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DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 868

RIN 0580–AA48

Fees for Commodity Inspection

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS), a program of the Grain Inspection, Packers and Stockyards Administration (GIPSA), is increasing and establishing new fees charged for inspection services for commodities, other than rice, performed under the Agricultural Marketing Act of 1946 (AMA).

These revisions are designed to generate revenue sufficient to cover, as nearly as practicable, the projected operating costs, including related supervisory and administrative costs, for commodity inspection services rendered and to maintain an appropriate operating reserve.

EFFECTIVE DATE: February 18, 1997.

FOR FURTHER INFORMATION CONTACT: George Wollam, USDA-GIPSA-ART, Room 0623–South Building, Stop 3649, 1400 Independence Avenue, S.W., Washington, D.C., 20250–3649, Telephone (202) 720–0292, or FAX (202) 720–4628, or E-Mail—gwollam@fgishq.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget. The revisions are designed to generate revenue sufficient to recover the operating costs for commodity inspection services and to maintain an appropriate operating reserve. FGIS is making the following changes: increase the hourly and unit fees for commodity inspection services; begin charging actual travel costs for airlines, rental cars, etc., and per diem for travel beyond 25 miles of an official assigned duty location; begin charging for sanitation inspections, pre-inspection conferences, and related services; establish new hourly fees at time and one-half for service provided on Saturdays, Sundays, and Federal holidays; eliminate the provisions for entering into a contract for service; and change the fee structure for stowage examinations from an hourly rate to a unit fee.

Fees for commodity inspection services were last increased on June 28, 1984 (49 FR 26547). For nearly 10 years, the 1984 fee schedule sufficiently recovered operating expenses and maintained a minimum 3-month operating reserve. However, by fiscal year (FY) 95, increased operating costs, coupled with reductions in the number of services requested, rendered the 1984 fee schedule inadequate for generating sufficient revenue to cover operating expenses. The operating reserve, which has been funding losses to the commodity inspection program for the past 4 years, was drawn down to the minimum 3-month operating reserve. Given these conditions, the Administrator of GIPSA determined that a fee revision was necessary to meet rising costs and maintain an adequate reserve balance.

Executive Order 12998

This final rule has been reviewed under Executive Order 12998, Civil Justice Reform. It is not intended to have a retroactive effect, nor will this final rule preempt any State or local laws, regulations, or policies unless they present irreconcilable conflict with this rule. No administrative procedures must be exhausted prior to any judicial challenge to the provisions of this rule.

Regulatory Flexibility Act Certification

Pursuant to the requirements set forth in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA), GIPSA has considered the economic impact of this action on small entities. The main users of GIPSA's official commodity inspection services are under contract from the Department of Agriculture. Some of these are small entities under the criteria established by the Small Business Administration (13 CFR 121.601). This rule will revise the fees charged to businesses for voluntary commodity inspection services. Even though fees will be raised, the increase is small and will not significantly affect these entities. These businesses are under no obligation to use the inspection services, and any decision on their part to discontinue use of the services would not prevent them from marketing their products.

The final rule reflects fee revisions needed to cover the costs of commodity inspection services rendered in accordance with the AMA. James R. Baker, Administrator, GIPSA, has certified that this final rule will not have a significant economic impact on a substantial number of small entities, as defined in the RFA.

Since FY 90, there has been a 40 percent decrease in the amount of commodity inspections requested. The commodity inspection program experienced a $1,642,720 loss (revenue $4,011,116 and cost $5,468,059) during FY 95. The commodity program's retained earnings are currently −$60,383. Further losses are projected if adjustments to the existing fee schedule are not made.

Information Collection and Record Keeping Requirements

In compliance with the Paperwork Reduction Act of 1980 (44 U.S.C. 35), the previously approved information collection and recordkeeping requirements for applications for inspection services, including official commodity inspections, have been approved by the Office of Management and Budget under control number 0580–0013.

Background

On July 8, 1996, FGIS proposed in the Federal Register (61 FR 35687) to revise fees charged for inspection services for commodities, other than rice, performed under the AMA: Increase hourly and unit fees; charge actual travel and per diem costs; charge for sanitation inspections, pre-inspection conferences, and related services; establish hourly fees at time and one-half for service provided on Saturdays, Sundays, and Federal holidays; eliminate the provisions for entering into a contract for service; and change the fee structure

for stowage examinations from an hourly rate to a unit fee.

The commodity inspection fees were last amended effective June 28, 1984 (49 FR 26547). These fees were to cover, as nearly as practicable, the operating costs for the program.

The majority of processed commodity inspections performed under the AMA are on purchases made by the Department of Agriculture's Farm Service Agency (FSA), formerly the Agricultural Stabilization and Conservation Service. Historically, approximately 92 percent of the services performed have been for FSA purchases. Defense Personnel Support Center (DPSC) inspections account for approximately 2 percent of the inspections; the remaining 6 percent are performed under nongovernment contracts. Approximately 65 percent of graded commodity inspections are for government purchases, and the remaining 35 percent are for commercial sales.

Several actions have caused a general decrease in the number of inspections performed for both graded and processed commodities. Beginning in FY 92, FSA commodity purchases began to decline as a result of the success of a market-oriented farm program that virtually eliminated government-owned commodity grain stocks and, in turn, the portion of processed commodities derived from these stocks. In addition, in FY 94, responsibility for inspecting many products for DPSC was transferred from FGIS to the Agricultural Marketing Service.

Processed commodities comprise approximately 90 percent of the program's revenue. In FY 91, FGIS inspected 26,218 lots. By FY 92, the number of inspected lots dropped to 24,004; in FY 93, 17,494 lots were inspected; and FY 94 saw a slight increase to 19,664. In FY 95, however, the total again decreased to 15,065, or a 43 percent reduction from the number of lots inspected in FY 91. Corresponding decreases have also been experienced for graded commodities.

Revenue collected in FY 91 totaled $6,562,940 and operating costs totaled $5,987,299, for a positive margin of $575,570. Revenue in FY 92 dropped to $5,158,903 due to the decrease in inspections and resulted in a $179,396 loss to the program. Losses were incurred in each of the following years: $1,184,602 in FY 93, $764,865 in FY 94, and $1,456,944 in FY 95. At the same time, FGIS reduced operating costs for the program from $5,987,370 in FY 91 to $5,468,059 in FY 95.

FGIS maintains an operating reserve specifically to cover the cost of shutting down the program in case of an emergency. Agency policy is to maintain the reserve at a level equal to 3 months of operating expenses. In FY 91, the reserve was $4,942,934, which represented 10 months of operating costs. The loss of $179,396 in FY 92 was covered by this reserve.

In FY 92, FGIS reviewed the program's operating reserve to determine if the fund was being maintained at an adequate level. The Agency determined that, while the level exceeded the 3-month reserve minimum, it would not be prudent to decrease the reserve because of anticipated downturns in the number of service requests and the consequent need to cover program losses while restructuring the program.

Again in FY 93, the $1,184,602 loss was covered by the reserve, which was drawn down to a year-end total of $3,889,429. Even with the loss, the fund still represented an 8.5-month reserve. By FY 94, the reserve had dropped to $3,173,033, or the equivalent of 7 months' operating costs. The losses incurred in FY 95 reduced the margin to $1,716,090, which is a 3.2-month reserve and represents the target level for the fund.

In FY 94, FGIS responded to the decline in services requests by initiating a field restructuring plan that continued into FY 95. During this time period, three field offices and one suboffice that were directly involved with providing services were closed and consolidated. This eliminated the cost of maintaining a field office and streamlined overall operations. On two separate occasions, retirement incentives (buyouts) were offered to employees which reduced the staffing levels in this program. Other personnel were transferred to field offices and redirected to other programs. In FY 91, approximately 103 staff years were devoted to this program. By FY 95, the staffing level had been reduced by 35 percent to 67 staff years. The FY 95 level of 15,065 services performed is expected to remain fairly constant in the future. Large numbers of service requests, as seen in the late 1980's and early 1990's, are not forecasted. However, further losses are projected if adjustments to the fee schedule are not made.

Due to reduced and sporadic FSA purchases, efficiencies gained through volume inspections have disappeared. Fluctuations in service demand have increased, even at locations that routinely requested service on a daily basis. These changes have impacted on FGIS' ability to maintain qualified staff at some locations and especially those that are large distances from a field office. In addition, there has been an increase in the proportion of inspections requested by facilities that may need service only one or two weeks per year. Many of these locations are far from field offices. The result is a great deal of long-distance travel from field offices to remote locations for one or two week jobs. Such travel has increased operating costs and, in some instances, has offset the savings gained through the restructuring.

The 1984 fee schedule was designed to recover all costs associated with performing commodity inspection service, including overtime, travel, per diem, and other related services. For nearly 10 years, the 1984 fee schedule generated sufficient revenue to cover operating expenses. This was due, in large part, to continuously improved efficiencies in service delivery and strong market demand for inspection services. Although additional cost saving measures were implemented during FYs 94 and 95, operating expenses and service demand have reached a level at which the 1984 fee schedule no longer generates sufficient revenue to cover costs of providing service.

Since FY 90, there has been a 40 percent decrease in the amount of commodity inspections requested. The commodity inspection program experienced a $1,681,261 loss (revenue $4,011,116 and cost $5,468,059) during FY 95. During FY 96, the commodity program experienced a $1,741,644 loss (revenue $3,458,751 and cost $5,200,395) resulting in an end-of-year operating reserve of −$60,383, and forcing GIPSA to borrow funds from other fee programs.

Based on this information, GIPSA has determined that, under the proposed fee structure, it will be unable to reach a 3-month operating reserve until FY 99. Once the 3-month reserve is attained, fees will be adjusted at least once every 2 years, either upward or downward as necessary, to keep the program operating on a financially sound basis.

Comment Review

FGIS received two comments during the 30-day comment period. One commentor agreed with all proposed increases of existing fees and the establishment of new fees with the exception of charging for travel at actual cost to the Agency. The commentor urged FGIS to consider implementing a more balanced rate structure that will allocate travel costs on a more equitable basis between nearby and remote facilities. FGIS must recover all costs associated with the inspection process in order to be able to provide quality

inspection services. There will always be applicants that are far removed from an office no matter how many offices are maintained. FGIS can contemplate no other more equitable rate structure than recovery of actual travel costs in the manner it charges for travel necessary for official inspections.

The other commentor dealt exclusively with the proposed change in payment for stowage examinations from an hourly rate to a unit fee. They suggested that FGIS increase its hourly rate to recover its cost for this service. They suggest that implementing a unit fee will result in poorer service and higher costs that will negatively impact the Nation's farmers and the shipping industry transporting those commodities, and reduce the Nation's role in foreign trade with respect to grain and other agricultural commodities. FGIS does not agree that implementation of a unit fee will result in poorer service; in fact, it should have the opposite effect. It is true that some applicants for stowage examinations will see significant increases over currently charged fees, the current rate structure was not recovering costs for stowage examinations and, therefore, needed revision.

Final Action

Section 203 of the AMA (7 U.S.C. 1622) provides for the establishment and collection of fees that are reasonable and, as nearly as practicable, cover the costs of the services rendered. In accordance with this section, FGIS makes the following changes to maintain the current commodity inspection program: (1) increase hourly and unit fees; (2) charge actual travel and per diem costs; (3) charge for sanitation inspections, pre-inspection conferences, and related services; (4) establish hourly fees at time and one-half for service provided on Saturdays, Sundays, and Federal holidays; (5) eliminate the provisions for entering into a contract for service; and (6) change the fee structure for stowage examinations from an hourly rate to a unit fee.

1. Hourly Rates

The new hourly rates are divided into two categories: Regular Workday (Monday through Friday) and Nonregular Workday (Saturday, Sunday, and Holiday). Section 868.90, Table 1 and 3, currently define Saturday as a Regular Workday. The revised Table 1 defines a Nonregular Workday as a Saturday, Sunday, and Holiday, and the hourly rate reflects time and one-half paid to employees. In addition, the two separate hourly rates for Regular and Nonregular Workdays contained in Tables 1 and 3 are combined into one set of hourly rates in a revised Table 1 that covers all services.

Section 868.90, Tables 1 and 3, currently provide for reduced hourly fees for applicants who elect to enter into a contract with FGIS. No applicants have used this provision since it was introduced in 1984. Because the current trends of decreasing service requests and increasing demand fluctuations indicate less likelihood for applicants to use this provision in the future, it is eliminated.

The rate for a Regular Workday will increase to $33.00 and a Nonregular Workday will increase to $42.80. These new hourly fees cover FGIS' administrative and supervisory costs for the performance of official services. These costs include personnel compensation and benefits, rent, communications, utilities, contractual services, supplies, and equipment.

2. Unit Rates

Section 868.90, Table 2, currently provides unit fees for the grading of beans, peas, lentils, hops, and other nongraded, nonprocessed commodities. These rates are increased and the current Table 2 is deleted and combined with proposed Table 1. The new unit rates cover FGIS' administrative and supervisory costs for performing the official service, including costs for personnel compensation and benefits, rent, communication, utilities, contractual services, supplies, and equipment.

3. Travel and Per Diem

FGIS is making changes to § 868.92 of the regulations concerning the application of fees covered in Table 1. Specifically, service, as provided under § 868.90, Table 1, will include service provided within 25 miles of the employee's assigned duty point. Travel, per diem, and other related costs will be assessed for providing service beyond the 25-mile limit. Section 868.91, Table 1, Fees for certain Federal rice inspection services, remains unchanged; travel, per diem, and other related costs continue to be included in the hourly rate.

4. Services Other Than Inspections

FGIS is changing the fee structure for stowage examinations from an hourly fee that recovers all costs to a service-specific fee structure currently funded by the hourly rate. The service-specific fee will be a unit fee and applies only to stowage examinations.

FGIS is revising Table 1, Footnote 1 to include provisions for charging for sanitation examinations, pre-inspection conferences, and other related services for which FGIS does not currently charge.

5. Fees for Laboratory Testing Services

Fees for Laboratory Test Services, Table 4, Fees for Official Laboratory Test Services Performed at the FGIS Commodity Testing Laboratory at Beltsville, Maryland, for Processed Agricultural Products, is revised to read: Table 2—Commodity Testing Laboratory, Kansas City, Missouri. Also, this final rule makes a conforming change to delete reference to ''noncontract'' hourly rates from Footnote 2.

List of Subjects in 7 CFR Part 868

Administrative practice and procedure, Agricultural commodities.

For reasons set out in the preamble, 7 CFR part 868 is amended as follows:

PART 868—GENERAL REGULATIONS AND STANDARDS FOR CERTAIN AGRICULTURAL COMMODITIES

1. The authority citation for part 868 continues to read as follows:

Authority: Secs. 202–208, 60 Stat. 1087, as amended (7 U.S.C. 1621 *et. seq.*)

2. Section 868.90 is revised to read as follows:

§ 868.90 Fees for certain Federal inspection services.

(a) The fees shown in Table 1 apply to Federal Commodity Inspection Services specified below.

TABLE 1.—HOURLY RATES [1] [3]

[Fees for Inspection of Commodities Other Than Rice]

Hourly Rates (per service representative):	
Monday to Friday —$33.00	
Saturday, Sunday, and Holidays—$42.80	
Miscellaneous Processed Commodities [2]:	
(1) Additional Tests (cost per test, assessed in addition to the hourly rate):	
(i) Aflatoxin Test (Thin Layer Chromatography)	$51.40
(ii) Falling Number	$12.00
(iii) Aflatoxin Test Kit	$7.50
Graded Commodities (Beans, Peas, Lentils, Hops, and Pulses):	
(1) Additional Tests—Unit Rates (Beans, Peas, Lentils):	
(i) Field run (per lot or sample)	$22.70
(ii) Other than field run (per lot or sample)	$13.50
(iii) Factor analysis (per factor)	$5.50
(2) Additional Tests—Unit Rates (Hops):	
(i) Lot or sample (per lot or sample)	$29.00
(3) Additional Tests—Unit Rates (Nongraded Nonprocessed Commodities):	
(i) Factor analysis (per factor)	$5.50
(4) Stowage examination (service-on- request) [4]	
(i) Ship (per stowage space)	§ 50.00 (minimum $250 per ship)
(ii) Subsequent ship examinations (same as original)	(minimum $150 per ship)
(iii) Barge (per examination)	$40.00
(iv) All other carriers (per examination)	$15.00

[1] Fees for original commodity inspection and appeal inspection services include, but are not limited to, sampling, grading, weighing, stowage examinations, pre-inspection conferences, sanitation inspections, and other services requested by the applicant and that are performed within 25 miles of the field office. Travel and related expenses (commercial transportation costs, mileage, and per diem) will be assessed in addition to the hourly rate for service beyond the 25-mile limit. Refer to § 868.92, Explanation of service fees and additional fees, for all other service fees except travel and per diem.

[2] When performed at a location other than the Commodity Testing Laboratory.

[3] Faxed and extra copies of certificates will be charged at $1.50 per copy.

[4] If performed outside of normal business, 1½ times the applicable unit fee will be charged.

(b) In addition to the fees, if any, for sampling or other requested service, a fee will be assessed for each laboratory test (original, retest, or appeal) listed in Table 2 of this section.

(c) If a requested test is to be reported on a specified moisture basis, a fee for a moisture test will also be assessed.

(d) Laboratory tests referenced in Table 2 of this section will be charged at the applicable laboratory fee when performed at field locations other than at the applicant's facility.

TABLE 2.—FEES FOR LABORATORY TEST SERVICES [1]

Laboratory tests	Fees
(1) Alpha monoglycerides	$18.00
(2) Aflatoxin test (other than TLC or Minicolumn method)	22.50
(3) Aflatoxin (TLC)	48.00
(4) Aflatoxin (Minicolumn method)	25.00
(5) Appearance & odor	3.00
(6) Ash	8.50
(7) Bacteria count	10.00
(8) Baking test (cookies)	28.00
(9) Bostwick (cooked)	12.60
(10) Bostwick (uncooked/cook test/ dispersibility)	6.50
(11) Brix	8.00
(12) Calcium	12.50
(13) Carotenoid color	12.50
(14) Cold test (oil)	10.00
(15) Color test (syrups)	6.50
(16) Cooking test (other than corn soy blend)	7.00

TABLE 2.—FEES FOR LABORATORY TEST SERVICES [1]—Continued

Laboratory tests	Fees
(17) Crude fat	10.00
(18) Crude fiber	13.00
(19) Dough handling (baking)	8.50
(20) E. coli	19.00
(21) Falling number	12.00
(22) Fat (acid hydrolysis)	14.00
(23) Fat stability (A.O.M.)	27.00
(24) Flash point (open & close cup)	14.00
(25) Free fatty acid	12.00
(26) Hydrogen ion activity (ph)	9.50
(27) Iron enrichment	15.00
(28) Iodine number/value	9.50
(29) Linolenic acid (fatty acid profile)	50.00
(30) Lipid phosphorous	47.00
(31) Livibond color	10.00
(32) Margarine (nonfat solids)	23.60
(33) Moisture	6.00
(34) Moisture average (crackers)	4.00
(35) Moisture & volatile matter	8.50
(36) Performance test (prepared bakery mix)	32.00
(37) Peroxide value	13.50
(38) Phosphorus	14.00
(39) Popcorn kernels (total defects)	19.00
(40) Popping ratio/value popcorn	19.00
(41) Potassium bromate	20.00
(42) Protein	7.50
(43) Rope spore count	31.50
(44) Salmonella	40.00
(45) Salt or sodium content	12.50
(46) Sanitation (filth light)	24.00
(47) Sieve test	5.00
(48) Smoke point	22.00
(49) Solid fat index	85.00
(50) Specific volume (bread)	21.80

TABLE 2.—FEES FOR LABORATORY TEST SERVICES [1]—Continued

Laboratory tests	Fees
(51) Staphylococcus aureus	24.50
(52) Texture	6.50
(53) Tilletia controversa kuhn (TCK) (Qualitative)	25.20
(54) Tilletia controversa kuhn (TCK) (Quantitative)	76.00
(55) Unsaponifiable matter	25.00
(56) Urease activity	12.50
(57) Visual exam (hops pellet)	7.50
(58) Visual exam (insoluable impurities oils & shortenings)	5.00
(59) Visual exam (pasta)	10.50
(60) Visual exam (processed grain products)	12.00
(61) Visual exam (total foreign material other than cereal grains)	6.50
(62) Vitamin enrichment	7.00
(63) Vomitoxin (TLC)	40.00
(64) Vomitoxin (Qualitative)	30.00
(65) Vomitoxin (Quantitative)	40.00
(66) Water activity	20.00
(67) Wiley melting point	12.50
(68) Other laboratory tests	[2]

[1] When laboratory test service is provided for GIPSA by a private laboratory, the applicant will be assessed a fee which, as nearly as practicable, covers the costs to GIPSA for the service provided.

[2] Fees for other laboratory tests not referenced in this table will be based on the applicable hourly rate listed in Table 1 of this section.

3. Section 868.92(a)(2) is revised to read as follows:

§ 868.92 Explanation of service fees and additional fees.

(a) * * *

(2) The cost of per diem, subsistence, mileage, or commercial transportation to perform the service for rice inspection only in § 868.91, Table 1. See § 868.90, Table 1, footnote 1, for fees for inspection of commodities other than rice.

* * * * *

Dated: December 13, 1996.

Michael V. Dunn,

Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96–32080 Filed 12–17–96; 8:45 am]

BILLING CODE 3410–EN–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

RIN 3150–AD63

Environmental Review for Renewal of Nuclear Power Plant Operating Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations on the environmental review of applications to renew the operating licenses of nuclear power plants to make minor clarifying and conforming changes and add language inadvertently omitted from Table B–1 of the rulemaking published June 5, 1996 (61 FR 28467). This final rule also presents an analysis of the comments received and the staff responses to the comments requested in the final rule published June 5, 1996. After reviewing the comments received, the NRC has determined that no substantive changes to the final rule are warranted.

EFFECTIVE DATE: This final rule shall be effective on January 17, 1997.

ADDRESSES: Copies of comments received and all documents cited in the supplementary information section of 61 FR 28467 may be examined at the NRC Public Document Room, 2120 L Street NW, (Lower Level) Washington, DC, between the hours of 7:45 am and 4:15 pm on Federal workdays.

FOR FURTHER INFORMATION CONTACT: Donald P. Cleary, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–6263; e-mail DPC@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Commission has amended its environmental protection regulations in 10 CFR Part 51 to improve the efficiency of the process of environmental review for applicants seeking to renew a nuclear power plant operating license for up to an additional 20 years. The final rule containing these amendments was published in the Federal Register on June 5, 1996 (61 FR 28467). The amendments are based on the analyses reported in NUREG–1437, ''Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants'' (May 1996). At several stages in the development of the rule the Commission sought public comment by means of notices in the Federal Register and public workshops. The history of this rulemaking is summarized in the June 5, 1996 notice (61 FR 28469). Prior to the final rule becoming effective, the Commission believed it appropriate to seek comments on the treatment of low-level waste storage and disposal impacts, the cumulative radiological effects from the uranium fuel cycle, and the effects from the disposal of high-level waste and spent fuel. In a supplemental notice published on July 18, 1996 (61 FR 37351), the Commission extended the comment period for these issues to August 5, 1996, and indicated that the final rule would become effective on September 5, 1996, absent notice from the Commission to the contrary. The Commission has reviewed the comments submitted and finds no need to amend the substantive provisions of the rule.

This final rule amends the June 5, 1996 rule with minor nonsubstantive changes. The changes are: addition of five Ground-water Use and Quality issues inadvertently left out of Table B–1 in the June 5, 1996 notice (see, 61 FR 29278, July 29, 1996); minor conforming changes to reflect recent amendments to §§ 51.53 and 51.95 effected by a separate rulemaking (''Decommissioning of Nuclear Power Reactors,'' July 29, 1996 (61 FR 39278)); substitution of one sentence under Findings for the issue ''Offsite radiological impacts (spent fuel and high-level waste disposal)'' in Table B–1, in order to more accurately represent a U.S. Environmental Protection Agency (EPA) regulatory position; a word substitution in 10 CFR 51.53(c)(3)(ii)(M), in order to clarify the information on the environmental effect of transportation of fuel and waste to and from a nuclear power plant that is to be submitted with a license renewal application; and minor clarifying changes to the text in Table B–1 concerning chronic effects of electromagnetic fields.

II. Analysis of Public Comments

A. Commenters.

In response to the Federal Register notice for the final rule published on June 5, 1996 (61 FR 28467), 11 organizations and 1 private citizen submitted written comments. The 11 organizations included the EPA; the States of Maryland, Massachusetts, and Vermont; the Nuclear Energy Institute, and 6 licensees. Commenters expressed concerns about specific aspects of the rule and several commenters referred to material in NUREG–1437 which they believe to be inaccurate or ambiguous. Other than one State, the commenters expressed that the rule should be revised to address their concerns. The seven commenters from the nuclear power industry stated that their concerns should be addressed by supplemental rulemaking and should not delay the effective date of the rule as published in 61 FR 28467. The Commission assumes that EPA, two States, and the private individual intend for their concerns to be addressed by revising the final rule and final GEIS now rather than by supplemental rulemaking. These specific concerns and how and when they should be resolved are addressed below.

B. Radioactive Waste Storage and Disposal, and Cumulative Radiological Effects of the Uranium Fuel Cycle

Comment. The two commenting States expressed concern over the prospect of long-term storage of high-level waste (HLW) at reactor sites. One State also expressed concern over the prospect of long-term storage of low-level waste (LLW) at reactor sites. This State believes that ''the Commission should establish a policy which would condition license renewal to a resolution of radioactive waste disposal issues.'' One State believes that provisions in NRC's regulations for addressing significant new information and the 10-year cycle for reviewing the continued appropriateness of the conclusions codified by the rule are not adequate with respect to the issues of on-site storage and disposal of HLW; and, therefore, site-specific environmental review should be required for these issues, i.e., these issues should be designated Category 2. A third State believes that a Category 1 designation is appropriate for these issues, i.e., findings for the issue codified in the rule may be adopted in site-specific license renewal reviews,