UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

March 24, 1992

MEMORANDUM FOR: Brenda J. Shelton, Chief
Information and Records Management Branch
Division of Information Support Services
Office of Information Resources Management

FROM: Phillip F. McKee, Chief
Reactor Safeguards Branch
Division of Reactor Inspection and Safeguards
Office of Nuclear Reactor Regulation

SUBJECT: NRC RESPONSE TO NUMARC COMMENTS TO OMB CONCERNING THE COLLECTION OF FFD INFORMATION

The following comments are in response to the Nuclear Management and Resources Council's (NUMARC'S) comments of February 25, 1992, on the NRC's request for the Office of Management and Budget (OMB) approval of information collection requirements for a final rule published in the Federal Register (56 FR 41922) on August 26, 1991, concerning fitness-for-duty programs. Based on our review of NUMARC's comments, we assume they are objecting to the addition of the reporting of test results by process stage by all licensees and not the other changes to 10 CFR 26.71.

The amendment to the regulations that contains the new reporting requirements was made to address the issues that could arise from actions that could be taken by licensees based upon on-site presumptive positive tests. This is an issue that the Commission has carefully considered, trying to find the proper balance between safety and individual rights. The proposed rule, published in August 21, 1990, took the position that no actions should be taken based on an on-site presumptive positive test result. In consideration of public comments from NUMARC on the issue, the Commission decided that administrative actions could be taken against an individual for certain drugs based on a presumptive positive test under very controlled conditions. One of those conditions is that such options are based on screening test protocols and controls which provide high levels of accuracy and reliability. The final rule was revised to reflect the Commission's final position. The addition of the reporting requirement in the final rule is consistent with the Commission's final position on the issue and with its goal of obtaining the minimum information needed to formulate future recommendations concerning changing or modifying policies in this controversial area. Specifically, the rule requires reporting of test results (positive and negative) by process stage, i.e., on site screening tests (when conducted), laboratory screening and confirmation tests, and MRO review. The information would need to be collected from all licensees, not just those that choose the option in the rule, since information from one licensee's program would not provide sufficient bases for further policy changes in this area.

It should be noted that since January 3, 1990 the licensees have been required to collect and analyze the drug testing performance data that would be required to be reported. Therefore, the NRC sees no additional information collection requirement and only a small "pro forma" incremental reporting burden. Also, it should be noted that similar requirements are imposed on Federal agencies in the "Mandatory Guidelines for Federal Workplace Drug Testing Programs" (53 FR 11970) which implements Executive Order No. 12564, dated September 15, 1986 and Public Law 100-71.

The Commission recognized that 10 CFR Part 26, "Fitness-For-Duty Program," concerned a complex new discipline with which there is much controversy, that established policies would need adjustments, and that the rule should be evaluated periodically to take advantage of lessons learned. Currently, the Commission is developing a proposed amendment which is based upon lessons learned from the first two years of operating experience and comments from NUMARC. It is important that the Commission receive the data necessary to understand the broad policy issues and the drug testing environment which are necessary to discharge its regulatory responsibilities concerning matters that potentially have a large impact on public health and safety.

Original signed by Loren Bush

for

Phillip F. McKee, Chief
Reactor Safeguards Branch
Division of Reactor Inspection
and Safeguards
Office of Nuclear Reactor Regulation

cc: Roberta Ingram, NRR

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holidays. These same fees or charges shall be applicable for hogshead, bale, cases, or sample inspections.

* * * * *

Subpart F—Policy Statement and Regulations Governing the Identification and Certification of Nonquota Tobacco Produced and Marketed in a Quota Area

3. The authority citation for subpart F continues to read as follows:

Authority: Pub. L. 97-98, 95 Stat. 1266, as amended (7 U.S.C. 1314f).

4. Section 29.9251 is revised to read as follows:

§ 29.9251 Fees and charges.

Fees and charges for inspection and certification services shall comprise the cost of salaries, travel, per diem, and related expenses to cover the costs of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The hourly rate shall be $32.40. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be $36.70. The rate of $48.45 shall be charged for work performed on Sundays and holidays.

Dated: August 15, 1991.

L.P. Massaro,

Acting Administrator.

[FR Doc. 91-20253 Filed 8-23-91; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 26

RIN 3150-AD61

Fitness-for-Duty-Programs

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations governing fitness-for-duty programs that are applicable to licensees who are authorized to construct or operate nuclear power reactors. The final rule is necessary to clarify the NRC's intent concerning the unacceptability of taking action against an individual that is based solely on the preliminary results of a drug screening test and to permit, under certain conditions, employment actions, up to and including the action of temporary removal of an individual from unescorted access or from normal duties, based on an unconfirmed positive result from an initial screening test for marijuana or cocaine.

EFFECTIVE DATE: September 25, 1991, except for the information collection requirements contained in §§ 26.24(d)(2)(iv), and 26.71(d). These information collection requirements will become effective upon the Office of Management and Budget (OMB) approval. The NRC will publish a notice of the effective date in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Eugene McPeek, Reactor Safeguards Branch, Division of Reactor Inspection and Safeguards, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 492-3210.

SUPPLEMENTARY INFORMATION:

Background

On August 31, 1990, the Commission published in the **Federal Register** (55 FR 35648) proposed amendments to its fitness-for-duty regulations applicable to licensees authorized to construct or operate nuclear power reactors. The proposed amendments sought to clarify the Commission's intent about the unacceptability of taking actions against an individual that are based solely on unconfirmed preliminary drug test results.

Interested parties were invited to submit comments on the proposed amendments within 60 days after their publication in the **Federal Register**. The staff received a total of 32 comment letters in response to the Notice of Proposed Rulemaking (NPRM). Upon consideration of the comments received, the NRC is modifying the proposed regulation as discussed in the Statement of Considerations.

Comments on the Proposed Rule and Responses

Comments were received from the general public, two Congressmen, workers in nuclear power plants, the international headquarters of two unions, the Nuclear Management and Resources Council (NUMARC), 21 power reactor licensees, two contractor organizations, one law firm, and a professional society.

1. Comments Concerning the Balance Between Safety and Individual Rights

Comments Opposing the Proposed Amendment

NUMARC and 19 licensees believe that the current rule is adequate and that the proposed amendment should not be adopted. The central argument for their opposition to the proposed amendment was that the public health and safety would be best protected by a practice where an individual with a positive result for certain illegal substances from a preliminary initial screening test can be placed in a nonwork pay status, pending confirmation of the test result.

Comments Supporting the Proposed Amendment

The NRC received comments from Congressmen Dingell and Bliley, two licensees, two contractor organizations, two unions, employees of licensees, private citizens, and a professional society that supported the proposed amendment to 10 CFR part 26. These commenters agreed that no action should be taken against an individual that is based on a preliminary screening test result unless the individual exhibits other signs of impairment or indications that he or she might pose a safety hazard. Their central argument was that the proposed rule will provide a degree of fairness to an individual whose initial test result may indeed prove in error, thereby furthering the protection of worker's rights. One licensee indicated that the delay in the revocation of unescorted access until the Medical Review Officer (MRO) has reviewed the confirmed laboratory test results has not affected the reliability or safety of its plants.

NRC Response

The arguments for and against the amendment to the rule center on the proper balance between safeguarding an individual's rights and protecting public health and safety. This is the same basic issue that was considered during the development of 10 CFR part 26.

The Commission believes that taking employment actions, up to and including the actions of temporarily removing an employee from normal duties or temporarily suspending a person's access to a site, based on a presumptive positive result from an initial screening test has validity from a safety perspective when there is high confidence that the initial results will be confirmed, and when measures are taken to ensure that the individual's rights are protected in those few instances when the preliminary test results are not confirmed. The confirmation rate after the initial screening tests varies substantially among the drugs that are the subject of the screening tests. A large fraction of presumptive positive results from initial screening tests for certain drugs are subsequently confirmed as positive. From a safety perspective, actions that

are based on the results of these initial screening tests could result in an earlier removal from normal duties or an earlier suspension of access to a site for individuals who are later determined by the confirmation test as having used drugs.

Some of those who favored administrative actions that are based on the results of initial screening tests also commented that such a practice and procedure needed to be handled carefully. The Commission agrees that carefully prepared and implemented procedures are needed to protect the reputations and careers of individuals whose test results are not confirmed. As a minimum, the Commission believes those procedures must ensure that there is no record or disclosure linking the tested person to a positive screening test result when the screening is not confirmed. As pointed out by commenters, the administrative action is obvious to fellow workers. However, the Commission believes that there is a limited set of circumstances when the safety benefit from administrative action against workers who test positive on the screening test outweighs the potential impact on an individual.

In developing the fitness-for-duty (FFD) rule, the Commission tried to achieve a proper balance between safeguarding an individual's reputation and right of privacy and its responsibility to protect public health and safety. The Commission carefully considered how to achieve this balance during the rule's development and requested comments on the issue (see 53 FR 36796, September 22, 1988). Prohibition against disclosure to licensee management of presumptive positive results of preliminary testing [1] was one measure adopted by the Commission for the purpose of protecting individual rights. The Commission believes that the proper balance will be maintained by placing substantial conditions and limitations on the exercise of management prerogatives in the face of unconfirmed positive screening test results.

From a broad perspective, FFD testing is only one element of many elements included in licensee programs (e.g., quality assurance, quality control, training, and access authorization) that addresses reactor safety from the standpoint of assurance that both equipment and people will perform their functions as intended. These programs, taken as a whole, provide an integrated approach to ensure that individual actions do not adversely affect safe plant operations. The FFD rule includes a number of specific elements to ensure that nuclear power plant workers are fit to perform their assigned tasks. For example, the requirements for the training of supervisors in behavioral observation is an element which, although not adequate to detect impairment in all cases, adds to the likelihood that individuals who obviously are impaired will be recognized and removed from activities that can affect safety. In this regard, 10 CFR 26.27(b)(1) requires that impaired workers or those whose fitness may be questionable be removed until determined fit to safely and competently perform duties.

The purpose of testing is not only to make impairment on the job less likely but to ensure a trustworthy and highly reliable workforce and increase the assurance that workers will act properly in stressful situations resulting from "off-normal" events. The Commission believes that the benefits of removing individuals a few days earlier, except in limited circumstances, may have been over-emphasized by commenters opposed to the rule. First, as stated at (53 FR 36798), a positive result from a urine test does not establish that an individual is currently impaired, only that the individual may have drugs present in his or her system and, therefore, may not be reliable. Information that a person may not be reliable indicates a less immediate safety risk than a determination of impairment would imply. Second, as stated in the final rule on July 7, 1989, (54 FR 24470), the existence of drug problems in the workplace cannot be entirely eliminated and an undetected presence of drugs will exist no matter how thorough the program. This undetected presence of drugs implies that a constant, but small, safety risk exists even under the best program. Other aspects of the Commission's regulations, including design margins, redundancy of accident mitigation systems, quality assurance, and training supervisors in behavioral observation provide reasonable assurance of safe plant operations. Third, those sites without onsite testing regularly experience the delays in receipt of test results sought to be avoided by the commenters opposed to the amendment. Fourth, anecdotal evidence indicates that, generally, individuals who abuse drugs have unrealistic hopes of not exceeding the cutoff levels until confronted with the confirmed positive results. Malevolent acts in anticipation of positive test results are therefore unlikely. The NRC is not aware of any instances of malevolent action by such individuals during the first year of testing under the FFD rule. Considering these factors, the Commission concludes that the increment of risk in clearly prohibiting employment action except in narrowly limited circumstances is negligible. The Commission also concludes that employment action against individuals under the narrowly limited circumstances defined herein should be left as a management prerogative of individual utilities and not made mandatory.

The Commission, therefore, considers that the rule, as modified as a result of further consideration of the issues raised during the comment period, would continue to achieve the Commission's original objective and would strike a fair balance between individual rights and the protection of public health and safety.

In certain unusual circumstances, 10 CFR 26.24(e) may require the reporting of test results to management by the Medical Review Officer (MRO) before confimed positive results are received. The MRO should be informed of the presumptive positive results of onsite initial screening tests if the Health and Human Services (HHS)-certified laboratory has not reported within the expected time as provided in § 2.7(g)(1) of appendix A to 10 CFR part 26. If the MRO cannot complete the review within the 10-day period because of the unavailability of HHS-certified laboratory test results or unavailability of the individual, the report to management should be based on available information.

Any individual who is impaired or whose fitness for duty may be questionable because of a basis other than the result of a drug test must be removed from unescorted status under the provisions of 10 CFR part 26.27(b)(1).

2. Comments Concerning the Reliability of Initial Screening Tests

Some of the commenters provided some statistical data in support of their position. One commenter recommended that the NRC obtain statistical evidence to support the rulemaking.

One licensee reported that approximately 66 percent of its presumptive positive initial screening tests are not confirmed. The Tennessee Valley Authority (TVA) commented that its drug testing data indicated a high confirmation rate for the illegal substances of marijuana and cocaine.

For the period from October 13, 1987, through September 30, 1990, TVA reported that positive results for 85 percent of the marijuana and 89 percent

[1] See § 2.7(g)(2) of appendix A to 10 CFR part 26.

of the cocaine preliminary initial screening tests for its nuclear power random testing program were confirmed by gas chromatography/mass spectrometry (GC/MS) tests done at an HHS-certified laboratory. TVA contended that the high confirmation rate from their onsite immunoassay screening tests justified the use of these results to take action against an individual.

A law firm representing a licensee stated that the proposed rule failed to provide an adequate basis for the contemplated revision to 10 CFR 26.24(d). The law firm noted that the NRC apparently dismissed the distinction between the reliability of preliminary drug tests for marijuana and cocaine and the reliability of such tests for opiates and amphetamines when it promulgated the final fitness-for-duty regulation (54 FR 24468). The law firm contended that the NRC blurred the distinction between the drugs and emphasized a general policy equally applicable to all four categories of substances, thus deciding in favor of individual rights at the preliminary test stage.

The law firm recommended that the NRC not proceed with the proposed amendment until it has supplemented the rulemaking record with statistical evidence on the incidents in the nuclear power industry since January 3, 1990, of erroneous positive results from preliminary drug tests for marijuana, cocaine, opiates, amphetamines, phencyclidine, and alcohol. The law firm urged the NRC to hold the amendment in abeyance pending such consideration, further notice, and opportunity to comment.

NRC Response

The Commission recognizes that the immunoassay process used for onsite preliminary screening tests (as well as the initial screening at the HHS-certified laboratory) will result in presumptive positives due to the consumption of certain food products and over-the-counter drugs. Also, the Commission is aware that the immunoassay is a more reliable predictor for marijuana and cocaine than for other drugs.

The National Institute on Drug Abuse (NIDA) has confirmed that data provided by TVA is fairly consistent with that reported by HHS-certified laboratories except that the TVA confirmation rate for amphetamines is much lower. NIDA believes that this may be caused by the use of over-the-counter stimulants, commonly associated with long hours and shift work. Such use is usually declared acceptable by the MRO. The Commission collected data from several licensees where onsite testing is conducted to compare those results to the results of GC/MS confirmation testing and MRO-confirmed positives. The licensees were geographically diverse and the data collected does provide an overview of onsite screening tests conducted by these licensees. The degree of agreement between prescreening tests and HHS GC/MS confirmatory tests varies widely by drug type. Using NIDA-established cut-off levels, presumptive positives for cocaine are confirmed by the laboratories almost 90% of the time. For delta-9-tetrahydrocannabinol-9-carboxylic acid (THC), the confirmation rate was 88.5%. These statistics support the acceptability of temporarily taking employment action, up to the point of suspending an individual from unescorted access, based on an unconfirmed positive test result from a drug test for marijuana or cocaine.

Provided licensees maintain a high confirmation rate (85% or higher) for those two illegal drugs, the Commission concludes that employment action up to and including temporary removal from unescorted access or normal work duties is acceptable if measures are taken to limit the negative impact on those individuals (fewer than one out of five) whose onsite positive test results for these two drugs are not confirmed.

3. Comments Concerning Fairness and Individual Rights

Although NUMARC and several licensees opposed the proposed amendment, they pointed out that presumptive positive results from initial screening tests could be caused by the consumption of ordinary food products and over-the-counter medications. NUMARC therefore recommended that licensees be allowed to take precautionary, nondisciplinary action to remove a worker from unescorted access only when the results of initial screening tests are presumptively positive for illegal, nonmedical drugs, specifically cocaine, phencyclidine (PCP), and marijuana.

One licensee disagreed with NUMARC's recommendation and said that removal procedures, no matter how carefully written and implemented, could not adequately prevent tainting an innocent individual's reputation. Several licensees, including two that opposed the amendment, indicated that the program needed to be sensitive to the potential effect on the individual and must include measures to ensure that the individual's reputation and career were not adversely affected. Also, a major contractor commented that unwarranted removal or temporary suspension had serious detrimental consequences to the individual's reputation and results in other adverse effects on employment. For example, the job duration and urgency of the work may require that a temporarily suspended worker be removed from the job site and be replaced. The contractor concluded that the proposed amendment would provide a reasonable balance between safety and an individual's rights.

Representatives of two international unions having tens of thousands of members working at licensed facilities that are affected by 10 CFR part 26 provided comments that supported the proposed amendment to the fitness-for-duty rule. These unions believe that the proposed rule would provide a degree of fairness to an individual whose result from an initial test may indeed prove erroneous. By prohibiting action on an unconfirmed positive result of an initial screening test, the proposed rulemaking would provide further protection of a worker's reputation and privacy. Other comments from individuals were received that shared this support for the proposed amendment. An individual provided an example where he considered that actions taken with respect to one individual based on an unconfirmed positive result from a test had resulted in damage to that individual's reputation. Another individual stated that the proposed amendment was a step in the right direction and that further actions to protect the individual should be pursued.

The Professional Reactor Operator Society, which represents 890 members, supported the proposed amendment to 10 CFR 26.24(d). The society contended that the rule allowing administrative action on a positive result from a preliminary screening test is an illustration of the philosophy of being guilty until proven innocent and that this philosophy further alienates a highly dedicated and professional workforce that is increasingly sensitive to unwarranted personal attack. The society contended that the current rule has a great potential for "ratchet-prone rule interpreters" to damage an individual's reputation and self-esteem that has contributed greatly to the decline in the number of experienced nuclear professionals and indicates that the nuclear industry is becoming less desirable as a profession for future generations.

NRC Response

The Commission believes that its amendment to 10 CFR 26.24(d) will continue to provide the proper balance between individual rights and the need to protect public health and safety. The Commission has limited licensees' option to take administrative action against employees on the basis of unconfirmed positive screening test results to two illegal drugs provided that the specific reporting location confirmation rate remains high for the drugs in question. In addition, for such administrative actions against the employees, the Commission is providing the following ameliorating actions to minimize the impact on those individuals whose onsite test is not confirmed:

- The option to take action for unconfirmed positive screening test results will be limited to marijuana and/or cocaine and will be confined to those licensees with screening test protocols and controls which provide high levels of accuracy or reliability of 85% or higher;
- Any person removed from his or her position on the basis of an unconfirmed positive screening test must be retained in a pay status pending the results of the test confirmation process;
- No personnel or other record containing information linking the employee to the positive screening test result may be retained when the screening test result is not confirmed;
- Disclosure of a temporary removal or suspension based on a test result not later confirmed is prohibited; and
- Measures are provided to assure that disclosures of unconfirmed tests are not required by the tested individual.

If all locations now using onsite testing adopted the policy permitted by this rule, about 50 individuals per year could be temporarily suspended after random tests and later restored (assuming 90% confirmation for cocaine and 85% for marijuana). However, about 350 individuals per year who are later confirmed positive would be subject to earlier administrative action. A provision has been added to the final rule to assure that data on the number of occasions that this rule provision is exercised, and that the management actions, including appeals, are reported to the Commission as well as information which will allow the Commission to monitor confirmation rates from onsite and HHS-certified laboratory screening processes.

4. Comments Concerning MRO Reviews

Several commenters, including Congressmen Dingell and Bliley and NUMARC, emphasized the importance of the MRO review in the testing process. NUMARC and several licensees indicated that no disciplinary action should be taken until the MRO's evaluation is completed. Comments from Congressmen Dingell and Bliley indicated that there is a need to clarify the function of the MRO to assess all information associated with the test and determine whether an alternative medical explanation can account for a drug test result.

NRC Response

The Commission recognizes the importance of the MRO review for alternative medical explanations which frequently occur because of dietary habits or the legitimate use of prescription drugs. However, the language of the proposed amendment left this unclear by referring only to the unconfirmed results of an "initial screening test," whereas a positive result reported by an HHS-certified laboratory is also "unconfirmed" until the MRO reviews the result for alternative medical explanations and declares the result a "confirmed positive" or "negative" (except for alcohol). See 10 CFR 26.3, Definitions. Therefore, in response to these comments, the text of the proposed amendment is revised in the final rule to replace the reference to "initial screening test" with "any drug test other than for marijuana (THC) or cocaine." The final rule prohibits disclosure of any temporary suspension which is not confirmed by both a positive result of a GC/MS procedure at an HHS-certified laboratory and an MRO determination that there is no alternative medical explanation.

5. Comments Concerning Detection of Impairment

Two licensees contended that "other evidence" may be difficult to develop because impairment caused by drugs is difficult to detect through behavioral observation.

NRC Response

This issue was discussed extensively during development of the current rule at 53 FR 36797-36804, 53 FR 36807, 54 FR 24469, chapters 4 and 5 of NUREG/CR 5227, and chapter 4 of NUREG/CR 5227, Supplement 1.[2] In summary, the NRC agrees that behavioral observation alone is not adequate to detect drug use or impairment. However, it can make an important contribution to workplace safety by removing individuals whose behavior gives rise to questions as to their reliability.

6. Comments Concerning Onsite Testing

A licensee that supported the proposed amendment stated that permitting temporary removal of an individual based upon unconfirmed test results would put its existing program in jeopardy and could result also in the loss of the onsite testing option. This licensee reported that delays in granting access caused by the loss of pre-access onsite drug testing could cost it approximately $15 million annually.

NRC Response

The Commission recognizes that the onsite testing option permits a licensee to develop an efficient process for putting a new person to work, especially during outages. The Commission believes that the final rule change, which, in certain circumstances, permits temporary administrative action against an individual on the basis of unconfirmed onsite positive screening test results for marijuana and/or cocaine, is soundly based and does not place the onsite testing option in jeopardy. This provision is not mandatory and licensees need not adopt a policy of taking temporary administrative action based on unconfirmed onsite positives.

7. Comment Concerning Work/Pay Status

One commenter recommended that the rule should protect an employee's right to receive pay during the interim period between suspension and the completion of the confirmatory testing.

NRC Response

The Commission agrees. The rule requires that there not be any loss of compensation or benefits during the period of any temporary administrative action.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, the NRC has not prepared an environmental impact statement nor an environmental assessment for this final rule.

[2] Copies of NUREG/CR-5227 and NUREG/CR-5227, Supplement 1, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. A copy is also available for inspection and copying for a fee in the NRC Public Document Room, 2120 L Street, NW. (lower level), Washington, DC.

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). Existing requirements were approved by the Office of Management and Budget (OMB) under approval number 3150-0146. The amended information collection requirements contained in the final rule will not become effective until after they are approved by the OMB. Notice of OMB approval will be published in the Federal Register.

Regulatory Analysis

The regulations in 10 CFR part 26 establish requirements for licensees authorized to construct or operate nuclear power reactors to implement a fitness-for-duty program.

This final amendment to 10 CFR part 26 clarifies the Commission's previous position that no action should be taken against an individual that is based solely on an unconfirmed positive result from an initial screening test and to permit, under certain conditions, temporary administrative action, up to removal of an individual from unescorted access or from normal duties, based on an unconfirmed positive result from an initial screening test for marijuana or cocaine.

It is estimated that if all locations now using onsite testing adopted the policy permitted by the this rule, about 50 individuals per year could be temporarily suspended after random tests and later restored (assuming 90% confirmation for cocaine and 85% for marijuana). However, about 350 individuals per year who are later confirmed positive would be subject to earlier administrative action.

Regulatory Flexibility Act Certification

In accordance with the Regulatory Flexibility Act of 1980, [5 U.S.C. 605(b)], the Commission certifies that this rule will not have a significant economic effect on a substantial number of small entities. This final rule affects only the licensing and operation of nuclear power plants. 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 Small Business Size Standards issued by the Small Business Administration in 13 CFR part 121.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule. This is a minor modification to a final rule, already published, for which a backfit analysis was already performed. The indirect costs to workers in this matter was covered by the responses in the final rule to public comments on the backfit analysis in paragraph 19.2.15 at 54 FR 24492.

The final rule also includes minor modifications to the existing requirement to collect and report program performance data, for which a backfit analysis was performed in conjunction with the promulgation of part 26. A negligible incremental burden would result by reporting to the NRC data (i) that licensees are currently required to collect under the existing rule (section 2.7(g) of appendix A) and which NRC needs reported to evaluate the levels of accuracy and reliability achievable through initial screening tests, (ii) on the number of occasions that individuals are removed based upon presumptive positive screening test results under the provisions of this rule change, and (iii) to assure that appeals and their resolution are included in the summary of management actions required to be reported under the existing rule. These minor reporting requirements are reasonably within the scope of the backfit analysis and do not alter its conclusions.

List of Subjects in 10 CFR Part 26

Alcohol abuse, Alcohol testing, Appeals, Chemical testing, Drug abuse, Drug testing, Employee assistance programs, Fitness for duty, Management actions, Nuclear power reactors, Protection of information, Reporting and recordkeeping requirements, and Sanctions.

For the reasons stated 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 amendment to 10 CFR part 26.

PART 26—FITNESS-FOR-DUTY PROGRAMS

1. The authority citation for part 26 continues to read as follows:

Authority: Secs. 53, 81, 103, 104, 107, 161, 68 Stat. 930, 935, 937, 948, as amended (42 U.S.C. 2073, 2111, 2112, 2133, 2134, 2137, 2201); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); secs. 26.20, 26.21, 26.22, 26.23, 26.24, 26.25, 26.27, 26.28, 26.29 and 26.80 are issued under secs. 161 (b) and (i), 68 Stat. 948 and 949, as amended (42 U.S.C. 2201 (b) and (i)); secs. 26.70, 26.71, and 26.73 are issued under sec. 1610, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In section 26.24, paragraph (d) is revised to read as follows:

§ 26.24 Chemical testing.

* * * * *

(d)(1) Licensees may conduct initial screening tests of an aliquot before forwarding selected specimens to a laboratory certified by the Department of Health and Human Services (HHS), provided the licensee's staff possesses the necessary training and skills for the tasks assigned, the staff's qualifications are documented, and adequate quality controls for the testing are implemented. Quality control procedures for initial screening tests by a licensee's testing facility must include the processing of blind performance test specimens and the submission to the HHS-certified laboratory of a sampling of specimens initially tested as negative. Except for the purposes discussed below, access to the results of preliminary tests must be limited to the licensee's testing staff, the Medical Review Officer (MRO), the Fitness-for-Duty Program Manager, and the employee assistance program staff, when appropriate.

(2) No individual may be removed or temporarily suspended from unescorted access or be subjected to other administrative action based solely on an unconfirmed positive result from any drug test, other than for marijuana (THC) or cocaine, unless other evidence indicates that the individual is impaired or might otherwise pose a safety hazard. With respect to onsite initial screening tests for marijuana (THC) and cocaine, licensee management may be informed and licensees may temporarily suspend individuals from unescorted access or from normal duties or take lesser administrative actions against the individual based on an unconfirmed presumptive positive result provided the licensee complies with the following conditions:

(i) For the drug for which action will be taken, at least 85 percent of the specimens which were determined to be presumptively positive as a result of preliminary onsite screening tests during the last 6-month data reporting period submitted to the Commission under § 26.71(d) were subsequently reported as positive by the HHS-certified laboratory as the result of a GC/MS confirmatory test.

(ii) There is no loss of compensation or benefits to the tested person during the period of temporary administrative action.

(iii) Immediately upon receipt of a negative report from the HHS-certified laboratory, any matter which could link the individual to a temporary suspension is eliminated from the tested individual's personnel record or other records.

(iv) No disclosure of the temporary removal or suspension of, or other administrative action against, an individual whose test is not subsequently confirmed as positive by the MRO may be made in response to a suitable inquiry conducted under the provisions of § 26.27(a), a background investigation conducted under the provisions of § 73.56, or to any other inquiry or investigation. For the purpose of assuring that no records have been retained, access to the system of files and records must be provided to licensee personnel conducting appeal reviews, inquiries into an allegation, or audits under the provisions of § 26.80, or to an NRC inspector or other Federal officials. The tested individual must be provided a statement that the records in paragraph (d)(2)(iii) of this section have not been retained and must be informed in writing that the temporary removal or suspension or other administrative action that was taken will not be disclosed, and need not be disclosed by the individual, in response to requests for information concerning removals, suspensions, administrative actions or history of substance abuse.

* * * * *

3. In § 26.71, paragraph (d) is revised to read as follows:

§ 26.71 Recordkeeping requirements.

* * * * *

(d) Collect and compile fitness-for-duty program performance data on a standard form and submit this data to the Commission within 60 days of the end of each 6-month reporting period (January–June and July–December). The data for each site (corporate and other support staff locations may be separately consolidated) must include: random testing rate; drugs tested for and cut-off levels, including results of tests using lower cut-off levels and tests for other drugs; workforce populations tested, numbers of tests and results by population, process stage (i.e., onsite screening, laboratory screening, confirmatory tests, and MRO determinations), and type of test (i.e., prebadging, random, for-cause, etc.); substances identified, the number of temporary suspensions or other administrative actions taken against individuals based on onsite presumptive positives for marijuana (THC) and for cocaine, summary of management actions, including appeals and their resolutions; and a list of events reported. The data must be analyzed and appropriate actions taken to correct program weaknesses. The data and analysis must be retained for 3 years.

4. In section 2.7 of appendix A to part 26, paragraph (g)(2) is revised to read as follows:

Appendix A to Part 26—Guidelines for Nuclear Power Plant Drug and Alcohol Testing Programs

2.7 Laboratory and Testing Facility Analysis Procedures

* * * * *

(g) "Regarding Results."

* * * * *

(2) The HHS-certified laboratory and any licensee testing facility shall report as negative all specimens, except suspect specimens being analyzed under special processing, which are negative on the initial test or negative on the confirmatory test. Specimens testing positive on the confirmatory analysis shall be reported positive for a specific substance. Except as provided in § 26.24(d), presumptive positive results of preliminary testing at the licensee's testing facility will not be reported to licensee management.

* * * * *

Dated at Rockville, Maryland, this 19th day of August, 1991.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 91-20841 Filed 8-23-91; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-CE-57-AD; Amendment 39-8014; AD 91-18-11]

Airworthiness Directives; Beech 100 and 200 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Beech 100 and 200 series airplanes. This action requires a one-time inspection and modification of the aft cowling doors of both engine nacelles. There have been 11 reports of aft cowling doors separating from the airplane. The separated engine cowling doors in some instances have struck the fuselage, wing, empennage, cabin windows, and other parts of the airplane, which caused depressurization, fuel leaks, and/or structural damage. The actions specified by this AD are intended to prevent separation of an aft cowling door that could result in occupant injury if decompression or structural damage occurs.

DATES: Effective September 3, 1991.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 3, 1991.

Comments for inclusion in the Rules Docket must be received on or before November 15, 1991.

ADDRESSES: Beech Mandatory Service Bulletin No. 2416, dated July 1991, that is discussed in this AD may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. This information may also be examined at the Rules Docket at the address below. Send comments on this AD in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 91-CE-57-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. James M. Peterson, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4427.

SUPPLEMENTARY INFORMATION: There have been 11 reports of aft cowling doors separating from certain Beech 100 and 200 series airplanes. The separated engine cowling doors in some instances have struck the fuselage, wing, empennage, cabin windows, and other parts of the airplane. This has caused depressurization, fuel leaks, and/or structural damage to the airplane. Structural damage has included the leading edge of the vertical stabilizer, the leading edge of the horizontal stabilizer, the elevator, and the elevator trim tab. These 11 incidents resulted in complete separations of an aft cowling door from the airplane.

The manufacturer, Beech, has issued Mandatory Service Bulletin (SB) No. 2416, dated July 1991, which specifies procedures for inspecting and modifying the aft cowling doors of both engine nacelles on certain Beech 100 and 200 series airplanes. After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that the inspection and modification specified in the above service bulletin must be accomplished in order to continue to assure the airworthiness of the affected airplanes.

Since the condition described is likely to exist or develop in certain other Beech 100 and 200 series airplanes of the same type design, an airworthiness directive is being issued that specifies

Request for Reconsideration. If the Program Director's explanation, or other reliable information, appears to the applicant to indicate the presence of one or more of the "Grounds for Reconsideration" listed in Paragraph 2(b) above, the applicant may submit to the Deputy a written Request for Reconsideration. This written request must reference a particular ground(s) for reconsideration and specify the facts supporting his or her claim, with enough particularity to enable the Deputy to determine whether the claim is meritorious. A request of this nature will be considered only if (a) the Request for Reconsideration is based on one or more of the grounds listed in Paragraph 2(b), (b) the applicant has obtained an explanation from the appropriate Program Director, (c) the applicant has specified with sufficient particularity the facts supporting his or her claim, (d) the Request for Reconsideration is received by the Deputy within 45 days after the applicant received the Program Director's explanation.

(c) *Action by the Appropriate Deputy.* (i) The appropriate Deputy will review the applicant's Request for Reconsideration, records of the panel discussions, the applicant's application file, and any other relevant materials to determine if the panel's recommendation was influenced by one or more of the grounds listed in Paragraph 2(b). In conducting this review, the Deputy may request additional information from the applicant and may obtain additional peer review. In addition, the Deputy may request an audit, financial survey, or site visit of the applicant, but no visions or additions to the grant plication materials will be accepted in sion with the Request for deration.

Deputy may conduct the ther personally or may in the initial evaluation Endowment official "Deputy," as used designees.

provide written of the days. If the notice will the of

Dated: January 8, 1992.

Amy Sabrin,

General Counsel, National Endowment for the Arts.

[FR Doc. 92-807 Filed 1-13-92; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Instructional Materials Development; Notice of Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Instructional Materials Development.

Date and Time: January 24-25, 1992, from 8:30 a.m. to 5:30 p.m.

Place: ANA Hotel, 2401 M Street, NW., Washington, DC 20037.

Type of Meeting: Closed Meeting.

Contact Person: Alice I. Moses, Gerhard Salinger, Frank Sutman, Margaret Cozzens, and Donald Humphreys, National Science Foundation, 1800 G St., NW., Washington, DC 20550-A, Phone (202) 357-7098.

Purpose of Meeting: To attend Instructional Materials Development Panel and provide advice and recommendations concerning 12 Mathematics, Science and Technology Education, and Assessment of Student Learning.

Agenda: To review and evaluate Instructional Materials Development proposals, as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a propriety or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Dated: January 8, 1992.

Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-808 Filed 1-13-92; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Document Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the Office of Management and Budget (OMB) review of information collection.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for collection of information under the provisions of the Paperwork Reduction Act, 1980 (44 U.S.C. chapter 35).

1. Type of submission, new, revision or extension: Revision.
2. The title of the information collection: 10 CFR part 26, Fitness-for-Duty Programs.
3. The form number, if applicable: Not applicable.
4. How often the collection is required: Biannual.
5. Who will be required to report: All nuclear power plant licensees.
6. An estimate of the number of responses: 198
7. Annual burden per response: 11.2 additional hours per semiannual report, 0.1 per notification to individual.
8. An estimate of the total number of hours needed annually by the industry to complete the requirement: 3717 h[illegible] plus a one-time development bu[illegible] 128 hours.

(b) *Request for Reconsideration.* If the Program Director's explanation, or other reliable information, appears to the applicant to indicate the presence of one or more of the "Grounds for Reconsideration" listed in Paragraph 2(b) above, the applicant may submit to the Deputy a written Request for Reconsideration. This written request must reference a particular ground(s) for reconsideration and specify the facts supporting his or her claim, with enough particularity to enable the Deputy to determine whether the claim is meritorious. A request of this nature will be considered only if (a) the Request for Reconsideration is based on one or more of the grounds listed in Paragraph 2(b); (b) the applicant has obtained an explanation from the appropriate Program Director; (c) the applicant has specified with sufficient particularity the facts supporting his or her claim; (d) the Request for Reconsideration is received by the Deputy within 45 days after the applicant received the Program Director's explanation.

(c) *Action by the Appropriate Deputy.*

(i) The appropriate Deputy will review the applicant's Request for Reconsideration, records of the panel discussions, the applicant's application file, and any other relevant materials to determine if the panel's recommendation was influenced by one or more of the grounds listed in Paragraph 2(b). In conducting this review, the Deputy may request additional information from the applicant and may obtain additional peer review. In addition, the Deputy may request an audit, financial survey, or site visit of the applicant, but no revisions or additions to the grant application materials will be accepted in connection with the Request for Reconsideration.

(ii) The Deputy may conduct the reconsideration personally or may designate another Endowment official who had no part in the initial evaluation to do so. The term "Deputy," as used here, applies to such designees.

(iii) The Deputy will provide written notification of the results of the reconsideration within 45 days. If the Deputy cannot provide such notice within 45 days, the applicant will receive a written explanation of the need for more time and an estimate of when the results can be expected.

(iv) If the Deputy determines that none of the grounds listed in Paragraph 2(b) existed, the declination will be affirmed.

(vi) If the Deputy determines that one or more of the grounds listed in Paragraph 2(b) existed, but the recommendation of the peer review panel was not affected, the declination will be affirmed.

(vii) If the Deputy determines that one or more of the grounds listed in Paragraph 2(b) existed, and he or she can determine, based on the materials reviewed, that but for the infirmity in the peer review process, the application would have been recommended, the application will be considered by the National Council on the Arts at its next regularly scheduled meeting.

(viii) If the Deputy determines that one or more of the grounds listed in Paragraph 2(b) occurred, but he or she cannot determine whether but for the infirmity, the peer review panel would have recommended the application, the application will be reviewed by a new panel. If the new panel recommends the application, the National Council on the Arts will review it at the next regularly scheduled meeting.

(ix) The Deputy's determination shall be final.

4. Reporting Requirements

Each appropriate Deputy will maintain a record of Requests for Reconsideration. The record will include the date of receipt, the name of the applicant, including name of organization or institution where applicable, the application number, and once the Deputy's review is complete, the date on which each applicant was notified of the results of the reconsideration, and what those results were.

Dated: January 8, 1992.

Amy Sabrin,

General Counsel, National Endowment for the Arts.

[FR Doc. 92-807 Filed 1-13-92; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Instructional Materials Development; Notice of Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Instructional Materials Development.

Date and Time: January 24-25, 1992, from 8:30 a.m. to 5:30 p.m.

Place: ANA Hotel, 2401 M Street, NW., Washington, DC 20037.

Type of Meeting: Closed Meeting.

Contact Person: Alice J. Moses, Gerhard Salinger, Frank Sutman, Margaret Cozzens, and Donald Humphreys, National Science Foundation, 1800 G St., NW., Washington, DC 20550, Instructional Materials Development, room 635-A, Phone (202) 357-7066.

Purpose of Meeting: To attend Instructional Materials Development Panel and provide advice and recommendations concerning K-12 Mathematics, Science and Technology Education, and Assessment of Student Learning.

Agenda: To review and evaluate Instructional Materials Development proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a propriety confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Dated: January 8, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-808 Filed 1-13-92; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Document Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the Office of Management and Budget (OMB) review of information collection.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for collection of information under the provisions of the Paperwork Reduction Act, 1980 (44 U.S.C. chapter 35).

1. Type of submission, new, revision or extension: Revision.

2. The title of the information collection: 10 CFR part 26, Fitness-for-Duty Programs.

3. The form number, if applicable: Not applicable.

4. How often the collection is required: Biannual.

5. Who will be required to report: All nuclear power plant licensees. Additional information, such as the number of actions taken, would be required to be reported by those licensees who choose to implement the option provided by this amendment.

6. An estimate of the number of responses anticipated annually: 198 responses.

7. Annual burden per response: 11.2 additional hours per semiannual report; 0.1 per notification to individual.

8. An estimate of the total number of hours needed annually by the industry to complete the requirement: 3717 hours plus a one-time development burden of 128 hours.

9. An indication of whether section 3504(h), Public Law 96-511 applies: Applicable.

10. Abstract: 10 CFR part 26 of NRC's regulations, "Fitness-for-Duty Programs" requires operators of nuclear power plants to implement fitness-for-duty programs to assure that personnel are not under the influence of any substance or mentally or physically impaired, to retain certain records associated with the management of these programs, and to provide reports concerning the performance of the programs and certain significant events. The final revision to the rule permits individuals to be temporarily suspended as a result of a preliminary positive test result for cocaine or marijuana not confirmed by the Medical Review Officer and requires the deletion of specified records when tests results are not confirmed. The revision requires additional data elements to be included in a biannual report to assure that data on the number of occasions that this rule provision is exercised, and that the management actions, including appeals, are reported to the Commission as well as information which will allow the Commission to monitor confirmation rates from onsite and U.S. Department of Health and Human Services-certified laboratory screening processes and to evaluate the accuracy and reliability achievable through initial screening tests.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW., Lower Level, Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer: Ronald Minsk, Office of Information and Regulatory Affairs (3150-0146), NEOB-3019, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3084.

The NRC Clearance Officer is Brenda J. Shelton, (301) 492-8132.

Dated at Bethesda, Maryland, this 31st day of December 1991.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 92-927 Filed 1-13-92; 8:45 am]

BILLING CODE 7590-01-M

Air Sampling in the Workplace; Availability

The Nuclear Regulatory Commission has published for comment a report on "Air Sampling in the Workplace," (NUREG-1400). This report contains technical information on air sampling in the workplace that might be useful to licensees. The report was written in support of a Regulatory Guide on air sampling that is being developed; the availability of a draft of the Regulatory Guide, "Air Sampling in the Workplace," DG-8003, was announced in the Federal Register on October 17, 1991 (56 FR 52087).

The comment period on NUREG-1400 expires March 16, 1992. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure comments consideration for comments received on or before this date. Comments should be sent to: Chief, Regulatory Publications Branch, P-223, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

A free single copy of draft NUREG-1400 may be requested by those considering public comment by writing to the U.S. Nuclear Regulatory Commission, Attn: Distribution and Mail Services Section, Mail Stop P-370, Washington, DC 20555. A copy is also available for inspection and/or copying in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

Dated at Rockville, Maryland, this 7th day of January, 1992.

For the Nuclear Regulatory Commission.

Donald A. Cool,

Chief, Radiation Protection and Health Effects Branch, Division of Regulatory Applications, Office of Nuclear Regulatory Research.

[FR Doc. 92-929 Filed 1-13-92; 8:45 am]

BILLING CODE 7590-01-M

Deposition: Software To Calculate Particle Penetration Through Aerosol Transport Lines; Availability

The Nuclear Regulatory Commission has published for comment a report on "Deposition: Software to Calculate Particle Penetration through Aerosol Transport Lines," (NUREG/GR-0006). This report describes software developed for NRC under the direction of Dr. N.K. Anand and Dr. Andrew R. McFarland at Texas A&M University. The NRC is considering an endorsement of the software in a Regulatory Guide on air sampling that is being developed; the availability of a draft of the Regulatory Guide, "Air Sampling in the Workplace," DG-8003, was announced in the Federal Register on October 17, 1991 (56FR52087).

The comment period on NUREG/GR-0006 expires March 16, 1992. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure comments consideration for comments received on or before this date. Comments should be sent to: Chief, Regulatory Publications Branch, P-223, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

A free single copy of draft NUREG/GR-0006 may be requested by those considering public comment by writing to the U.S. Nuclear Regulatory Commission, Attn: Distribution and Mail Services Section, Mail Stop P-370, Washington, DC 20555. A copy is also available for inspection and/or copying in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

Dated at Rockville, Maryland, this 7th day of January, 1992.

For the Nuclear Regulatory Commission.

Donald A. Cool,

Chief, Radiation Protection and Health Effects Branch, Division of Regulatory Applications, Office of Nuclear Regulatory Research.

[FR Doc. 92-928 Filed 1-13-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-213]

Connecticut Yankee Atomic Power Co.; Notice of Partial Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Connecticut Yankee Atomic Power Company (the licensee) to withdraw a portion of its April 8, 1991 application for proposed amendment to Facility Operating License DPR-61 for the Haddam Neck Plant, located in Middlesex County, Connecticut.

The portion of the amendment being withdrawn would have revised the facility Technical Specifications sections 3/4.9.4, Containment Building Penetrations and 3/4.9.8, Residual Heat Removal and Coolant Recirculation, which will be resubmitted at a later date.

The Commission has previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on July 24, 1991 (56 FR 33952). However, by letter dated December 12, 1991, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated April 8, 1991, and the licensee's letter dated December 12, which withdrew a portion of the application for license amendment. The above documents are available for