighing at least 10 ounces, in 50-pound cartons. This action will increase overall potato shipments from the production area, increase financial returns to the industry and satisfy customer needs.

An interim final rule relaxing the pack regulations was published in the Federal Register on June 10, 1992 [57 FR 24541]. A 30-day comment period was established to provide an opportunity for written comments. The comment period ended on July 10, 1992. No comments were received.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all available information, it is found that the continued relaxation of the pack regulations, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) This action continues in

effect the relaxed pack requirements; (2) potato shippers will need no additional time to continue complying with the relaxed requirements; (3) the interim final rule provided a 30-day comment period and no comments were received; and (4) no useful purpose will be served by delaying the effective date until 30 days after publication.

List of Subjects in 7 CFR 947

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

Accordingly, the interim final rule amending the provisions of section 947.340, published in the Federal Register [56 FR 24541, June 10, 1992], is adopted as a final rule without change.

Note: This section will appear in the annual Code of Federal Regulations.

Dated: August 19, 1992.

Robert C. Keeney,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 92-20384 Filed 8-25-92; 8:45 am]
BILLING CODE 3410-02-00

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 19 and 20

RIN 3150-AE21

Standards for Protection Against Radiation; Extension of Implementation Date

AGENCY: Nuclear Regulatory
Commission.
ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is extending the implementation date for its revised standards for protection against radiation and making a conforming change to its regulation. See **SUPPLEMENTARY INFORMATION** for specific regulatory parts affected. This rule extends the date by which NRC licensees are required to implement the revised standards for protection against radiation to January 1, 1994. The 1-year extension provides licensees additional time to examine and implement the regulatory guidance developed to support the rule. It also establishes a concurrent implementation date for NRC licensees and Agreement State licensees.

EFFECTIVE DATE: September 25, 1992.

FOR FURTHER INFORMATION CONTACT: Dr. Donald A. Cool, Chief, Radiation Protection and Health Effects Branch, Division of Regulatory Applications, Office of Nuclear Regulatory Research,

U.S. Nuclear Regulatory Commission,
Washington, DC 20555; Telephone (301)
492-3765.

SUPPLEMENTARY INFORMATION:

Background

On December 13, 1990, the Commission approved the final revision of 10 CFR part 20, "Standards for Protection Against Radiation," which incorporated the recommendations of the International Commission on Radiological Protection (ICRP) issued in 1977 and implemented the recommendations contained in the Guidance to Federal Agencies for Occupational Exposure signed by the President in 1987. With the approval of the final rule, the Commission specified its desire to have the rule become effective 30 days following publication in the Federal Register with a provision that licensees would be permitted until January 1, 1993, to implement the revision. The Commission also stated that Agreement States should require that all Agreement State licensees comply with compatible State regulations on or before January 1, 1994, with early implementation encouraged.

When the Commission approved the revision to 10 CFR part 20, the Commission and the NRC staff expected that the revised standards for protection against radiation would be published in the Federal Register in early January 1991, giving licensees 2 full years to meet the required implementation date. The Commission also expected that the related draft regulatory guides would be published for public comment early in 1991 and published in final form by December 31, 1991. Unfortunately, difficulties arose with the publication of the final rule because of the need to satisfy the legal and procedural requirements necessary to accommodate concurrent enforcement of both the existing requirements contained in 10 CFR part 20, as well as the new standards for protection against radiation contained in §§ 20.1001-20.2401. Because of these problems and the need to revise the numbering system and implementation sections accordingly, the final rule was not published until May 21, 1991 (56 FR 23360). There was also a corresponding delay in the development and publication of the regulatory guides.

On October 16, 1991, the Nuclear Management and Resources Council (NUMARC) requested that the Commission extend the date for implementation of the revised 10 CFR part 20 from January 1, 1993, to January 1, 1994. NUMARC's basis for this request was that the regulatory guides

associated with the rulemaking had not been completed as indicated at the time the final rule was published. On October 24, 1991, and November 22, 1991, similar requests were filed by the Yankee Atomic Electric Company (YAEC) and the National Organization of Test, Research and Training Reactors (TRTR). In a letter dated December 12, 1991, NUMARC provided additional information regarding its position on the availability and importance of certain regulatory guidance documents to the implementation process of the final rule.

The Commission's discussion of the need for regulatory guidance, published as part of the Statement of Considerations, section IV, "Need for Additional Regulatory Guides" in the final rule, recognized that the incorporation of many new concepts into part 20 would require additional guidance and explanation of their application to practical problems in radiation protection. The discussion also included a listing of some of the guides that were being developed or revised, although no measure of importance or priority was provided with the listing. The December 12, 1991, letter stated NUMARC's position on the availability and importance of certain regulatory guides to the implementation process for the revision of 10 CFR part 20.

In response to the additional information provided by NUMARC and in consideration of the topics to be addressed, the NRC evaluated the regulatory guides which were under development and determined which guides would be especially useful for implementation of the revision. Regulatory guides covering new requirements or new concepts in the revised standards for protection against radiation have been issued in final form.

Comments on the Proposed Rule

The Commission received thirty-four (34) letters commenting on the proposed rule.

The majority of commenters stated agreement with the proposed rule, indicating that the additional time was needed to effectively implement the revisions to 10 CFR part 20. Many commenters were in favor of concurrent adoption of the rule by NRC licensees and Agreement States. However, several utilities, while indicating agreement with industry on delaying the rule stated that a delay would result in additional costs by extending the implementation effort for an additional year and emphasized that regulatory guidance should be available to support early implementation on January 1, 1993.

One comment was received opposing any delay, citing the need to move

forward and adopt the newer international standards for worker protection rather than delay any longer the adoption of these revisions to 10 CFR part 20. While the Commission believes that adoption of these revisions is necessary, an additional year's delay should not result in any decrease in workers protection. The current practice of keeping radiation exposures as low as is reasonably achievable (ALARA), has resulted in the average radiation dose to occupationally exposed individuals to be well below the limits of the amended part 20 and also below the 2 rem average recently recommended as a limitation by the International Commission on Radiological Protection.

It is the Commission's goal to have a firm and consistent basis for enforcement at the time the final rule is fully implemented. In support of this goal, the Commission has considered and is granting a delay in the published January 1, 1993, implementation date, as requested by NUMARC, TRTR, and YAEC based on the following considerations. First, a delay in the implementation date will provide licensees with the opportunity to further study the rule and regulatory guides and, therefore, should result in a more orderly and efficient implementation. A delay will also provide additional time to obtain adequate resources for implementation actions and contracted assistance. Second, extending the implementation date for NRC licensees 1 year to January 1, 1994, will provide a uniform, concurrent implementation date for NRC licensees and Agreement States, thereby eliminating the period during which Agreement States could still be enforcing the existing part 20 while NRC would be requiring adherence to the revised part 20.

Environmental Impact: Categorical Exclusion

The NRC has determined that this rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). An administrative action that will not result in any hardship. Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Existing requirements, including requirements contained in §§ 20.1001-20.2401, published on May 21, 1991, were approved by the Office of Management

and Budget, approval numbers 3150-0014, and 3150-0044.

Regulatory Analysis

The amendment is administrative and will not have a significant impact; therefore, the Commission has not prepared a regulatory analysis on this regulation. The final regulatory analysis for the final rule that was published on May 1, 1991, examined the costs and benefits of the alternatives considered by the Commission and is available for inspection in the NRC Public Document room, 2120 L Street, NW. (Lower Level), Washington, DC.

Regulatory Flexibility Analysis

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this is an administrative action that will not have a significant impact upon a substantive number of small entities. This action will apply to all NRC licensees. The final rule affects approximately 7,500 licensees, approximately one-quarter of which are classified as small entities under 10 CFR part 20.

The types of small entities that would be affected by this final rule include physicians, small hospitals, small laboratories, industrial applications in small industries, radiographers, and well loggers.

This administrative action will result in no increase in the burden on NRC licensees. Rather, it will provide licensees an additional year to implement the revisions to 10 CFR part 20. It will also reduce the Commission's administrative burden by providing a concurrent implementation date for all licensees and by facilitating publication of regulatory guidance.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to the final rule and, therefore, that a backfit analysis is not required for this rule. This amendment is administrative in nature and does not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects

10 CFR Part 19

Criminal penalties, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements, and Sex discrimination.

10 CFR Part 20

Byproduct material, Criminal penalties, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Special nuclear material, Source material, Waste treatment and disposal.

For reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR parts 19 and 20.

PART 19—NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS: INSPECTION AND INVESTIGATIONS

1. The authority citation for part 19 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841) * * *

2. In § 19.13, paragraph (b) is revised to read follows:

§ 19.13 Notifications and reports to individuals.

(b) Each licensee shall advise each worker annually of the worker's dose as shown in records maintained by the licensee pursuant to part 20 (§ 20.401 and § 20.601 or, for licensees implementing the provisions of §§ 20.1001-20.2401, § 20.2106). Prior to January 1, 1994, licensees operating under §§ 20.1-20.601 are required to provide this information only upon request of the worker.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

3. The authority citation for part 20 continues to read as follows:

Authority: secs. 53, 63, 65, 81, 103, 104, 161, 182, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 953, 955, as amended (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232, 2236), secs. 201, as amended, 202, 208, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 20.408 also issued under secs. 135, 141, Pub. L. 97-425, 98 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

For the purposes of sec. 233, 68 Stat. 958, as amended (42 U.S.C. 2273): §§ 20.101, 20.102, 20.103 (a), (b), and (f), 20.104 (a) and (b), 20.105 (b), 20.106 (a), 20.201, 20.202 (a), 20.205, 20.207, 20.301, 20.303, 20.304, 20.305, 20.1102, 20.1201-20.1204, 20.1206, 20.1207, 20.1208, 20.1301, 20.1302, 20.1501, 20.1502, 20.1601 (a) and (d), 20.1602, 20.1603, 20.1701, 20.1704, 20.1801, 20.1802, 20.1901 (a), 20.1902, 20.1904,

20.1906, 20.2001, 20.2002, 20.2003, 20.2004, 20.2005 (b) and (c), 20.2006, 20.2101-20.2110, 20.2201-20.2206, and 20.2301 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); § 20.2106(d) is issued under the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a; and §§ 20.102, 20.103 (e), 20.401-20.407, 20.408 (b), 20.409, 20.1102 (a) (2) and (4), 20.1204 (c), 20.1208 (g) and (h), 20.1904 (c) (4), 20.1905 (c) and (d), 20.2005 (c), 20.2006 (b) (d), 20.2103-20.2108, and 20.2201-20.2207 are issued under sec. 161c, 68 Stat. 950, as amended (42 U.S.C. 2201 (g)).

4. In § 20.1006, paragraph (a) is revised to read as follows:

§ 20.1006 Implementation.

(a) Licensees shall implement the provisions of §§ 20.1001-20.2401 on or before January 1, 1994. If a licensee chooses to implement the provisions of §§ 20.1001-20.2401 prior to January 1, 1994, the licensee shall implement all provision of these sections not otherwise exempted by paragraph (d) of this section, and shall provide written notification to either the Director of the Office of Nuclear Materials Safety and Safeguards or the Director of the Office of Nuclear Reactor Regulation, as appropriate, that the licensee is adopting early implementation of §§ 20.1001-20.2401 and associated appendices. Until January 1, 1994, or until the licensee notifies the Commission of early implementation, compliance will be required with §§ 20.1-20.601 of this part.

Dated at Rockville, Maryland, this 20th day of August 1992.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,
Secretary of the Commission.

[FR Doc. 92-20405 Filed 8-25-92; 8:45 am]
BILLING CODE 7899-01-02

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM91-11-003]

In Re Pipeline Service Obligations and Revisions to Regulations Governing Self-Implementing Transportation Under Part 284 of the Commission's Regulations; Order Granting, in Part, and Denying, in Part, Clarification, Rehearing, and Reconsideration

Issued August 20, 1992.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order on rehearing, reconsideration, and clarification.

SUMMARY: On June 24, 1992, the Commission issued an order (59 FERC ¶ 61,351, 57 FR 29,302 (July 1, 1992)) granting, in part, Natural Gas Clearinghouse's motion for the establishment of generic discovery procedures applicable to all pipelines' individual Order No. 636 restructuring proceedings. Timely requests for rehearing of the June 24 order were filed by Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company, Indiana Gas Company, United Distribution Companies, and Tennessee Gas Pipeline Company. Northern Natural Gas Company, Transwestern Pipeline Company, and Florida Gas Transmission Company jointly filed a timely request for clarification or, alternatively, rehearing. The Coastal Companies filed a request for reconsideration. This order grants, in part, and denies, in part, clarification, rehearing, and reconsideration.

FOR FURTHER INFORMATION CONTACT: Mary Bengel, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208-1274.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the Federal Register, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in room 3104, 941 North Capitol Street, NE., Washington, DC 20426.

The Commission's issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to use 300, 1200, or 2400 baud, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this order will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's contractor, La Dorn Systems Corporation, also located in room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

On June 24, 1992, the Commission issued an order granting, in part, Natural Gas Clearinghouse's (NGC) motion for the establishment of generic discovery procedures applicable to all pipelines' individual Order No. 636 restructuring

transporting the miniature swine to John F. Kennedy Airport is a small portion of the overall cost of exporting them, allowing use of Logan International Airport in Massachusetts will have minimal economic effect on the exporters. Further, since this action involves one type of animal, it is unlikely to have any significant effect on any entity involved in handling or transporting livestock.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging its provisions.

List of Subjects in 9 CFR Part 91

Animal diseases, Animal welfare, Exports, Livestock, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 91 is amended as follows:

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

1. The authority citation for part 91 continues to read as follows:

Authority: 21 U.S.C. 103, 112, 113, 114a, 120, 121, 134b, 134f, 612, 613, 614, 618, 45 U.S.C. 466a, 466b, 49 U.S.C. 1509(d); 7 CFR 1.17, 2.51, and 371.2(d)

2. In § 91.1 a definition for "miniature swine" is added in alphabetical order to read as follows:

§ 91.1 Definitions.

Miniature swine. Swine bred and raised as pets or for laboratory testing purposes that do not weigh more than 100 pounds at maturity.

3. In § 91.14, paragraph (a) is amended by redesignating paragraphs (a)(7) through (a)(16) as paragraphs (a)(8) through (a)(17), respectively, and by adding a new paragraph (a)(7) to read as follows:

§ 91.14 Ports of embarkation and export inspection facilities.

(a) (7) Massachusetts. (i) Boston—airport only.

(A) Logan International Airport (miniature swine only), East Boston, Massachusetts 02128, (617) 565-4849.

Done in Washington, DC, this 26th day of August 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-20601 Filed 8-28-92; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20 and 50

RIN 3150-AE30

Reducing the Regulatory Burden on Nuclear Licensees

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to reduce the regulatory burden on nuclear licensees. This action reflects an initiative undertaken by the Commission in response to a Presidential memorandum requesting that selected Federal agencies review and modify regulations that would eliminate any unnecessary burden of governmental regulation and ensure that the regulated community is not subject to duplicative or inconsistent regulation. In that spirit, the NRC's Committee to Review Generic Requirements (CRGR) identified eight areas where regulations could be revised to reduce the regulatory burden on licensees without in any way reducing the protection for the public health and safety or the common defense and security. The final amendments address unnecessary regulatory requirements related to the frequency of reporting information, analysis of emergency core cooling systems for operating power reactors,

and clarification and update of regulations affecting certain material licensees.

EFFECTIVE DATE: October 1, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. C.W. Nilsen, telephone (301) 492-3834 or Mr. Joseph J. Mate, telephone (301) 492-3795, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

SUPPLEMENTARY INFORMATION:

Background

On January 28, 1992, the President of the United States signed a memorandum addressed to selected Federal Agency Heads who are concerned with energy production and protection of the environment. The memorandum requested the addressees work together to streamline the regulatory process and ensure that the regulatory community is not subject to duplicative or inconsistent regulation.

On the same day, the President signed a second memorandum entitled "Reducing the Burden of Government Regulation." This memorandum, which was sent to all Federal agencies, set aside a 90-day period to review and evaluate existing regulations and programs and to identify and accelerate action on initiatives that will eliminate any unnecessary regulatory burden. At the end of the review period, agencies were to submit a written report indicating the regulatory changes recommended or made during the review period and the potential savings as a result of the changes.

In response to the Presidential memoranda, the Commission decided that it would be consistent with its policy to monitor the impact of complying with NRC regulations by its licensees to instruct its Committee to Review Generic Requirements (CRGR) to review existing NRC regulations to determine whether regulatory burdens can be reduced without in any way reducing the protection for the public health and safety and the common defense and security. In accomplishing their review, the CRGR drew upon previous studies and solicited comments from the public, other Federal agencies, and the Commission's staff. A Federal Register Notice was published on February 24, 1992 (57 FR 6299) seeking public comment in connection with the review, and a second Federal Register Notice on March 23, 1992 (57 FR 9985) discussed likely or possible candidates for action, based on CRGR's preliminary evaluation of comments. An associated

public meeting was held on March 27, 1992, in Bethesda, Maryland.

After completing their special review, the CRGR recommended revising the regulations in eight areas. The proposed revisions met the criteria for reducing the burden without in any way reducing the protection for public health and safety and common defense and security.

The Chairman of the NRC sent a report to the President of the United States on April 27, 1992, which summarized NRC's activities concerning the President's directive and advised the President that NRC would pursue the CRGR's recommendations expeditiously within the framework of the procedures and practices for rulemaking.

On June 1, 1992, in response to a memorandum from the President of the United States, dated April 29, 1992, the Commission directed the staff to strive to publish the proposed rule changes in the eight areas identified by the CRGR in the Federal Register for comment as soon as possible, but not later than June 15, 1992, with a view to issuing the final rules in the Federal Register no later than August 27, 1992. On June 18, 1992 (57 FR 27187), the NRC published the proposed rulemaking in the Federal Register for comment. The comment period expired on July 20, 1992.

Summary and Analysis of Public Comments

Thirty comment letters were received on the proposed rule and are available for public inspection, and copying for a fee, at the Commission's Public Document Room located at 2120 L street, NW. (Lower Level), Washington, DC. The comments on the proposed rule came from a variety of sources. These included private citizens, publicly-held corporations, citizens' groups, the armed forces, industry representatives, electric power companies or their representatives, and legal firms. Eleven significant points were raised by the commenters. Of the 30 comment letters received, 28 letters were favorable and 2 letters were partially opposed to the regulation changes. The comments and their resolutions are discussed below.

1. Comment. One commenter suggested that the Commission not only amend § 20.1906(b) concerning contamination monitoring, but also issue a statement that those licensees still operating under the old part 20 not be required to monitor packages for contamination that meet the conditions of § 20.1906(b).

Response. The NRC does not believe that the suggested change by the commenter is necessary because the amendment of § 20.1906(b) will make the

subject contamination monitoring requirements of the new part 20 essentially the same as those contained in the existing part 20 (§ 20.205(b)(1)(iii) and (c)(1)).

2. Comment. One commenter opposed the rule on the basis that sealed sources routinely leak and, therefore, should not be excluded from monitoring.

The commenter cited an example where a driver and a truck were contaminated because of a failure to conduct a proper radiation sweep.

Response. The final rule does not exempt licensees from monitoring or surveying any packages with evidence of degradation of package integrity, including evidence of potential contamination. Likewise, this revision does not relax the preshipment requirements for monitoring of packages contained in 10 CFR part 71. The NRC does not have any evidence that supports the commenter's assertion that sealed sources routinely leak and, thus, the NRC believes that the requirements in place are sufficient to detect potential abnormal situations. No amount of regulation can, a priori, preclude all incidents involving leaking sources. However, these incidents can be dealt with through followup inspection and enforcement under the present regulatory scheme.

3. Comment. Several commenters addressed in general terms the need for the NRC to continue its efforts to reduce any unnecessary regulatory burden on licensees through amendments to 10 CFR chapter I.

Response. The NRC will continue its efforts to identify additional amendments that will provide for a reduction in regulatory burden while still assuring adequate protection of the public health and safety.

4. Comment. One commenter questioned the basis for exempting from external monitoring for radiation levels only nuclear material that was either in the form of a gas or in a special form since the external radiation levels are dependent upon radionuclides, quantity, shielding, and distance between radioactive material and the point of interest rather than material form.

Response. The NRC agrees with the commenter that the requirement to survey, upon receipt, the radiation levels on the package exterior should be based on the potential radiation hazard. Therefore, the requirement specified in 10 CFR 20.1906(b)(2) that monitoring of radiation levels be performed on labeled packages is being revised to delete the exemption that the radioactive material be in the form of a gas or in special form as defined in 10 CFR 71.4.

5. Comment. One commenter questioned whether the monitoring requirements were applicable for packages that show evidence of damage.

Response. The wording of 10 CFR 20.1906(b)(3) has been revised to indicate more clearly that packages with evidence of damage are to be monitored for both radioactive contamination and for radiation levels.

6. Comment. Several commenters requested that the proposed wording to 10 CFR 50.71(e)(4) concerning FSAR updates be revised to decouple the FSAR updates from the refueling cycle and that the 24-month requirement for updates is an unnecessary restriction.

Response. The proposed changes were not accepted. The majority of facility design changes reflected in an updated FSAR are effected during the refueling outage. The use of the refueling cycle interval provides for a current plant status document that is coordinated with plant changes. The wording of § 50.71(e)(4) is not restrictive to plants that will eventually increase their refueling cycle to 24 months.

7. Comment. Three electric utilities requested that the proposed wording in 10 CFR 50.36(a)(2) concerning radiological effluent reporting be revised to specify a particular date. One commenter suggested: "The report must be submitted as specified in § 50.4 prior to March 31 of each year."

Response. The wording of 10 CFR 50.36(a)(2) gives the licensee maximum flexibility for scheduling submission of radiological effluent reports with the only restriction being that the interval between reports must not exceed 12 months. The reporting requirements remain as proposed.

8. Comment. Two commenters suggested that the amendments indicate that the changes in reporting requirements of the new regulations take precedence over the existing license technical specifications or license conditions where there may be a conflict.

Response. The proposed amendments are generic and licensees may request administrative amendments to any conflicting license condition or technical specification as needed.

9. Comment. Two commenters suggested that NRC reconsider the need for licensees to submit 10 CFR 50.36a(2) effluent release reports and 10 CFR 50.59 reports concerning annual design changes. The commenters noted the requirement for these reports was issued before the Final Safety Analysis Reports were required to be updated periodically and before resident inspectors were assigned to all reactor sites. The

commenters also observed that these reports are now available on site for review by inspectors at any time and that most design changes are reflected in the FSARs. Further, the commenters did not believe that these reports are routinely reviewed by the NRC staff. The commenters believed that if the requirements to submit such a report were eliminated, there would be no impact on safety, the required evaluations could continue to be performed, and the reports would continue to be available for review. The commenters believed that the deletion of these requirements would contribute to significant increased savings by licensees.

Response. The consequence of eliminating the requirements for these reports requires significant additional assessment. Thus, the proposed revisions have not been modified in order not to delay the benefit of burden reduction. Although this proposal will not be addressed in the current rulemaking, these suggested revisions will be evaluated as part of an ongoing NRC effort.

10. Comment. One commenter questioned whether the changes in reporting frequency of facility changes under 10 CFR 50.59, FSAR updates, and radiological effluent reports would impair the ability of the NRC to review the information in a timely manner.

Response. The resident inspector program along with regional regulatory programs provide timely and in some cases day-by-day review of facility operations. The changes being made will not impair NRC's ability to review the information.

11. Comment. One commenter (Yankee Atomic Electric Co.) stated that the FSAR update changes discussed in Action Item 1 in the proposed rule and in Action Item 7 of this document emanated from a petition for rulemaking that they submitted to the NRC on February 9, 1990 (PRM 50-55). The notice of receipt for this petition was published in the Federal Register on May 3, 1990 (55 FR 18608). The petitioner originally requested that nuclear power plant licensees be allowed to file FSAR reports at periods greater than annually. They suggested that § 50.71(e)(4) be revised to read as follows: "Subsequent revisions shall be filed no later than 6 months after completion of each planned refueling outage for a licensee's facility. If two or more facilities share a common FSAR, the licensees shall designate the refueling outage schedule on one of the multiple facilities to establish the schedule for revisions of the common FSAR. The FSAR revisions shall reflect all changes up to a

maximum of 6 months prior to the date of filing."

During the comment period on this proposed rule, Yankee Atomic Electric Co. stated that the period between successive FSAR updates should not be limited to 24 months as proposed. Their rationale was that the restriction of 24 months was unnecessary.

Response. Upon receipt of the Yankee Atomic Electric Co. comment letter of July 20, 1992, the NRC again reviewed the petition (PRM 50-55) submitted by Yankee Atomic Electric Co. and the comments submitted in response to the Notice of Receipt. Based on this review, the NRC believes that the current action being taken to reduce the burden on nuclear licensees is substantially similar to the relief requested in the petition. The 24-month interval for successive FSAR updates is addressed in comment number 6 above. It should be noted that the petition did not contain a specific reference to a number of months regarding successive FSAR updates. With respect to the petitioner's concern about multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis. This final rule does not address multiple facilities.

This final rule is considered by the NRC to grant the petition submitted by the Yankee Atomic Electric Co. This final rule constitutes final NRC action on the petition.

Discussion

The Nuclear Regulatory Commission is amending 10 CFR parts 20 and 50 to implement the eight proposed actions identified below and also identified in the report on "Special Review of Existing NRC Regulations" that was completed by the CRGR and that was attached to Chairman Selin's letter to the White House dated April 27, 1992. These actions will not reduce the protection of the public health and safety or the common defense and security. Each of the eight actions is discussed below.

1. Posting of Rooms Occupied by Diagnostic Nuclear Medicine Patients (10 CFR 20.1903(b))

The revision reduces the posting requirements for rooms in hospitals occupied by patients administered radioactive materials who might otherwise be released from confinement under the provisions of 10 CFR 35.75.

The estimated savings to licensees is \$300,000 for elimination of the need for posting.

2. Contamination Monitoring of Packages (10 CFR 20.1906(b))

This action clarifies the regulations and reduces the monitoring burden for packages containing radioactive material in the form of a gas or in a special form as defined in 10 CFR 71.4.

The estimated savings to licensees is \$10.1 million.

3. Frequency of Radiological Effluent Reports (10 CFR 50.36a)

This action reduces the requirements for the submission of reports concerning the quantity of principal nuclides released to unrestricted areas in liquid and gaseous effluents from semiannually to annually.

The estimated savings for this action, assuming an average remaining plant life of 26 years, is \$16,800,000 for licensees and \$360,000 for the NRC.

4. Use of Fuel with Zirconium-Based (Other than Zircaloy) Cladding (10 CFR 50.44, 50.46, and Appendix K to Part 50)

This action revises the acceptance criteria in 10 CFR 50.44 and 50.46, relating to evaluations of emergency core cooling systems and combustible gas control applicable to zircaloy clad fuel to include ZIRLO clad fuel. This revision to include ZIRLO as an acceptable zirconium based cladding material along with zircaloy will reduce the licensee burden but will not reduce the protection of the public health or safety. The NRC will address, through an appropriate separate rulemaking, the use of other similar zirconium based cladding materials when all of the necessary safety evaluations for those materials have been completed.

The estimated savings for eliminating the need to process recurring exemptions to the regulations to licensees is \$2 million and the savings to the NRC is \$50,000. This estimate is based on six plants per year requesting the use of ZIRLO clad fuel over the next 8 years.

5. Receipt Back of Processed Low Level Waste (10 CFR 50.54)

This action is addressed in a separate rulemaking. For additional information, see the proposed rule entitled "Receipt of Byproduct and Special Nuclear Material" published in the Federal Register on April 24, 1992 (57 FR 15034).

6. Annual Design Change Reports (10 CFR 50.59)

This action revises the requirements for the annual submission of reports for facility changes under § 50.59 (Changes, tests, and experiments) to conform with the proposed change for updating the

FSAR (see Item 7). This action does not affect the substance of the evaluation or the documentation required for § 50.59 type changes. It only affects the interval for submission of the information to the NRC. Instead of submitting the information annually, the information can be submitted on a refueling cycle basis, provided the interval between successive reports does not exceed 24 months.

The estimated savings for this action, assuming an average remaining plant life of 26 years, is \$1,500,000 for licensees and \$400,000 for the NRC.

7. Frequency of Final Safety Analysis Report (FSAR) Updates (10 CFR 50.71)

This action provides licensees with an option from the current requirements for the annual updating of the Final Safety Analysis Report (FSAR). In lieu of an annual submission, licensees may choose to provide the required information once per each refueling outage. Updates to the FSAR can be submitted 6 months after each refueling outage, provided the interval between successive updates to the FSAR does not exceed 24 months. This action does not affect the substance of FSAR updates.

The estimated savings for this action, assuming an average remaining plant life of 26 years, is \$11,100,000 for licensees and \$910,000 for the NRC.

8. Elimination of Unnecessary Event Reports (10 CFR 50.72 and 50.73)

This action is addressed in a separate rulemaking. For additional information, see the proposed rule entitled "Minor Modifications to Nuclear Power Reactor Event Reporting Requirements" published in the Federal Register on June 28, 1992 (57 FR 28642).

Environmental Impact: Categorical Exclusion

The NRC determined that the final regulation is the type of action described in categorical exclusions 10 CFR 51.22(c) (2) and (3). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final regulation.

Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). These requirements were approved by the Office of Management and Budget approval numbers, 3150-0014 and 3150-0011.

The reduction of the public reporting burden for this collection of information is estimated to average 208 hours per

response for operating power reactors and 1 hour per response for certain materials licensees, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden reduction or any other aspect of this decrease in the collection of information including suggestions on this reduced burden to the Information and Records Management Branch (MNBB-7714), U.S. Nuclear Regulatory Commission, Washington, DC 20555; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-3019 (3150-0011, 3150-0014), Office of Management and Budget, Washington, DC 20503.

Regulatory Analysis

The NRC is amending its regulations to reduce the regulatory burden on nuclear licensees. This action reflects an initiative on the part of the NRC and responds to the spirit of President Bush's memoranda of January 28, 1992, which requested that selected Federal agencies review and modify regulations that will reduce unnecessary burden of governmental regulation and ensure that the regulated community is not subject to duplicative or inconsistent regulation. The NRC has identified eight rulemaking actions that would eliminate duplicative or inconsistent regulatory requirements. Six of the actions are included in this package. Two of the eight actions are being processed as separate rulemakings and are not discussed here. The eight actions are as follows:

1. Posting of Rooms Occupied by Diagnostic Nuclear Medicine Patients—to include exceptions for posting requirements for rooms in hospitals for patients administered radiopharmaceuticals for diagnostic tests (10 CFR 20.1903(b)).

2. Contamination Monitoring of Packages—to eliminate certain provisions for contamination monitoring of packages containing certain types of radioactive material (10 CFR 20.1906(b)).

3. Frequency of Radiological Effluent Reports—to change the frequency of reports on power reactor radiological effluents from twice per year to once per year (10 CFR 50.38a).

4. Use of Fuel with Zirconium-Based Cladding—to eliminate the need to obtain exemptions in order to use certain fuel cladding material not presently addressed in the regulations (10 CFR 50.44, 10 CFR 50.46 and 10 CFR part 50, appendix K).

5. Receipt Back of Processed Low Level Waste—separate rulemaking (10 CFR 50.54).

6. Annual Design Change Reports—to change the frequency of reporting changes at power reactors from once per year to once per refueling cycle (10 CFR 50.59(b)).

7. Frequency of Final Safety Analysis Report Updates—to change the frequency of safety analysis report updates from once per year to once per refueling cycle (10 CFR 50.71).

8. Elimination of unnecessary event reports—separate rulemaking (10 CFR 50.72 and 50.73).

Each of these actions considers the elimination or relaxation of regulatory requirements currently imposed on NRC licensees. Action Items 1 and 2 would affect material licensees while Action Items 3 through 8 would affect power reactor licensees. For each regulatory action, the NRC has evaluated the health and safety implications and the cost impacts relative to a status quo alternative. The NRC finds that each would result in a reduction in burden without reducing protection of the public health and safety. The public health and safety determination appears in a document entitled "Report on Special Review of Existing NRC Regulations by the Committee to Review Generic Requirements" issued on April 13, 1992. Additionally, an analysis of the safety implications of Action Item 4 is available in a U.S. NRC letter to Westinghouse Corporation dated July 1, 1991, entitled "Acceptance For Referencing of Topical Report WCAP-12810 'Vantage + Fuel Assembly Reference Core Report' (TAC NO. 77258)."

The cost savings to both the licensee population and the NRC appear below. Dollar impacts are expressed on a 1992 present worth basis in 1992 dollars. The basis for these cost estimates is available in a report entitled "Analyses of Potential Cost Savings for Selected NRC Reforms" dated June 10, 1992.

TOTAL DISCOUNTED¹ COST SAVINGS ASSOCIATED WITH PROPOSED REGULATORY REVISIONS

(In millions of 1992 dollars)

Regulatory revision	Licensees	NRC
Item 1	0.3	² -0.100
Item 2	10.1	² -0.100
Item 3	16.8	0.360
Item 4	2.0	0.050
Item 5	³ N/A	³ N/A
Item 6	1.5	0.400
Item 7	11.1	0.910
Item 8	³ N/A	³ N/A

¹ Assumes an annual real discount rate of 5%

² Negative cost savings represent a cost expenditure.

³ Not applicable—separate rulemaking.

The NRC concludes that each of these proposed regulatory revisions is justified due to the net cost savings that will accrue without reducing public health and safety.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that this rule will not have a significant adverse economic impact on a substantial number of small entities. The NRC has adopted size standards that classify a small entity as a small business or organization, one whose gross annual receipts do not exceed \$3.5 million, or as a small governmental jurisdiction whose supporting population is 50,000 or less. The first two issues involve the relaxation of requirements which will affect approximately 5,000 material licensees. Although many of these licensees may be small entities, there should be no adverse impact on these small licensees because the regulations are being relaxed. The remaining six issues affect 112 power reactor licensees. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the NRC Size Standards.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule and, therefore, that a backfit analysis is not required because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects

10 CFR Part 20

Byproduct material, Criminal penalty, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 50

Antitrust, Classified information, Criminal penalty, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

For reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the

Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 20 and 50.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. The authority citation for part 20 continues to read as follows:

Authority: Secs. 53, 63, 65, 81, 103, 104, 161, 182, 186, 68 Stat. 930, 933, 935, 938, 937, 948, 953, 955, as amended (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232, 2236), secs. 201, as amended, 202, 206, 68 Stat. 1242, as amended, 1244, 1246, (42 U.S.C. 5841, 5842, 5846).

Section 20.408 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241, (42 U.S.C. 10155, 10161).

For the purposes of sec. 233, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 20.101, 20.102, 20.103(a), (b), and (f), 20.104(a) and (b), 20.105(b), 20.106(a), 20.201, 20.202(a), 20.205, 20.207, 20.301, 20.303, 20.304, and 20.305, 20.1102, 20.1201-20.1204, 20.1206, 20.1207, 20.1208, 20.1301, 20.1302, 20.1501, 20.1502, 20.1601(a) and (d), 20.1602, 20.1603, 20.1701, 20.1704, 20.1801, 20.1802, 20.1901(a), 20.1902, 20.1904, 20.1906, 20.2001, 20.2002, 20.2003, 20.2004, 20.2005(b) and (c), 20.2006, 20.2101-20.2110, 20.2201-20.2206, and 20.2301 are issued under sec. 181(b), 68 Stat. 948 as amended (42 U.S.C. 2201(b)); § 20.2106(d) is issued under the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a; and §§ 20.102, 20.103(e), 20.401-20.407, 20.408(b), 20.409, 20.1102(a)(2) and (4), 20.1204(c), 20.1206(g) and (h), 20.1904(c)(4), 20.1905(c) and (d), 20.2005(c), 20.2006(b)-(d), 20.2101-20.2103, 20.2104(b)-(d), 20.2105-20.2108, and 20.2201-20.2207 are issued under sec. 161a, 68 Stat. 950, as amended (42 U.S.C. 2001(o)).

2. Section 20.1903 is amended by revising paragraph (b) to read as follows:

§ 20.1903 Exceptions to posting requirements.

(b) Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs pursuant to § 20.1902 provided that the patient could be released from confinement pursuant to § 35.75 of this chapter.

3. Section 20.1906 is amended by revising paragraph (b) to read as follows:

§ 20.1906 Procedures for receiving and opening packages.

(b) Each licensee shall—

(1) Monitor the external surfaces of a labeled ²² package for radioactive

²² Labeled with a Radioactive White I, Yellow II, or Yellow III label as specified in U.S. Department of Transportation regulations, 49 CFR 172.403 and 172.430-440.

contamination unless the package contains only radioactive material in the form of a gas or in special form as defined in 10 CFR 71.4:

(2) Monitor the external surfaces of a labeled ²² package for radiation levels unless the package contains quantities of radioactive material that are less than or equal to the Type A quantity, as defined in § 71.4 and appendix A to part 71 of this chapter; and

(3) Monitor all packages known to contain radioactive material for radioactive contamination and radiation levels if there is evidence of degradation of package integrity, such as packages that are crushed, wet, or damaged.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

4. The authority citation for part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 938, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 63 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2262); secs. 201, as amended, 202, 206, 68 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 936, 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.34(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.58 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and appendix Q also issued under sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.34 also issued under sec. 204, 68 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 50.5, 50.46(a) and (b), and 50.54(c) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.5, 50.7(a), 50.10(a)-(c), 50.34(a) and (e), 50.44(a)-(c), 50.46(a) and (b), 50.47(b), 50.48(a), (c), (d), and (e), 50.49(a), 50.54(a), (i), (j)(i), (l)-(n), (p), (q), (t), (v), and (y), 50.55(f), 50.55a(a), (c)-(e), (g), and (h), 50.59(c), 50.60(a), 50.62(b), 50.64(b), 50.65, and 50.80(a) and (b) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.9, 50.49(d), (h) and (j), 50.54(w), (z), (bb), (cc), and (dd), 50.55(e), 50.59(b), 50.61(b), 50.62(b), 50.70(a), 50.71(a)-(c) and (e), 50.72(a), 50.73(a) and (b), 50.74, 50.78, and 50.90 are

issued under sec. 161a, 68 Stat. 956 as amended (42 U.S.C. 2201(e)).

5. Section 50.36a is amended by revising paragraph (a)(2) to read as follows:

§ 50.36a Technical specifications on effluents from nuclear power reactors.

(a) * * *

(2) Each licensee shall submit a report to the Commission annually that specifies the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents during the previous 12 months of operation, including any other information as may be required by the Commission to estimate maximum potential annual radiation doses to the public resulting from effluent releases. The report must be submitted as specified in § 50.4, and the time between submission of the reports must be no longer than 12 months. If quantities of radioactive materials released during the reporting period are significantly above design objectives, the report must cover this specifically. On the basis of these reports and any additional information the Commission may obtain from the licensee or others, the Commission may require the licensee to take action as the Commission deems appropriate.

6. Section 50.44 is amended by revising the introductory text of paragraphs (a), (b), and paragraph (c)(1) to read as follows:

§ 50.44 Standards for combustible gas control system in light-water-cooled power reactors.

(a) Each boiling or pressurized light-water nuclear power reactor fueled with oxide pellets within cylindrical zircaloy or ZIRLO cladding, must, as provided in paragraphs (b) through (d) of this section, include means for control of hydrogen gas that may be generated, following a postulated loss-of-coolant accident (LOCA), by—

(b) Each boiling or pressurized light-water nuclear power reactor fueled with oxide pellets within cylindrical zircaloy or ZIRLO cladding must be provided with the capability for—

(c)(1) For each boiling or pressurized light-water nuclear power reactor fueled with oxide pellets within cylindrical zircaloy or ZIRLO cladding, it must be shown that during the time period following a postulated LOCA, but prior to effective operation of the combustible gas control system, either:

7. Section 50.46 is amended by revising paragraph (a)(1)(i) to read as follows:

§ 50.46 Acceptance criteria for emergency core cooling systems for light water nuclear power reactors.

(a)(1)(i) Each boiling and pressurized light-water nuclear power reactor fueled with uranium oxide pellets within cylindrical zircaloy or ZIRLO cladding must be provided with an emergency core cooling system (ECCS) that must be designed so that its calculated cooling performance following postulated loss-of-coolant accidents conforms to the criteria set forth in paragraph (b) of this section. ECCS cooling performance must be calculated in accordance with an acceptable evaluation model and must be calculated for a number of postulated loss-of-coolant accidents of different sizes, locations, and other properties sufficient to provide assurance that the most severe postulated loss-of-coolant accidents are calculated. Except as provided in paragraph (a)(1)(ii) of this section, the evaluation model must include sufficient supporting justification to show that the analytical technique realistically describes the behavior of the reactor system during a loss-of-coolant accident. Comparisons to applicable experimental data must be made and uncertainties in the analysis method and inputs must be identified and assessed so that the uncertainty in the calculated results can be estimated. This uncertainty must be accounted for, so that, when the calculated ECCS cooling performance is compared to the criteria set forth in paragraph (b) of this section, there is a high level of probability that the criteria would not be exceeded. Appendix K, Part II, Required Documentation, sets forth the documentation requirements for each evaluation model.

8. Section 50.59 is amended by revising paragraph (b)(2) to read as follows:

§ 50.59 Changes, tests and experiments.

(b) * * *

(2) The licensee shall submit, as specified in § 50.4, a report containing a brief description of any changes, tests, and experiments, including a summary of the safety evaluation of each. The report may be submitted annually or along with the FSAR updates as required by § 50.71(e), or at such shorter intervals as may be specified in the license.

9. Section 50.71 is amended by revising paragraph (e)(4) to read as follows:

§ 50.71 Maintenance of records, making of reports.

(e) * * *

(4) Subsequent revisions must be filed annually or 6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months. The revisions must reflect all changes up to a maximum of 6 months prior to the date of filing.

Dated at Rockville, Maryland, this 19th day of August 1992.

For the Nuclear Regulatory Commission,
James H. Selezak,
Acting Executive Director for Operations.
(FR Doc. 92-20633 Filed 8-28-92; 8:45 am)
BILLING CODE 7590-01-0

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 202

[Release No. 33-6952; 34-31071; 35-25812; 39-2289; IC-18905; IA-1325; File No. 37-26-64]

Temporary Lockbox Rule

AGENCY: Securities and Exchange Commission.

ACTION: Extension of temporary rule.

SUMMARY: The Commission is extending for one year the effectiveness of a temporary rule, adopted in June, 1984, which permits filing fees to be remitted to a U.S. Treasury designated lockbox depository located in Pittsburgh, Pennsylvania. Use of the lockbox is currently voluntary except for those entities filing on the Commission's Electronic Data Gathering, Analysis and Retrieval (EDGAR) system. This action will permit registrants to continue to use the lockbox pending adoption of a permanent rule.

EFFECTIVE DATE: September 1, 1992 through September 1, 1993.

FOR FURTHER INFORMATION CONTACT: Wilson Butler, (202) 727-7210, Director, Office of Filings, Information and Consumer Services, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: In Securities Act Release No. 6540, dated June 27, 1984 (49 FR 27308), the Commission adopted a temporary amendment to rule 3a, 17 CFR 202.3a, to

LIST OF RECENTLY ISSUED
NMSS INFORMATION NOTICES

Information Notice No.	Subject	Date of Issuance	Issued to
92-84	Release of Patients Treated with Temporary Implants	12/17/92	All Nuclear Regulatory Commission Medical Licensees.
92-72	Employee Training and Shipper Registration Requirements for Transporting Radioactive Materials	10/18/92	All U.S. Nuclear Regulatory Commission Licensees.
92-62	Emergency Response Information Requirements for Radioactive Material Shipments	08/24/92	All U.S. Nuclear Regulatory Commission Licensees.
92-58	Uranium Hexafluoride Cylinders - Deviations in Coupling Welds	08/12/92	All fuel cycle licensees.
92-38	Implementation Date for the Revision to the EPA Manual of Protective Action Guides and Protective Actions for Nuclear Incidents	05/12/92	All holders of OLs or CPs for nuclear power reactors, non-power reactors and materials licensees authorized to possess large quantities of radioactive material.
92-37	Implementation of the Deliberate Misconduct Rule	05/08/92	All Nuclear Regulatory Commission Licensees.
92-34	New Exposure Limits for Airborne Uranium and Thorium	05/06/92	All licensees whose operations can cause airborne concentrations of uranium and thorium.
92-14	Uranium Oxide Fires at Fuel Cycle Facilities	02/21/92	All fuel cycle and uranium fuel research and development licensees.
92-11	Soil and Water Contamination at Fuel Cycle Facilities	02/05/92	All uranium fuel fabrication and conversion facilities.

LIST OF RECENTLY ISSUED
 NRC INFORMATION NOTICES

Information Notice No.	Subject	Date of Issuance	Issued to
93-02	Malfunction of A Presurizer Code Safety Valve	01/04/93	All holders of OLs or CPs for nuclear power reactors.
93-01	Accuracy of Motor-Operated Valve Diagnostic Equipment Manufactures by Liberty Technologies	01/04/93	All holders of OLs or CPs for nuclear power reactors.
92-86	Unexpected Restriction to Thermal Growth of Reactor Coolant Piping	12/24/92	All holders of OLs or CPs for nuclear power reactors.
92-85	Potential Failures of Emergency Core Cooling Systems Caused by Foreign Material Blockage	12/23/92	All holders of OLs or CPs for nuclear power reactors.
92-84	Release of Patients Treated with Temporary Implants	12/17/92	All Nuclear Regulatory Commission Medical Licensees
88-23, Supp. 4	Potential for Gas Binding of High-Pressure Safety Injection Pumps during A Design Basis Accident	12/18/92	All holders of OLs or CPs for nuclear power reactors.
92-83	Thrust Limits for Limitorque Actuators and Potential Over-stressing of Motor-Operated Valves	12/17/92	All holders of OLs or CPs for nuclear power reactors.
92-82	Results of Thermo-Lag 330-1 Combustibility Testing	12/15/92	All holders of OLs or CPs for nuclear power reactors.
92-81	Potential Deficiency of Electrical Cables with Bonded Hypalon Jackets	12/11/92	All holders of OLs or CPs for nuclear power reactors.

OL = Operating License
 CP = Construction Permit

3. DG-8013, "ALARA Levels for Effluents from Materials Facilities"

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Richard E. Cunningham, Director
 Division of Industrial and
 Medical Nuclear Safety
 Office of Nuclear Material Safety
 and Safeguards

Technical contact: Joseph E. DeCicco, NMSS
 (301) 504-2067

Charleen T. Raddatz, RES
 (301) 492-3645

Attachments:

1. Copy of *Federal Register*, Vol. 57, No. 166, August 26, 1992, pp. 38588-38590
2. Copy of *Federal Register*, Vol. 57, No. 169, August 31, 1992, pp. 39353-39358
3. List of Recently Issued NMSS Information Notices
4. List of Recently Issued NRC Information Notices

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