

**DEPARTMENT OF AGRICULTURE****Food Safety and Inspection Service****9 CFR Parts 381 and 441**

[Docket No. 97-054R]

RIN 0583-AC26

**Retained Water in Raw Meat and Poultry Products: Poultry Chilling Performance Standards****AGENCY:** Food Safety and Inspection Service, USDA.**ACTION:** Notice; reopening of comment period.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is reopening the comment period for the proposed rulemaking, "Retained Water in Raw Meat and Poultry Products: Poultry Chilling Performance Standards" (63 FR 48961, 9/11/98), in response to a request for additional time to submit comments. The comment period will reopen for 30 days.

**DATES:** Comments must be received on or before January 13, 1999.

**ADDRESSES:** Send one original and two copies of written comments to: FSIS Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102, 300 12th Street, SW., Washington, DC 20250-3700. Please refer to docket number 97-054P.

**FOR FURTHER INFORMATION CONTACT:** Patricia F. Stolfa, Assistant Deputy Administrator, Office of Policy, Program Development, and Evaluation, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250-3700; (202) 205-0699.

Done at Washington, DC, on December 8, 1998.

**Thomas J. Billy,***Administrator, Food Safety and Inspection Service.*

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**NUCLEAR REGULATORY COMMISSION****10 CFR Parts 32 and 40**

RIN 3150-AE33

**Distribution of Source and Byproduct Material: Licensing and Reporting Requirements****AGENCY:** Nuclear Regulatory Commission.**ACTION:** Advance notice of proposed rulemaking; Withdrawal.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is withdrawing an advance notice of proposed rulemaking (ANPRM) that had presented preliminary plans for updating the licensing of source material and mill tailings. The contemplated rulemaking would have improved the control of source material and updated the applicable requirements to conform with the revised standards for protection against radiation. This ANPRM solicited comments and recommendations from interested parties on issues that were to be considered in the proposed rulemaking and a subsequent rulemaking, if needed. However, the comments received in response to this request did not provide any significant new information on the issues associated with the contemplated rulemaking. The NRC believes that additional information concerning the distribution of source material is needed before it is able to proceed with a rulemaking in this area. The NRC is performing the necessary research and evaluating additional sources of information to determine the best approach to address these issues in a proposed rulemaking. Therefore, pending completion of this research and the development of the required information, the ANPRM is being withdrawn.

**ADDRESSES:** The Commission paper, the staff requirement memoranda (SRM), and associated documents are available for public inspection, and copying for a fee, at the NRC Public Document Room located at 2120 L Street NW. (Lower Level), Washington, DC 20012-7082, telephone: (202) 634-3273.

**FOR FURTHER INFORMATION CONTACT:** Catherine R. Mattsen, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6264, e-mail CRM@nrc.gov.

**SUPPLEMENTARY INFORMATION:** On October 28, 1992 (57 FR 48749), the Commission published an ANPRM that described contemplated amendments to the Commission's regulations governing the licensing of source material and mill tailings. The issues raised in the ANPRM concerned the possible need to update 10 CFR Part 40, particularly because of recent changes to 10 CFR Part 20, "Standards for Protection against Radiation." The ANPRM was issued to solicit comments from interested parties on issues that had been identified as candidates for consideration in rulemaking. The specific issues were—

(1) The level of control of source material being distributed for exempt use;

(2) The adequacy of the general license in 10 CFR 40.22;

(3) The usefulness of the general license in 10 CFR 40.25;

(4) The degree of specificity of the requirements for source material licensees; and

(5) The need for clarification or consistency of the mill tailings requirements in Appendix A to 10 CFR Part 40 with respect to NRC staff regulatory positions in this area.

The ANPRM also included a specific request for information on how the exemptions in 10 CFR Part 40 and the general license in § 40.22 are used. The questions raised in the ANPRM also included how the general license in § 40.25 could be made more useful; and the benefits of various structure and format options, such as the creation of additional parts or subparts to the requirements governing source material. A contractor report prepared to support the ANPRM, NUREG/CR-5881, "An Examination of Source Material Requirements Contained in 10 CFR Part 40" (October 1992), was also made available.

The comment period for the ANPRM closed on January 26, 1993. Fifteen comment letters were received. The commenters included the National Aeronautics and Space Administration, three States, and one public interest group. The remaining commenters were industry or industrial organizations, some of which were licensees, including four groups representing the mining and milling industry. The comments received were generally in favor of revising the requirements governing the licensing of source material and mill tailings. The comments, however, provided little additional information in response to the specific Commission requests.

The Commission was considering expanding the ANPRM to include the distribution of by-product material (10 CFR part 32). This contemplated rulemaking was presented in the NRC regulatory agenda as a result of this ANPRM (NUREG-0936).

After further progress is achieved in obtaining the needed information, the NRC will reconsider changes to 10 CFR Parts 32 and 40 with respect to exemptions and requirements for the distribution of byproduct and source material to exempt persons. The NRC will also consider appropriate actions in the other areas addressed in the ANPRM. In the interim, because the NRC is not yet prepared to determine