

Rules and Regulations

Federal Register

Vol. 61, No. 24

Monday, February 5, 1996

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

7 CFR Part 2903

Office of Energy; Availability of Information

AGENCY: Office of Energy, USDA.

ACTION: Final rule.

SUMMARY: This document removes the regulations of the Office of Energy (OE) regarding the availability of information to the public in accordance with the Freedom of Information Act (FOIA) to reflect an internal reorganization of the Department of Agriculture (USDA).

EFFECTIVE DATE: February 5, 1996.

FOR FURTHER INFORMATION CONTACT:

Stasia A.M. Hutchison, FOIA Coordinator, Information Staff, Agricultural Research Service, USDA, 6303 Ivy Lane, Room 456, Greenbelt, MD 20770, Telephone (301) 344-2207.

SUPPLEMENTARY INFORMATION: The FOIA (5 U.S.C. 552(a)(1)) requires Federal agencies to publish in the Federal Register regulations describing how the public may obtain information from the agency. Part 2903 of Title 7, Code of Federal Regulations, was issued in accordance with the regulations of the Secretary of Agriculture at 7 CFR Part 1, Subpart A, implementing FOIA.

Pursuant to an internal reorganization of USDA, OE has been integrated into the Economic Research Service (ERS), USDA. This document removes 7 CFR Part 2903. Requests for information relating to OE may be obtained through the FOIA Coordinator for ARS pursuant to 7 CFR Part 1, Subpart A, and 7 CFR Part 3701.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the Federal Register. Further, since this rule relates

to internal agency management, it is exempt from the provisions of Executive Orders 12778 and 12866. Also, this rule will not cause a significant economic impact or other substantial effect on small entities. Therefore, the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., do not apply.

List of Subjects in 7 CFR Part 2903

Freedom of Information.

Accordingly, under the authority of 5 U.S.C. 301 & 552, Part 2903 is removed.

Done at Washington, DC, this 26th day of January, 1996.

Susan Offutt,

Administrator, Economic Research Service.

[FR Doc. 96-2351 Filed 2-2-96; 8:45 am]

BILLING CODE 3410-18-M

DEPARTMENT OF ENERGY

10 CFR Parts 830 and 835

Office of the General Counsel; Ruling 1995-1; Ruling Concerning 10 CFR Parts 830 (Nuclear Safety Management) and 835 (Occupational Radiation Protection)

AGENCY: Department of Energy.

ACTION: Notice of Ruling 1995-1.

SUMMARY: The Department of Energy (DOE) has issued Ruling 1995-1 which interprets certain regulatory provisions relating to DOE's nuclear safety requirements. This Ruling is intended to be a generally applicable clarification that addresses questions concerning the applicability and effect of these provisions.

FOR FURTHER INFORMATION CONTACT: Ben McRae, Office of the Assistant General Counsel for Civilian Nuclear Programs, Room 6A 167, Forrestal Building, 1000 Independence Ave., SW., Washington DC 20585; telephone (202) 586-6975.

SUPPLEMENTARY INFORMATION:

Department of Energy's Ruling 1995-1

A. Introduction

The Assistant Secretary for Environment, Safety and Health has requested that the General Counsel respond to several questions regarding nuclear safety regulations 10 CFR Parts 830 (Nuclear Safety Management) and 835 (Occupational Radiation Protection).

This ruling responds to those questions and constitutes an interpretation under Subpart D of 10 CFR Part 820.¹

B. Questions and Responses

1. Is the scope of either Part 830 or Part 835 limited to those facilities or activities involving byproduct, source, or special nuclear materials, as defined in the Atomic Energy Act?

No, neither Part 830 nor 835 is limited to activities or facilities involving byproduct, source, or special nuclear material. The requirements in Parts 830 and 835 cover all activities under DOE's auspices with the potential to cause radiological harm. These rules are promulgated pursuant to section 161 of the Atomic Energy Act of 1954, as amended (AEA). Section 161b. of the AEA authorizes the Department to promulgate rules "to govern the possession and use of special nuclear material, source material, and byproduct material" and section 161i. authorizes the Department to prescribe such regulations as it deems necessary to govern any activity authorized pursuant to the AEA, specifically including standards for the protection of health and minimization of danger to life or property.

Although most sources of ionizing radiation are encompassed by the terms "byproduct material," "source material" and "special nuclear material," some sources, such as machine-produced radioactive material, are not. Because all ionizing radiation has the potential to cause harm, the Department did not limit the application of the nuclear safety requirements in Parts 830 and 835

¹ Subpart D of Part 820 sets forth the procedural framework for issuing an interpretation, which is defined in Part 820.2(a) to mean:

A statement by the General Counsel concerning the meaning or effect of the [Atomic Energy] Act, a Nuclear Statute, or a DOE Nuclear Safety Requirement which relates to a specific factual situation but may also be a ruling of general applicability where the General Counsel determines such action to be appropriate.

Sections 820.50, .51 and .52 state:

The General Counsel shall be * * * responsible for formulating and issuing any interpretation * * * [and] may utilize any procedure which he deems appropriate to comply with his responsibilities under this subpart. * * * Any written or oral response to any written or oral question which is not provided pursuant to this subpart does not constitute an interpretation and does not provide any basis for action inconsistent with the [Atomic Energy] Act, a Nuclear Statute, or a DOE Nuclear Safety Requirement.