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NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

RIN 3150-AF99

Transfer for Disposal and Manifests; Minor Technical Conforming Amendment

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations concerning low-level waste shipment manifest information. The currently effective codified regulations (CFR) include a dual implementation procedure that allows use of one of two manifesting procedures. The use of new manifesting requirements, which were promulgated on March 27, 1995, became mandatory on March 1, 1998. Therefore, this action is necessary to remove expired provisions from the regulations. An additional correction is being made to the scope section of this part to rectify an inadvertent change.

EFFECTIVE DATE: November 20, 1998.

FOR FURTHER INFORMATION CONTACT: Mark Haisfield, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6196, e-mail MFH@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

The purpose of these amendments to 10 CFR Part 20 are to: (1) Issue technical conforming changes to §§ 20.1009 and 20.2006 and appendix F; and (2) correct an inadvertent change made to § 20.1002. The amendments are necessary to restore the most current and complete version of the section concerning the information collection requirements approved by the Office of

Management and Budget (OMB) and to remove information that refers to a time period that has now passed, and therefore is no longer applicable. The final rule entitled "Low-Level Waste Shipment Manifest Information and Reporting" (60 FR 15649; March 27, 1995) established a compliance period of almost 3 years before the use of the new manifesting requirements became mandatory. The mandatory effective date was March 1, 1998. Until the rule became mandatory, the NRC permitted the continued use of manifest requirements that were in effect before March 27, 1995. Therefore, Part 20 contains a dual implementation procedure that allows the use of either the old manifesting requirements or the new manifesting requirements. Because the use of the new requirements became mandatory on March 1, 1998, reference to the previous manifesting requirements is inappropriate and might cause confusion to users. This amendment will simplify the appropriate sections of the CFR by removing the now obsolete procedures.

The requirements in § 20.1009, "Information collection requirements: OMB approval," published as part of the final rule on March 27, 1995, became effective on March 1, 1998. However, in between its promulgation on March 27, 1995, and March 1, 1998, other changes have been made to Part 20 that required corresponding changes to this section. Therefore, when the March 27, 1995, rule became effective, it superseded approved changes to § 20.1009 made since March 27, 1995. This final rule will update § 20.1009 to restore the changes made to this section between March 27, 1995 and March 1, 1998.

Section 20.2006, "Transfer for disposal and manifests," is being revised to eliminate the option to use either appendix F or appendix G, eliminate reference to appendix F, and to require the use of appendix G, since appendix F is now obsolete.

Appendix F to Part 20, "Requirements for Low-Level Waste Transfer for Disposal at Land Disposal Facilities and Manifests," is being entirely removed and appendix F will be noted as "Reserved."

An additional amendment deals with an inadvertent change that was made to the scope section of Part 20 during the final rulemaking, "Criteria for the Release of Individuals Administered

Radioactive Material" (62 FR 4132 dated 1/29/97). The inadvertent change to this section eliminated the proper reference to Part 36, "Licenses and Radiation Safety Requirements for Irradiators" and to § 76.60 dealing with certification of gaseous diffusion plants.

Because these amendments deal with agency organization, practice, and procedure, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). The amendments will be effective 60 days after publication in the **Federal Register**.

Compatibility of Agreement State Regulations

Under "Policy Statement on Adequacy and Compatibility of Agreement State Programs," approved by the Commission on June 30, 1997, § 20.2006 and appendix F are listed as compatibility category "B." Under compatibility category B, the program elements have significant direct transboundary implications that the State should adopt with essentially identical language. Section 20.1009 is not applicable to the Agreement States. Section 20.1002 is listed as compatibility category "D." Under compatibility category D, this section is not required for purposes of compatibility; however, if adopted by the State, should be compatible with NRC.

Environmental Impact: Categorical Exclusion

The Commission has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paper Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval 3150-0014.

Public Protection Notification

If an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to

respond to, the collection of information.

Regulatory Analysis

A regulatory analysis has not been prepared for this final rule because this rule is considered a minor non-substantive amendment. It has no economic impact on NRC licensees or the public.

Backfit Analysis

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

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs, Office of Management and Budget.

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, Special nuclear material, Source 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. 552 and 553; the NRC is adopting 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. Section 20.1002 is revised to read as follows:

§ 20.1002 Scope.

The regulations in this part apply to persons licensed by the Commission to receive, possess, use, transfer, or dispose of byproduct, source, or special

nuclear material or to operate a production or utilization facility under parts 30 through 36, 39, 40, 50, 60, 61, 70, or 72 of this chapter, and in accordance with 10 CFR 76.60 to persons required to obtain a certificate of compliance or an approved compliance plan under Part 76 of this chapter. The limits in this part do not apply to doses due to background radiation, to exposure of patients to radiation for the purpose of medical diagnosis or therapy, to exposure from individuals administered radioactive material and released in accordance with § 35.75, or to exposure from voluntary participation in medical research programs.

3. Section 20.1009 is revised to read as follows:

§ 20.1009 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). 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. OMB has approved the information collection requirements contained in this part under control number 3150-0014.

(b) The approved information collection requirements contained in this part appear in §§ 20.1003, 20.1101, 20.1202, 20.1203, 20.1204, 20.1206, 20.1208, 20.1301, 20.1302, 20.1403, 20.1404, 20.1406, 20.1501, 20.1601, 20.1703, 20.1901, 20.1902, 20.1904, 20.1905, 20.1906, 20.2002, 20.2004, 20.2006, 20.2102, 20.2103, 20.2104, 20.2105, 20.2106, 20.2107, 20.2108, 20.2110, 20.2201, 20.2202, 20.2203, 20.2204, 20.2205, 20.2206, 20.2301, and appendix G to 10 CFR Part 20.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In § 20.2104, NRC Form 4 is approved under control number 3150-0005.

(2) In §§ 20.2106 and 20.2206, NRC Form 5 is approved under control number 3150-0006.

(3) In § 20.2006 and appendix G to 10 CFR Part 20, NRC Form 540 and 540A is approved under control number 3150-0164.

(4) In § 20.2006 and appendix G to 10 CFR Part 20, NRC Form 541 and 541A is approved under control number 3150-0166.

(5) In § 20.2006 and appendix G to 10 CFR Part 20, NRC Form 542 and 542A is approved under control number 3150-0165.

4. Section 20.2006 is revised to read as follows:

§ 20.2006 Transfer for disposal and manifests.

(a) The requirements of this section and appendix G to 10 CFR Part 20 are designed to—

(1) Control transfers of low-level radioactive waste by any waste generator, waste collector, or waste processor licensee, as defined in this part, who ships low-level waste either directly, or indirectly through a waste collector or waste processor, to a licensed low-level waste land disposal facility (as defined in Part 61 of this chapter);

(2) Establish a manifest tracking system; and

(3) Supplement existing requirements concerning transfers and recordkeeping for those wastes.

(b) Any licensee shipping radioactive waste intended for ultimate disposal at a licensed land disposal facility must document the information required on NRC's Uniform Low-Level Radioactive Waste Manifest and transfer this recorded manifest information to the intended consignee in accordance with appendix G to 10 CFR Part 20.

(c) Each shipment manifest must include a certification by the waste generator as specified in section II of appendix G to 10 CFR Part 20.

(d) Each person involved in the transfer for disposal and disposal of waste, including the waste generator, waste collector, waste processor, and disposal facility operator, shall comply with the requirements specified in section III of appendix G to 10 CFR Part 20.

Appendix F To Part 20 [Reserved]

5. Appendix F to part 20 is removed and reserved.

Dated at Rockville, Maryland this 8th day of September, 1998.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Acting Executive Director for Operations.

[FR Doc. 98-25176 Filed 9-18-98; 8:45 am]

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