

1, NATO-2, NATO-3, NATO-4, NATO-5, or NATO-6 visas, and certain Taiwan officials who hold E-1 visas and members of their immediate families who hold E-1 visas unless the Secretary of State and the Secretary of Homeland Security jointly determine that a class of such aliens should be subject to the requirements of paragraph (d)(1)(ii);

**Elizabeth L. Branch,**

*Associate General Counsel for Rules and Legislation, Office of the General Counsel, Department of Homeland Security.*

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**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 71**

**RIN 3150-AG71**

**Compatibility With IAEA Transportation Safety Standards (TS-R-1) and Other Transportation Safety Amendments; Correction**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule: Correction.

**SUMMARY:** This document corrects a final rule appearing in the **Federal Register** on January 26, 2004 (69 FR 3698) amending the regulations governing the packaging and transportation of radioactive materials. This action is necessary to add unintentionally omitted text and to correct editorial errors, references, and numerical values as printed in the final rule.

**EFFECTIVE DATE:** October 1, 2004. The effective date for §§ 71.19(a) and 71.20 ends on October 1, 2008.

**FOR FURTHER INFORMATION CONTACT:** Mary Adams, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-7249, e-mail *mta@nrc.gov*.

**SUPPLEMENTARY INFORMATION:** This action adds unintentionally omitted text and corrects editorial errors, references, and numerical values as printed in the final rule amending part 71 (January 26, 2004; 69 FR 3698). Because of the numerous corrections in § 71.5(a), the complete text of § 71.5(a) is being reprinted for the convenience of interested members of the public.

**PART 71—[Corrected]**

■ 1. On page 3787, first column, in § 71.1 paragraph (a) is corrected to read as follows:

**§ 71.1 Communications and records.**

(a) Except where otherwise specified, all communications and reports concerning the regulations in this part and applications filed under them should be sent by mail addressed: ATTN: Document Control Desk, Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by hand delivery to the NRC's offices at 11555 Rockville Pike, Rockville, Maryland; or, where practicable, by electronic submission, for example, via Electronic Information Exchange, or CD-ROM. Electronic submissions must be made in a manner that enables the NRC to receive, read, authenticate, distribute, and archive the submission, and process and retrieve it a single page at a time. Detailed guidance on making electronic submissions can be obtained by visiting the NRC's Web site at *http://www.nrc.gov/site-help/eie.html*, by calling (301) 415-6030, by e-mail to *EIE@nrc.gov*, or by writing the Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The guidance discusses, among other topics, the formats the NRC can accept, the use of electronic signatures, and the treatment of nonpublic information. If the submission date falls on a Saturday, Sunday, or a Federal holiday, the next Federal working day becomes the official due date.

\* \* \* \* \*

**§ 71.4 [Corrected]**

■ 2. On page 3789, in § 71.4, the definition for Surface Contaminated Object (SCO), in the first column, in paragraph (1)(ii), fourth line, “ $4 \times 10^{-4}$ ” is corrected to read “ $4 \times 10^4$ ”; in the second column, in paragraph (1)(iii), eighth line, “ $4 \times 10^3$ ” is corrected to read “ $4 \times 10^3$ ”; in paragraph (2)(i), fourth line, “300<sup>2</sup>” is corrected to read “300 cm<sup>2</sup>”; and in paragraph (2)(iii), fifth line, “300<sup>2</sup>” is corrected to read “300 cm<sup>2</sup>”.

■ 3. On page 3789, third column, in § 71.5 paragraph (a) is corrected to read as follows:

**§ 71.5 Transportation of licensed material.**

(a) Each licensee who transports licensed material outside the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the DOT regulations in 49 CFR parts 107, 171 through 180, and

390 through 397, appropriate to the mode of transport.

(1) The licensee shall particularly note DOT regulations in the following areas:

- (i) Packaging—49 CFR part 173: subparts A, B, and I.
- (ii) Marking and labeling—49 CFR part 172: subpart D; and §§ 172.400 through 172.407 and §§ 172.436 through 172.441 of subpart E.
- (iii) Placarding—49 CFR part 172: subpart F, especially §§ 172.500 through 172.519 and 172.556; and appendices B and C.
- (iv) Accident reporting—49 CFR part 171: §§ 171.15 and 171.16.
- (v) Shipping papers and emergency information—49 CFR part 172: subparts C and G.
- (vi) Hazardous material employee training—49 CFR part 172: subpart H.
- (vii) Security plans—49 CFR part 172: subpart I.
- (viii) Hazardous material shipper/carrier registration—49 CFR part 107: subpart G.

(2) The licensee shall also note DOT regulations pertaining to the following modes of transportation:

- (i) Rail—49 CFR part 174: subparts A through D and K.
- (ii) Air—49 CFR part 175.
- (iii) Vessel—49 CFR part 176: subparts A through F and M.
- (iv) Public Highway—49 CFR part 177 and parts 390 through 397.

\* \* \* \* \*

■ 4. In § 71.22, on page 3793, paragraph (c)(1) and the heading of Table 71-1 and on page 3794 the heading of Table 71-2 are corrected to read as follows:

**§ 71.22 General license: Fissile material.**

\* \* \* \* \*

(c) \* \* \*  
(1) Contain no more than a Type A quantity of radioactive material; and

\* \* \* \* \*  
Table 71-1.—Mass Limits for General License Packages Containing Mixed Quantities of Fissile Material or Uranium-235 of Unknown Enrichment per § 71.22(e)

\* \* \* \* \*

Table 71-2.—Mass Limits for General License Packages Containing Uranium-235 of Known Enrichment per § 71.22(e)

\* \* \* \* \*

■ 5. On page 3794, third column, in § 71.23, paragraph (c)(1) is corrected to read as follows:

**§ 71.23 General license: Plutonium-beryllium special form material.**

\* \* \* \* \*

(c) \* \* \*

(1) Contain no more than a Type A quantity of radioactive material; and  
\* \* \* \*

**§ 71.41 [Corrected]**

■ 6. On page 3794, first column, in § 71.41, paragraph (a), seventh line, “105” is corrected to read “10<sup>5</sup>.”

**§ 71.51 [Corrected]**

■ 7. On page 3794, third column, in § 71.51, paragraph (d), third line, “105” is corrected to read “10<sup>5</sup>.”

■ 8. On page 3800, in Appendix A to part 71, Paragraphs I and IV(b), and in Tables A-1, A-3 and A-4, beginning on page 3801, are corrected to read as follows:

**Appendix A to Part 71—Determination of A<sub>1</sub> and A<sub>2</sub>**

**I. Values of A<sub>1</sub> and A<sub>2</sub> for individual radionuclides, which are the bases for many activity limits elsewhere in these regulations, are given in Table A-1. The curie (Ci) values specified are obtained by converting from the Terabecquerel (TBq) value. The Terabecquerel values are the regulatory standard. The curie values are for information only and are not intended to be the regulatory standard. Where values of A<sub>1</sub> and A<sub>2</sub> are unlimited, it is for radiation control purposes only. For nuclear criticality safety, some materials are subject to controls placed on fissile material.**

\* \* \* \*

IV. \* \* \*

b. For normal form radioactive material, the maximum quantity transported in a Type A package is as follows:

$$\Sigma B(i)/A_2(i) \leq 1$$

where B(i) is the activity of radionuclide i, and A<sub>2</sub>(i) is the A<sub>2</sub> value for radionuclide i.

\* \* \* \*

**Table A-1.—A<sub>1</sub> and A<sub>2</sub> Values for Radionuclides**

A new footnote reference “b” is added to the headings of the fourth and sixth columns, titled A<sub>1</sub>(Ci)<sup>b</sup> and A<sub>2</sub>(Ci)<sup>b</sup>, and new footnote “b” text is added to the end of Table A-1 to read as follows:

b The values of A<sub>1</sub> and A<sub>2</sub> in Curies (Ci) are approximate and for information only; the regulatory standard units are Terabecquerels (TBq), (see Appendix A to part 71—Determination of A<sub>1</sub> and A<sub>2</sub>, Section I.).

For radionuclide Bi-205, the specific activity is corrected to 1.5 × 10<sup>3</sup> TBq/g.

For radionuclide Cm-248, the specific activity is corrected to 1.6 × 10<sup>-4</sup> TBq/g.

For radionuclide Eu-150 (long lived), the A<sub>1</sub> value is corrected to 7.0 × 10<sup>-1</sup> TBq.

For radionuclide Te-132(a), the specific activity is corrected to 3.0 × 10<sup>5</sup> Ci/g.

\* \* \* \*

**Table A-3.—General Values for A<sub>1</sub> and A<sub>2</sub> [Amended]**

The value under the sixth column “Activity concentration for exempt material

(Bq/g)” for the first row “Only beta or gamma emitting radionuclides are known to be present” is corrected to read 1 × 10<sup>1</sup>.

The value under the seventh column “Activity limits for exempt consignments (Bq)” for the first row “Only beta or gamma emitting radionuclides are known to be present.” is corrected to read 1 × 10<sup>4</sup>.

**Table A-4.—Activity-Mass Relationships for Uranium**

The value under the third column “Specific Activity | Ci/g” for the “90” row “Uranium Enrichment wt% U-235 present” is corrected to read 5.8 × 10<sup>-5</sup>.

Dated at Rockville, Maryland, this 24th day of September, 2004.

For the Nuclear Regulatory Commission.

**Michael T. Lesar,**

*Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.*

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**BILLING CODE 7590-01-P**

**NATIONAL CREDIT UNION ADMINISTRATION**

**12 CFR Parts 701 and 742**

**Federal Credit Union Ownership of Fixed Assets**

**AGENCY:** National Credit Union Administration.

**ACTION:** Final rule.

**SUMMARY:** The National Credit Union Administration (NCUA) Board is issuing final revisions to its fixed asset rule. The fixed asset rule governs Federal credit union (FCU) ownership of fixed assets and, among other things, limits investment in fixed assets to five percent of an FCU’s shares and retained earnings. This final rule clarifies and reorganizes the requirements of the current rule to make it easier to understand. The only substantive changes in the final rule are to: Eliminate the requirement that an FCU, when calculating its investment in fixed assets, include its investments in any entity that holds fixed assets used by the FCU; and establish a time frame for submission of requests for waiver of the requirement for partial occupation of premises acquired for future expansion.

**DATES:** This rule is effective October 29, 2004.

**FOR FURTHER INFORMATION CONTACT:** Paul Peterson, Staff Attorney, Division of Operations, Office of General Counsel, at the above address or telephone: (703) 518-6540.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

The Federal Credit Union Act authorizes an FCU to purchase, hold, and dispose of property necessary or incidental to its operations. 12 U.S.C. 1757(4). Generally, an FCU may only invest in property it intends to use to transact credit union business, that is, to support its internal operations or serve its members. 12 CFR 721.3(d). NCUA’s fixed asset rule limits an FCU’s investment in fixed assets and imposes requirements on the planning for, use of, and disposal of real property acquired for future expansion. 12 CFR 701.36.

The NCUA Board has a policy of continually reviewing NCUA regulations to “update, clarify and simplify existing regulations and eliminate redundant and unnecessary provisions.” NCUA Interpretive Ruling and Policy Statement (IRPS) 87-2, Developing and Reviewing Government Regulations. As a result of the NCUA’s 2003 review, the Board determined that the fixed asset rule should be updated. In April, 2004, the Board published its proposed updates for public comment. 69 FR 21439 (April 21, 2004).

**B. Section-by-Section Analysis of the Final Rule**

This final rule does not vary significantly from the proposed rule. Like the proposed rule, the only substantive revisions in the final rule from the current rule are to (1) eliminate the requirement that an FCU, when calculating its investment in fixed assets, include its investments in any entity that holds fixed assets used by the FCU, and (2) establish a time frame for submission of requests for waiver of the requirement for partial occupation of premises acquired for future expansion. The final rule also reorganizes the paragraph structure and clarifies the provisions governing an FCU’s plans for future expansion into fixed assets. A section-by-section analysis of these revisions follows.

*Section 701.36(a)*

The final rule renumbers § 701.36(c), Investment in Fixed Assets, as § 701.36(a). The final rule retains the requirement that FCUs with \$1,000,000 or more in assets cannot invest in fixed assets if the investment would cause the aggregate of all the FCU’s fixed assets to exceed five percent of the FCU’s shares and retained earnings. The final rule retains the waiver process that allows FCUs to apply for a waiver of the five percent limitation and reorganizes the waiver provisions to simplify them and make them easier to follow.