

- GSM-301—This direct credit program was intended to facilitate commodity exports which would be sold to generate funds to finance the construction of a market development project. The program was used only once (in connection with a bulk grain discharge and storage facility developed at Ashdod, Israel). That project began in 1978 and was completed in the early 1980's. For a number of years, funding has not been made available for this program.

- Barter Program—From 1950 through 1973, CCC exchanged CCC-owned agricultural commodities for strategic and critical materials for the National Defense Stockpile. The program could also be used to obtain foreign-produced supplies and services used in Department of Defense construction projects and Agency for International Development projects. The program was terminated in 1973 when CCC stocks were depleted. The National Defense Stockpile is now liquidating many strategic materials. Also, CCC has authority, which it has at times used, to enter into direct barter arrangements under the CCC Charter Act in order to obtain strategic materials for defense stock piles.

List of Subjects

7 CFR Part 1487

Agricultural commodities, Exports, Insurance, Reporting and recordkeeping requirements.

7 CFR Parts 1491 and 1492

Exports, Livestock, Loan programs-agriculture, Reporting and recordkeeping requirements.

7 CFR Part 1495

Agricultural commodities, Exports, Government procurement, Strategic and critical materials.

PARTS 1487, 1491, 1492, 1495— [REMOVED]

For the reasons set out in the preamble under the authority at 5 U.S.C. Section 552(a)(1)(E), it is proposed to amend 7 CFR Chapter XIV by removing parts 1487, 1491, 1492 and 1495.

Signed at Washington, DC, on December 1, 1995.

Christopher E. Goldthwait,

*General Sales Manager and Vice President,
Commodity Credit Corporation.*

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

RIN 3150-AF31

Constraint Level for Air Emissions of Radionuclides

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to establish a constraint of 10 mrem/yr total effective dose equivalent (TEDE) for dose to members of the public from air emissions of radionuclides from NRC licensed facilities other than power reactors. This proposed rule is necessary to provide assurance to the Environmental Protection Agency (EPA) that future emissions from NRC licensees will not exceed levels that will provide an ample margin of safety. This action is expected to be the final step in providing EPA with a basis upon which to rescind its Clean Air Act (CAA) regulations for NRC licensed facilities (other than power reactors) and Agreement State licensees, thereby relieving these licensees from unnecessary dual regulations.

DATES: Submit comments by March 12, 1996. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Send comments to: U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Docketing and Services Branch. Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. Federal workdays.

Comments may be submitted electronically, in either ASCII text or Wordperfect format (version 5.1 or later), by calling the NRC Electronic Rulemaking Bulletin Board (BBS) on FEDWORLD.

The BBS is an electronic information system operated by the National Technical Information Service of the Department of Commerce. The purpose of this bulletin board BBS is to facilitate public participation in the NRC regulatory process, particularly rulemakings. With publication of this notice, proposed rulemakings and appropriate supporting documents will be available for review and comment on the BBS. These same documents are also available for review and comment at the NRC's Public Document Room, 2120 L Street NW. (Lower Level), Washington,

DC. The BBS may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet.

The NRC rulemaking bulletin board (rulemaking subsystem) on FEDWORLD can be accessed directly by using a personal computer and modem, dialing the toll free number at 1-800-303-9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT-100 terminal emulation, the NRC rulemaking subsystem can then be accessed by selecting the "Rules Menu" option from the "NRC Main Menu." For further information about options available for NRC at FEDWORLD consult the "Help/Information Center" from the "NRC Main Menu." Users will find the "FEDWORLD Online User's Guides" particularly helpful. Many NRC subsystems and databases also have a "Help/Information Center" option that is tailored to the particular subsystem.

The NRC subsystem on FEDWORLD also can be accessed by a direct dial phone number for the main FEDWORLD BBS at 703-321-3339; or by using Telnet via Internet: fedworld.gov. Using the 703 number to contact FEDWORLD, the NRC subsystem will be accessed from the main FEDWORLD menu by selecting the "Regulatory, Government Administration and State Systems," then selecting "Regulatory Information Mall." At that point, a menu will be displayed that has the option "U.S. Nuclear Regulatory Commission" that will take you to the NRC Online main menu. The NRC Online area also can be accessed directly by typing "/go nrc" at a FEDWORLD command line. If you access NRC from FEDWORLD's main menu, then you may return to FEDWORLD by selecting the "Return to FEDWORLD" option from the NRC Online Main Menu. However, if you access NRC at FEDWORLD by using NRC's toll-free number, then you will have full access to all NRC systems, but you will not have access to the main FEDWORLD system.

If you contact FEDWORLD using Telnet, you will see the NRC area and menus, including the "Rules Menu". Although you will be able to download documents and leave messages, you will not be able to write comments or upload files. If you contact FEDWORLD using FTP, all files can be accessed and downloaded, but uploads are not allowed, and all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with

descriptions, is available. There is a 15-minute time limit for FTP access.

Although FEDWORLD also can be accessed through the World Wide Web as well, like FTP, that mode only provides access for downloading files, and does not display the NRC "Rules Menu."

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-5780; e-mail AXD3@nrc.gov.

Comments received on this proposed rule may be examined and/or copied for a fee at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Charleen T. Raddatz, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6215; e-mail CTR@NRC.GOV.

SUPPLEMENTARY INFORMATION: The EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAPs) for radionuclides on October 31, 1989. Subpart I of 40 CFR 61 was promulgated to implement the CAA and limit doses to members of the public from air emissions of radionuclides (other than Radon-222) from all NRC licensees other than licensees possessing only sealed sources, high-level waste repositories and uranium mill tailings piles that have been disposed of in accordance with 40 CFR Part 192 and are subject to the requirements of Subpart I. Initially, Radon-222 emissions from tailings were covered by 40 CFR 61, Subparts T and W. Subpart T was rescinded for NRC licensees after Appendix A to Part 40 was amended by the Commission to conform to changes EPA issued to 40 CFR 192 that adopted the provisions of subpart T (Subpart W still applies to NRC licensees). Since Radon-222 is adequately addressed in Appendix A to Part 40 and other provisions of Part 20 it is not covered in this proposed rulemaking.

Under Subpart I, emissions of radionuclides must be limited so that no member of the public would receive an effective dose equivalent of greater than 10 mrem/yr¹.

In 1990, Congress enacted amendments to the CAA. Section 112(d)(9) of these amendments to the CAA (the Simpson amendment) states:

¹ Subpart I expresses dose in effective dose equivalent (EDE). NRC expresses dose in total effective dose equivalent (TEDE). These terms are essentially equivalent. For the sake of consistency, this paper will refer to all doses in terms of TEDE.

No standard for radionuclide emissions from any category or subcategory of facilities licensed by the Nuclear Regulatory Commission (or an Agreement State) is required to be promulgated under this section if the Administrator determines, by rule, and after consultation with the Nuclear Regulatory Commission, that the regulatory program established by the Nuclear Regulatory Commission pursuant to the Atomic Energy Act for such category or subcategory provides an ample margin of safety to protect the public health.

Upon issuance, the effectiveness of Subpart I for all NRC licensees was immediately stayed by EPA pending further evaluation. During the stay period, EPA conducted two studies of the air emissions from NRC and Agreement State materials licensees. The first was a survey of 367 randomly selected nuclear materials licensees. EPA determined that the highest estimated dose to a member of the public from air emissions from these facilities was 8 mrem/yr, based on very conservative modeling. In addition, 98 percent of the facilities surveyed reported doses to members of the public resulting from air emissions less than 1 mrem/yr. The second study evaluated dose from air emissions from 43 additional facilities that were selected because of their potential for air emissions resulting in significant public exposures. EPA found that 75 percent of these licensees had air emissions resulting in an estimated maximum public dose less than 1 mrem/yr. For the licensees evaluated, none exceeded 10 mrem/yr.

In its initial proposal to rescind Subpart I for NRC licensees other than power reactors, EPA stated that:

Based on the result of the survey undertaken by EPA and the commitments made by NRC in the MOU, EPA has made an initial determination that the NRC program under the Atomic Energy Act provides an ample margin of safety to protect the public health (57 FR 56880; December 1, 1992).

However, EPA continued to express concern regarding the adequacy of the measures to "assure EPA that future emissions from NRC licensees will not exceed levels that will provide an ample margin of safety." The stay on Subpart I expired on November 15, 1992, and Subpart I became effective on November 16, 1992. Subsequently, in July of 1993, the EPA Administrator determined that there was insufficient basis at that time to rescind Subpart I. Consequently, NRC and Agreement State licensed facilities are currently subject to dual regulation of air emissions of radionuclides under both the AEA and the CAA, including regulatory oversight by EPA (or authorized State) and NRC (or Agreement State).

NRC licensees subject to Subpart I are also subject to NRC dose limits for members of the public contained in 10 CFR Part 20, Subpart D entitled "Radiation Dose Limits for Individual Members of the Public" (Subpart D). Under Subpart D, licensees shall ensure that doses to members of the public are less than 100 mrem/yr from all pathways (including air emissions) and all sources associated with the licensee's operation. In addition, doses to members of the public must be kept as low as is reasonably achievable (ALARA). Based on the aforementioned studies conducted by EPA and licensee reporting of doses to members of the public from air emissions to EPA, it is evident that less than 10 mrem/yr to the maximally exposed member of the public from air emissions is reasonably achievable.

NRC power reactor licensees subject to 10 CFR 50.34a must keep doses to members of the public from air emissions consistent with the numerical guidelines in Appendix I to 10 CFR Part 50. In addition, these licensees have for many years reported estimated doses to members of the public from air emissions well below the Subpart I value. Based on the combination of a continuing regulatory basis for reduced air emissions and documented proof of the effectiveness of the NRC program for these licensees, EPA has already proposed to rescind Subpart I for power reactors licensed by NRC (56 FR 37196; August 5, 1991).

The NRC is proposing to establish a constraint of 10 mrem/yr TEDE for dose to members of the public from air emissions of radionuclides from NRC licensed facilities other than power reactors as a part of its program to maintain doses ALARA. The rulemaking being proposed would codify numerical values for NRC's application of ALARA guidelines on radioactive air emissions from its licensees, other than power reactors. For power reactors, ALARA guidelines have already been established within 10 CFR 50 and facility licensing conditions. This regulatory action would ensure that air emissions are maintained at a very low level and, taking into consideration the elimination of dual regulation, at little or no cost. This action would also bring consistency between EPA's dose standard and the NRC's ALARA application, thereby providing EPA with a basis upon which to rescind Subpart I as it applies to NRC licensed facilities other than power reactors. This action is expected to be the final step in providing EPA with a basis upon which to rescind Subpart I for NRC licensees other than power reactors.

NRC has been working cooperatively with EPA over the last several years to support rescission of EPA's standards in Subpart I of 40 CFR Part 61 in accordance with Section 112(d)(9) of the CAA. The fundamental objective of this effort has been to eliminate unnecessary duplicative regulations that provide no incremental benefit in terms of public and environmental protection.

The regulatory framework within which NRC proposes to provide a basis for rescission of Subpart I consists of the requirements in 10 CFR Part 20 to limit doses to members of the public to 100 mrem/yr, to maintain these doses as far below this limit as is reasonably achievable (ALARA), and to constrain dose to members of the public from air emissions of radioactive materials from a single source to 10 mrem/yr.

If the licensee estimates or measures a dose to a member of the public expected to receive the highest dose from air effluents to be less than 10 mrem/yr, the licensee would be required to record the dose and the assumption used to calculate it consistent with the requirements of § 20.2103. This data would be made available to inspectors upon request. If the licensee estimates or measures a dose to the member of the public expected to receive the highest dose from air effluents to be greater than 10 mrem/yr, the licensee would be required to report the dose to NRC in writing within 30 days. In addition, the licensee would be required to include in that report the circumstances that led to the greater than 10 mrem/year dose, a description of the corrective steps the licensee has taken or proposes to take to ensure that the constraint is not again exceeded, a timetable for implementing the corrective steps, and the expected results.

The constraint on dose from air emissions is different than a limit. Exceeding this constraint would not result in a Notice of Violation (NOV). Rather, a NOV would be issued only upon failure to report that actual or estimated doses, from air effluent releases from a facility, have exceeded the constraint value and/or failure to institute appropriate measures to correct and prevent further emissions in excess of those which would result in dose exceeding the constraint level.

The proposed rule would apply to airborne releases, other than Radon-222, from all NRC licensees except power reactors. Power reactors are exempt from this proposed rule because they are already required under 10 CFR 50.34a to identify, in their application, design objectives and the means to be employed for keeping doses to members

of the public from air effluents ALARA. Appendix I to Part 50 contains the numerical guidelines to meet this requirement.

In addition to the discussion above, the Commission is soliciting comments on the question of whether the 10 mrem constraint should be established in 10 CFR Part 20, as proposed, or whether it should be established separately in each appropriate Part of Title 10 instead.

Regulatory Guide

Regulatory Guide 8.37, —ALARA Levels for Effluents From Materials Facilities,— is being modified to reflect the introduction of the constraint on air emissions in the proposed rule and to identify those methods acceptable to the NRC for implementing the rule. To afford members of the public with an opportunity to comment on the rule and guide as a complete package, publication of the guide for comment is expected to be coincident with publication of the proposed rule, or within a few weeks of the date of publication of the proposed rule.

Agreement State Compatibility

Section 116 of the CAA authorizes individual States to establish more restrictive requirements than those presented in Subpart I. In view of the CAA precedent, the NRC staff is recommending that this rule be a Division 2 matter of compatibility under the existing compatibility policy. As such, Agreement States could choose to adopt a rule which is more restrictive but no less restrictive than the one approved by the Commission.

The NRC is in the process of revising its compatibility policy and has issued a proposed policy for public comment (59 FR 37269; July 21, 1994). Although the compatibility policy has not yet been finalized, the NRC anticipates that a similar level of Agreement State compatibility will be required for air emissions under the new policy as is required under a Division Level 2 designation.

Finding of No Significant Environmental Impact

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in Subpart A of 10 CFR Part 51, that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and therefore an environmental impact statement is not required. This action is not expected to have any significant environmental impact because the programs would provide equivalent protection. Actual

air emissions are not expected to change. The changes would be procedural methods for demonstrating compliance and inspection procedures. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection and photocopying for a fee at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq). This rule has been submitted to the Office of Management and Budget (OMB) for review and approval of the information collection requirements.

The public reporting burden for this collection of information is estimated to average 80 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The U.S. Nuclear Regulatory Commission is seeking public comment on the potential impact of the collection of information contained in the proposed rule and on the following issues:

1. Is the proposed collection of information necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility?
2. Is the estimate of burden accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the collection of information be minimized, including the use of automated collection techniques?

Send comments on any aspect of this proposed collection of information, including suggestions for reducing the burden, to the Information and Records Management Branch (T-6 F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0011, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0014), Office of Management and Budget, Washington, DC 20503.

Comments to OMB on the collections of information or on the above issues should be submitted by January 12, 1996. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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, 2120 L Street NW. (Lower Level), Washington, DC. Single copies of the analysis may be obtained from Charleen T. Raddatz, (301) 415-6215.

The Commission requests public comment on the draft 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 certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. This rule only impacts NRC licensees with emissions of significant quantities of radioactive material. This category of licensee includes only a few small businesses.

Backfit Analysis

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

List of Subjects In 10 CFR Part 20

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

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 Part 20.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

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

Authority: Secs. 53, 63, 65, 81, 103, 104, 161, 182, 186, 68 stat. 930, 933, 935, 936, 937, 948, 953, 955, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232, 2236, 2297f); secs. 201, as amended, 202, 206, 88 stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

2. In § 20.1003, the definition of Constraint is added to read as follows:

§ 20.1003 Definitions.

* * * * *

Constraint (dose constraint) means a value above which specified licensee actions are required.

* * * * *

3. In § 20.1101 paragraph (d) is added to read as follows:

§ 20.1101 Radiation protection programs

* * * * *

(d) To implement the ALARA requirements of § 20.1101(b), and notwithstanding the requirements in § 20.1301 of this part, licensees other than those subject to §§ 50.34a or 50.36b, shall constrain air emissions of radioactive materials other than radon-222 so that the individual member of the public likely to receive the highest dose will not be expected to receive a dose in excess of 10 mrem/yr TEDE from these emissions. If a licensee subject to this requirement exceeds this dose constraint, the licensee shall report the exceedance as provided in § 20.2203 and promptly take appropriate corrective action to ensure against recurrence.

4. In § 20.2203 a new paragraph (a)(2)(vi) is added and the section heading and paragraph (b)(1)(iv) are revised to read as follows:

§ 20.2203 Reports of exposures, radiation levels, and concentrations of radioactive material exceeding the constraints or limits.

(a) * * *

(2) * * *

(vi) The ALARA constraints for air emissions established under § 20.1101(c); or

(b) * * *

(1) * * *

(iv) Corrective steps taken or planned to ensure against a recurrence, including the schedule for achieving conformance with applicable limits, ALARA constraints, generally applicable environmental standards, and associated license conditions.

* * * * *

Dated at Rockville, Maryland, this 7th day of December, 1995.

For the Nuclear Regulatory Commission.
John C. Hoyle,
Secretary of the Commission.
[FR Doc. 95-30334 Filed 12-12-95; 8:45 am]
BILLING CODE 7590-01-P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards; Waiver of the Nonmanufacturer Rule

AGENCY: Small Business Administration.
ACTION: Notice of intent to waive the nonmanufacturer rule for minicomputers.

SUMMARY: The Small Business Administration (SBA) is considering granting a waiver of the Nonmanufacturer Rule for Minicomputers. A Minicomputer is "a digital computer whose price and capability lies above that of a personal computer or workstation, and below that of a mainframe computer" as defined by the Ralston and Reilly Encyclopedia of Computer Science Third Edition. The SBA adds that most Minicomputers are run in a closed-shop environment, with the user acting as operator, programmer, and application analyst. The basis for a waiver of the Nonmanufacturer Rule for this product is that there are no small business manufacturers or processors available to supply these products to the Federal Government. The effect of a waiver would be to allow otherwise qualified regular dealers to supply other than the product of a domestic small business manufacturer or processor on a Federal contract set aside for small businesses or awarded through the SBA 8(a) Program. The purpose of this notice is to solicit comments and potential source information from interested parties.

DATES: Comments and sources must be submitted on or before December 29, 1995.

ADDRESSES: David Wm. Loines, Procurement Analyst, U.S. Small Business Administration, 409 3rd Street S.W., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: David Wm. Loines, 202-205-6475.

SUPPLEMENTARY INFORMATION: Public law 100-656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set-aside for small businesses or the SBA 8(a) Program procurement must provide the product of a small business manufacturer or processor, if the recipient is other than the actual