



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

MAR 2, 1986

MEMORANDUM FOR: Robert B. Minogue, Director  
Office of Nuclear Regulatory Research

FROM: Donnie H. Grimsley, Director  
Division of Rules and Records  
Office of Administration

SUBJECT: PROPOSED RULE REQUIRING LICENSEES TO NOTIFY  
NRC OF BANKRUPTCY FILINGS

The Division of Rules and Records, Office of Administration, concurs on the package containing the proposed rule that would require licensees to notify NRC of bankruptcy filings. We are enclosing a marked-up copy of the package that sets out a number of editorial corrections and adjustments.

Please note that the proposed rule may not be submitted for signature and publication until the package requesting OMB review and approval of the information collection requirements has been transmitted to OMB.

If you have any questions, please have a member of your staff contact John Philips, Chief, Rules and Procedures Branch, on extension 27086 or Michael Lesar of his staff on extension 27758.

*Donnie H. Grimsley*  
Donnie H. Grimsley, Director  
Division of Rules and Records  
Office of Administration

Enclosure: As stated

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Victor Stello, Jr.

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exist at the site and determine the appropriate action to take. In addition, following receipt of the notification, the Commission will assess the appropriate action to take in any bankruptcy proceeding involving the licensee. The purpose of this would be to seek to have available assets of the licensee applied to cover costs of site cleanup before they are disbursed elsewhere and could include NRC becoming a party to the bankruptcy proceedings.

#### RECOMMENDATIONS AND NOTATIONS

Recommendations. It is recommended that you approve the proposed rule and publication of a notice in the Federal Register (see Enclosure A). It is also recommended that you certify that the proposed rule will not have a significant economic impact on a substantial number of small entities (see REGULATORY FLEXIBILITY CERTIFICATION in Enclosure A and the REGULATORY ANALYSIS, Enclosure B).

Notations. (1) The notice of proposed rulemaking in Enclosure A will be published in the Federal Register with a 30 day comment period. (2) The information collection requirements of this rule have been submitted to the Office of Management and Budget (see Enclosure A). (3) Under 10 CFR 51.22 (c)(iii) preparation of an environmental impact statement or an environmental assessment is not necessary, since the eligibility criteria for categorical exclusion are met. (4) In accordance with 10 CFR 50.109, a backfit analysis has been performed which indicates that the direct and indirect costs of implementation of this rule are minimal and are justified in view of the increased protection of the public health and safety resulting from the rule. Information relevant to the backfit factors specified in 10 CFR 50.109(c) are set out in the Regulatory Analysis (Enclosure B). (5) No additional NRC resource requirements are anticipated as a result of this action. (6) The Agreement States will be informed of the proposed rulemaking. (7) The Subcommittee on Nuclear Regulation of the Senate Environment and Public Works Committee, the Subcommittee on Energy and the Environment of the House Interior and Insular Affairs Committee, and the Subcommittee on Energy Conservation and Power of the House Energy and Commerce Committee will be notified of the Commission's action by letter such as Enclosure C. (8) Notification of the Commission of this action will be made in the Weekly Information Report (Enclosure D).

Robert B. Minogue, Director  
Office of Nuclear Regulatory Research

Enclosures: as stated

SEE ATTACHED FOR PREVIOUS CONCURRENCES.

SEE ATTACHED FOR PREVIOUS CONCURRENCES: 7/20/86							
OFFICE	RES:CEBR	RES:CEBR	RES:DET	NMSS	NRR	SP	RES:MIN
	FPCardile:bh	KGSteyer	GAArletto	JGDavis	HRDenton	GWKerr	RBMingue
	3/10/86	3/12/86	3/17/86	3/ /86	3/ /86	3/ /86	3/ /86



(5) \* \* \*

(vi) \* \* \* As a condition of approval as a bird quarantine facility, the facility must comply with the requirements set forth in this section within 18 months from the date of notification, *except that*, for applicants selected for consideration for approval of bird quarantine facilities in Miami, Florida, as a result of the announcement published in the *Federal Register* on April 18, 1984 (49 FR 15244-15245) who have not already complied with the requirements set forth in the section, the facility must comply with such requirements within 9 months from [date of publication of a final rule]. \* \* \*

Done at Washington, D.C., this 13th day of June 1986.

J.K. Atwell,

Deputy Administrator, Veterinary Service.

[FR Doc. 86-13953 Filed 6-19-86; 8:45 am]

BILLING CODE 3410-34-M

## NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, 50, 61, 70, and 72

### Bankruptcy Filing; Notification Requirements

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission is proposing to amend its regulations by requiring a licensee to notify the appropriate Regional Administrator of the NRC in the event that the licensee is involved in bankruptcy proceedings. The proposed rule is necessary because a licensee's severe financial conditions could affect its ability to handle licensed radioactive material and the NRC must be notified so that appropriate measures to protect the public health and safety can be taken.

**DATE:** Comment period expires July 21, 1986. Comments received after this date will be considered if it is practical to do so but assurance of consideration is given only for comments received on or before this date.

**ADDRESSES:** Submit written comments to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Frank Cardile, Office of Nuclear

Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 443-7815.

### SUPPLEMENTARY INFORMATION:

#### Background

Current NRC regulations contain requirements for issuing licenses and the terms and conditions of those licenses concerning design of facilities and use of material. A licensee who is experiencing severe economic hardship may not be capable of carrying out licensed activities in a manner which protects public health and safety. In particular, a licensee involved in bankruptcy proceedings can have problems affecting payment for the proper handling of licensed radioactive material and for the decontamination and decommissioning of the licensed facility in a safe manner. Improper materials handling or decontamination activities can result in the spread of contamination throughout a licensee's facility and the potential for dispersion of contaminated material offsite. Financial difficulties also can result in problems affecting the licensee's waste disposal activities.

Instances have occurred in which licensees filed for bankruptcy and the NRC has not been aware that this has happened. NRC inspectors have found, belatedly, that a licensee has vacated property and abandoned licensed material or has been unable to decontaminate its facility and properly dispose of the waste. Sometimes a significant amount of time elapsed before the NRC learned of the bankruptcy. During this time the property may have changed hands or been abandoned, perhaps leaving licensed material unprotected and leaving radioactive contamination on the site. The passage of time permits the possible spread of contamination beyond the original area of confinement and makes more difficult the government's tasks of minimizing the potential risk to public health and safety and making the party responsible for the presence of the material, the licensee, perform cleanup operations. In some cases, NRC inspectors have found significant amounts of radioactive contamination present at licensee sites and the potential for dispersal of the contaminated material offsite. Because of the potential risk to public health and safety if the facilities were left in their as-found condition, it was necessary for the NRC or the State government to take protective and remedial action and to expend substantial amounts of public funds for cleanup of the facilities because funds of the bankrupt licensee were no longer available. The NRC should be notified of these situations

promptly, before they become more serious, so that it can take necessary actions to assure that the health and safety of the public is protected.

There is no current regulation requiring licensees to notify the NRC in cases of bankruptcy filings. Therefore, the NRC may not be aware of a significant financial problem for a particular licensee and thus also not be aware of potential public health and safety problems.

#### Discussion

Under the proposed regulations, each licensee would be required to notify the appropriate regional office of the NRC, in writing, in the event of the commencement of a bankruptcy proceeding involving the licensee. According to the United States Code, a bankruptcy case is commenced by filing a petition with a court by or against a person for the purpose of judging that person bankrupt. The licensee would be required to notify the NRC or any petition (voluntary or involuntary) filed under Title 11 [Bankruptcy] of the United States Code involving the licensee. A filing under any chapter of the Bankruptcy Code could result in potential consequences regarding the licensee's ability to handle licensed material.

Notifying the NRC in cases of bankruptcy would alert the Commission so that it may deal with potential hazards to the public health and safety posed by a licensee that does not have the resources to properly secure the licensed material or clean up possible contamination. NRC actions may include orders to modify or amend a license or other necessary action and could include limitations on licensed activity which would only permit the storage of licensed material. The NRC has taken these actions in the past in similar circumstances. In addition, prompt notification of the Commission would allow it to take timely and appropriate action in a bankruptcy proceeding to seek to have available assets of the licensee applied to cover costs of site cleanup before funds are disbursed and become unavailable for cleanup.

A licensee would not be affected by these amendments unless and until a bankruptcy petition is filed. The proposed rule prescribes the specific action that a licensee would be required to follow at that time. This action includes notifying the NRC within a certain time period by supplying the information specified.

The proposed amendments apply to all licenses covered by 10 CFR Parts 30,

40, 50, 61, 70, and 72. This includes byproduct, source, and special nuclear material licensees, as well as production and utilization facility, low-level waste disposal facility, and independent spent fuel storage installation licensees.

### Environmental Impact

#### Categorical Exclusion

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

#### Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). This rule has been submitted to the Office of Management and Budget for review and approval of the paperwork requirements.

#### Regulatory Analysis

The Commission has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The draft analysis is available for inspection in the NRC Public Document Room, 1717 H Street NW, Washington, DC. Single copies of the analysis may be obtained from Frank Cardile, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, telephone (301) 443-7815.

The Commission requests public comment on the draft regulatory analysis. Comments on the draft analysis may be submitted to the NRC as indicated under the **ADDRESSES** heading.

#### Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This proposed rule would amend 10 CFR Parts 30, 40, 50, 61, 70, and 72 to require that licensees notify the appropriate NRC Regional Office in the event of the commencement of a bankruptcy proceeding involving the licensee so that NRC is aware of this significant financial problem and can take necessary actions assuring that the health and safety of the public is protected. Because no action is required of a licensee by these amendments unless and until a bankruptcy petition is filed, there is no impact from this rule

unless bankruptcy filing occurs. Even in the event of bankruptcy, the impact of this rule on licensees is small since the United States Code contains requirements regarding notification of creditors of bankruptcy. This rule would require one additional notification. In addition, the required action consists only of a notification by mail to the NRC, an action representing less than one-half person-hour of effort. The net overall cost to the industry is negligible.

#### Backfit Analysis

##### Backfit Analysis Factors

10 CFR 50.109 (50 FR 38097) requires that an analysis be performed for backfits which the Commission seeks to impose on power reactor licensees. The proposed amendment requiring notification of bankruptcy has been analyzed based on the factors listed in 10 CFR 50.109(c) as follows:

(1) The objective of the proposed amendment is for NRC to have means in place so that it would be alerted and would have the opportunity to take necessary action to deal with potential hazards to the public health and safety that may occur at a facility where a licensee is involved in bankruptcy proceedings. Although the likelihood of utility bankruptcy is small and in most instances NRC would be aware of it occurring, there is a potential that NRC may not be aware of a particular bankruptcy situation involving a licensee.

(2) The proposed amendment would require a licensee to notify the appropriate regional office of the NRC, in writing, in the event of the commencement of a bankruptcy proceeding involving the licensee. A licensee would not be affected by these amendments unless and until a bankruptcy petition is filed.

(3) The proposed amendments will improve NRC's inspection and enforcement capabilities in dealing promptly with the potential radiological consequences of a licensee's severe financial problems thus providing a benefit in protection of the public health and safety. In addition, although the level of risk to the public is small, NRC's timely involvement can result in some potential reduction in the risk of radiation exposure by reducing the likelihood that improper radioactive waste handling or decontamination will occur at a facility where a licensee is involved in bankruptcy proceedings.

(4) In a manner similar to that described in (3) above, although it would be small, the proposed amendment can result in some reduction in risk of radiological exposure of facility

employees by reducing the potential for spread of contamination in the facility and resultant occupational exposure.

(5) The proposed amendment imposes requirements for administrative procedure action only, hence there is no equipment installation cost, no facility downtime cost, and no cost of construction delay. As indicated in (2), there is no action required of a licensee unless and until a bankruptcy petition is filed and hence there is no continuing cost associated with the backfit. Even in the event of bankruptcy the cost impact of this rule is negligible because the action required, namely a notice listing the location and date of the bankruptcy filing mailed to the NRC regional office, is minimal. As noted in (3) and (4) above, timely involvement of NRC in the situation can minimize potential for spread of contamination in the facility and therefore also minimize added cleanup costs which could then occur. This reduction in cost can be substantial compared to the small cost associated with the notification, resulting in net savings.

(6) The proposed amendment is administrative and hence has no safety impact of changing plant or operational complexity.

(7) With regard to the resource burden on the NRC, no NRC activity is necessary unless and until a licensee submits a notification to the NRC. If a notice were submitted, the amount of time spent on actually reading and docketing of the notification would be minimal. By alerting NRC to the situation, this rule would put NRC in a better reactive mode and thereby could reduce NRC staff time involved in activities such as necessary enforcement actions and meetings with a concerned public regarding a contaminated facility. This reduction in staff time could be significantly greater than that spent in reading and docketing the notification, thus resulting in a net reduction in staff resources.

(8) The proposed amendment would apply to all power reactor licensees independent of facility type, design, and age.

(9) When the proposed amendment is made effective, it would be a final action.

#### Backfit Analysis Determination

Based on the analysis of the factors as presented above the Commission has determined that this proposed rule does not meet the backfitting requirements of 10 CFR 50.109(a)(3) namely that there be a substantial increase in overall protection of public health and safety. However, the proposed rule is not



intended to provide a substantial increase in overall protection but is considered justifiable and warranted to prevent a decrease in the level of protection considered available under current regulations. In addition, the rule is considered to save resources in bankruptcy circumstances. The Commission proposes to promulgate the proposed rule for the following reasons: (1) There is some, albeit small, potential for reduction in public and occupational exposure; (2) the action required by this rule is administrative, resulting in no installation, downtime, or construction costs and no effect on plant or operational complexity; (3) the burden on industry and NRC is minimal, and in fact the proposed action would probably result in a net reduction in NRC resource expenditures; and (4) the proposed action is justified for non-power reactor and materials facilities based on an assessment of the costs and benefits in the Regulatory Analysis (Section 6.0), and imposing it for reactor plants also would provide for consistency in the regulations.

#### List of Subjects

##### 10 CFR Part 30

Byproduct material, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

##### 10 CFR Part 40

Government contracts, Hazardous materials—transportation, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Source material, Uranium.

##### 10 CFR Part 50

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

##### 10 CFR Part 61

Low-level waste, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Waste treatment and disposal.

##### 10 CFR Part 70

Hazardous materials—transportation, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear materials.

##### 10 CFR Part 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

#### Proposed rulemaking

For the 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 proposing to adopt the following amendments to 10 CFR Parts 30, 40, 50, 61, 70, and 72.

#### PART 30—RULES OF GENERAL APPLICABILITY OF DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for Part 30 continues to read as follows:

Authority: Sections 81, 82, 161, 182, 183, 186, 66 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2236, 2282); secs. 201, as amended, 202, 206, 66 Stat. 1242, as amended 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 66 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 66 Stat. (42 U.S.C. 2237).

For purposes of sec. 223, 66 Stat. 958, as amended (42 U.S.C. 2273): §§ 30.3, 30.34(b) and (c), 30.41(a) and (c), and 30.53 are issued under sec. 161b, 66 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 30.36, 30.51, 30.52, 30.55, and 30.56(b) and (c) are issued under sec. 1610, 66 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Section 30.34 is amended by adding a new paragraph (h) to read as follows:

#### § 30.34 Terms and conditions of licenses.

(h)(1) Each licensee shall notify the appropriate NRC Regional Administrator, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapters of Title 11 (Bankruptcy) of the United States Code by or against:

- (i) A licensee;
- (ii) An entity (as that term is defined in 11 U.S.C. § 101(14)) controlling a licensee or listing the license or licensee as property of the estate; or
- (iii) An affiliate (as that term is defined in 11 U.S.C. § 101(2)) of the licensee.

(2) This notification must indicate:

- (i) The bankruptcy court in which the petition for bankruptcy was filed; and

(ii) The date of the filing of the petition.

#### PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

3. The authority citation for Part 40 continues to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 66 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95-604, 92 Stat. 3033, as amended, 3036, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274 Pub. L. 92-373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 66 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97-415, 96 Stat. 2067 (42 U.S.C. 2022).

Section 40.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 66 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 66 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 66 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 66 Stat. 958, as amended (42 U.S.C. 2273): §§ 40.3, 40.25(d) (1)-(3), 40.35 (a)-(d), 40.41 (b) and (c), 40.46, 40.51 (a) and (c); and 40.63 are issued under sec. 161b, 66 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 40.25 (c) and (d) (3) and (4), 40.26(c)(2), 40.35(e), 40.42, 40.61, 40.62, 40.64 and 40.65 are issued under sec. 1610, 66 Stat. 950, as amended (42 U.S.C. 2201(o)).

4. Section 40.41 is amended by adding a new paragraph (f) to read as follows:

#### § 40.41 Terms and conditions of licenses.

(f)(1) Each licensee shall notify the appropriate NRC Regional Administrator, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapters of Title 11 (Bankruptcy) of the United States Code by or against:

- (i) A licensee;
  - (ii) An entity (as that term is defined in 11 U.S.C. § 101(14)) controlling a licensee or listing the license or licensee as property of the estate; or
  - (iii) An affiliate (as the term is defined in 11 U.S.C. § 101(2)) of the licensee.
- (2) This notification must indicate:
- (i) The bankruptcy court in which the petition for bankruptcy was filed; and
  - (ii) The date of the filing of the petition.

#### PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

5. The authority citation for Part 50 is revised to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 66 Stat. 936, 937, 938, 948, 953.

954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239); secs. 201, as amended, 202, 206, 88 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, 88 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 50.23, 50.35, 50.55, 50.56 also issued under sec. 185, 88 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 50.54 also issued under sec. 204, 88 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. 2133, 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). Section 50.103 also issued under sec. 106, 68 Stat. 939, as amended (42 U.S.C. 2138). 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): §§ 50.10 (a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

6. Section 50.54 is amended by adding a new paragraph (cc) to read as follows:

#### § 50.54 Conditions of licenses.

(cc)(1) Each licensee shall notify the appropriate NRC Regional Administrator, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapters of Title 11 (Bankruptcy) of the United States Code by or against:

- (i) A licensee;
- (ii) An entity (as that term is defined in 11 U.S.C. 101(14)) controlling a licensee or listing the license or licensee as property of the estate; or
- (iii) An affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.

(2) This notification must indicate:

- (i) The bankruptcy court in which the petition for bankruptcy was filed; and
- (ii) The date of the filing of the petition.

#### PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

7. The authority citation for Part 61 continues to read as follows:

Authority: Secs. 53, 57, 62, 63, 65, 61, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953,

954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 96-601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273): Tables 1 and 2, §§ 61.3, 61.24, 61.25, 61.27(a), 61.41 through 61.43, 61.52, 61.53, 61.55, 61.56, and 61.61 through 61.63 issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 61.10 through 61.16, 61.24, and 61.80 issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

8. Section 61.24 is amended by adding a new paragraph (k) to read as follows:

#### § 61.24 Conditions of licenses.

(k)(1) Each licensee shall notify the appropriate NRC Regional Administrator, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapters of Title 11 (Bankruptcy) of the United States Code by or against:

- (i) A licensee;
- (ii) An entity (as that term is defined in 11 U.S.C. 101(14)) controlling a licensee or listing the license or licensee as property of the estate; or
- (iii) An affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.

(2) This notification must indicate:

- (i) The bankruptcy court in which the petition for bankruptcy was filed; and
- (ii) The date of the filing of the petition.

#### PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

9. The authority citation for Part 70 continues to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended, (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Section 70.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273): §§ 70.3, 70.19(c), 70.21(c), 70.22(a), (b), (d)-(k), 70.24 (a) and (b), 70.32(a) (3), (5), (6), (d), and (i), 70.36, 70.39 (b) and (c), 70.41(a), 70.42 (a) and (c), 70.56, 70.57 (b), (c), and (d), 70.58 (a)-(g)(3), and (h)-(j) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 70.7, 70.20a

(a) and (d), 70.20b (c), and (e), 70.21(c), 70.24(b), 70.32 (a)(6), (c), (d), (e), and (g), 70.36, 70.51 (c)-(g), 70.56, 70.57 (b) and (d), and 70.58 (a)-(g)(3) and (h)-(j) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 70.20b (d) and (e), 70.38, 70.51 (b) and (i), 70.52, 70.53, 70.54, 70.55, 70.56 (g)(4), (k), and (l), 70.59, and 70.60 (b) and (c) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

10. Section 70.32 is amended by adding a new paragraph (a)(9) to read as follows:

#### § 70.32 Conditions of licenses.

(a) Each license shall contain and be subject to the following conditions:

(9)(i) Each licensee shall notify the appropriate NRC Regional Administrator, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapters of Title 11 (Bankruptcy) of the United States Code by or against:

- (A) A licensee;
- (B) An entity (as term is defined in 11 U.S.C. § 101(14)) controlling a licensee or listing the license or licensee as property of the estate; or
- (C) An affiliate (as that term is defined in 11 U.S.C. § 101(2)) of the licensee.

(ii) This notification must indicate:

- (A) The bankruptcy court in which the petition for bankruptcy was filed; and
- (B) The date of the filing of the petition.

#### PART 72—LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUEL IN AN INDEPENDENT SPENT FUEL STORAGE INSTALLATION (ISFSI)

1. The authority citation for Part 72 is revised to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 66, 81, 161, 182, 183, 184, 186, 187, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2282); sec. 274, Pub. L. 86-273, 73 Stat. 688, as amended (42 U.S.C. 2021); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846); Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332). Section 72.34 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154).

2. Section 72.33 is amended by adding a new paragraph (b)(6) to read as follows:

#### § 72.33 License conditions.



(b) Every license issued under this Part shall be subject to the following conditions, even if they are not explicitly stated herein:

(6)(i) Each licensee shall notify the appropriate NRC Regional Administrator, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapters of Title 11 (Bankruptcy) of the United States Code by or against:

(A) A licensee.

(B) An entity (as that term is defined in 11 U.S.C. § 101(14)) controlling a license or licensee as property of the estate; or

(C) An affiliate (as that term is defined in 11 U.S.C. § 101(2)) of the licensee.

(ii) This notification must indicate:

(A) The bankruptcy court in which the petition for bankruptcy was filed; and

(B) The date of the filing of the petition.

Dated at Bethesda, Maryland this 9th day of June, 1986

For the Nuclear Regulatory Commission,  
Victor Stello, Jr.,

Executive Director for Operations

[FR Doc. 86-13998 Filed 6-19-86; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 65

(A-5-FRL-3034-8)

### Proposed Delayed Compliance Order for General Motors Corporation, Truck and Bus Group

**AGENCY:** U.S. Environmental Protection Agency (USEPA).

**ACTION:** Proposed rulemaking.

**SUMMARY:** The USEPA proposes to approve a Delayed Compliance Order (DCO) issued by the Michigan Department of Natural Resources (MDNR) to the General Motors Corporation for its plants located at 660 South Boulevard, East; 820 South Opdyke Road; and 275 Franklin Boulevard in Pontiac, Michigan. The Order requires the company to bring volatile organic compound (VOC) emissions from its plants into compliance with the limits established by the Michigan Administrative Code 1980 AACS, R336.1621, which is part of the federally approved Michigan State Implementation Plan (SIP).

**DATE:** Written comments must be received on or before July 21, 1986.

**ADDRESSES:** Copies of the State order, supporting materials, and public comments received in response to this rulemaking are available for inspection at the following address: U.S. Environmental Protection Agency, Air and Radiation Branch (5AR-26), 230 South Dearborn Street, Chicago, Illinois 60604.

Comments on this proposed action should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Lars Johnson, Air Compliance Branch (5AC-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6315.

**SUPPLEMENTARY INFORMATION:** On July 2, 1985, the MDNR submitted to USEPA for review and approval a DCO which it had issued to General Motors Corporation, Truck and Bus Group for its plants located in Pontiac, Michigan. The Order under consideration addresses the emission of VOCs from two small parts coating operations and a maintenance coating operation at Plant 1; the small parts dip prime operation, instrument panel and blackout topcoating operations, and spray prime operation at Plant 2; the chassis coating operation, the side panel coating operation, and the repair coating operation at Plant 4; and the medium-duty truck, sheet metal, wheel, and small parts enamel topcoating operations at Plant 6. These emissions are subject to Michigan Administrative Code 1980 AACS, R336.1621, which is part of the federally approved Michigan SIP. The Order requires final compliance by December 31, 1986. The company has agreed to the terms of the Order and has agreed to meet the increments established in the Order. USEPA evaluated the Order using criteria set forth in section 113(d) of the Clean Air Act (the Act), and in an April 26, 1983, memorandum from Kathleen M. Bennett, then Assistant Administrator for Air, Noise and Radiation, and determined that it meets all requirements as shown below:

1. The Order must provide for final compliance with the requirements of the applicable implementation plan as expeditiously as practicable, but no later than July 1, 1979, or 3 years after the date for final compliance specified in the SIP, whichever is later. The emission sources addressed in the Order

are all subject to Michigan Air Pollution Control Commission (MAPCC) Rule 336.1621, which has a final compliance date of December 31, 1983. The latest compliance date in the Order is December 31, 1986, satisfying this first requirement.

2. The Order must include reasonable requirements for monitoring and reporting. This criterion is met by the Order, which requires quarterly reports demonstrating compliance with the provisions contained in it.

3. The Order must include reasonable and practicable interim controls. The Order contains interim VOC emission limits.

4. The Order must include a finding that the source is currently unable to comply with the SIP requirements. The Order contains such a finding.

5. Notice and opportunity for public hearing must be provided. Public hearings were held on July 23, 1984, and January 15, 1985.

6. The Order must include a schedule for compliance. The Order includes schedules for some emission sources which contain increments of progress, as specified in 40 CFR Section 51.1(q), and calls for immediate compliance for other sources.

7. If the Order is for a major source, it must notify the source of its possible liability for noncompliance penalties under Section 120 of the Act. This is provided for in the Order.

Because this Order has been issued to a major source of VOC emissions and permits a delay in compliance with the applicable regulations, it must be approved by USEPA before it becomes effective as a DCO under section 113(b) of the Act. If the Order is approved by USEPA, source compliance with its terms would preclude Federal enforcement action under section 113(b) of the Act against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (section 304) would be similarly precluded. If approved, the Order would constitute an addition to the Michigan SIP. However, source compliance with the Order will not preclude assessment of any noncompliance penalties under section 120 of the Act, unless the source is otherwise entitled to an exemption under section 120(a)(2)(B) or (C).

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether USEPA may approve the Order. After the public comment period, the