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Presidential Documents

Title 3—

The President

Proclamation 6294 of May 17, 1991

National Maritime Day, 1991

By the President of the United States of America

A Proclamation

Members of the American merchant marine carry on a long and distinguished tradition of service to our country. In addition to promoting the economic development of the United States through trade and commerce, our merchant seafarers have also provided vital support to our Armed Forces during times of conflict.

America's merchant sailors first proved their courage and mettle—and their value in military operations—during the Revolutionary War, when commercial vessels supplemented the 34 ships of the Continental Navy. These merchant vessels virtually immobilized enemy shipping and, in so doing, hastened the end of the war and the beginning of American Independence. During World War II, more than 6,000 of this Nation's civilian seafarers lost their lives as they helped to transport troops and to maintain supply lines to U.S. and Allied forces around the world. Today we are proud to salute the brave merchant mariners who served this Nation during that epic conflict.

Recent events have fostered renewed pride in America's merchant seafarers: providing essential support for Operations Desert Shield and Desert Storm, these individuals played a key role in the liberation of Kuwait. More than 90 percent of the materiel needed by our troops was transported by sea, and merchant vessels carried a significant portion of these goods. In addition to the merchant mariners who served on commercial ships during Operations Desert Shield and Desert Storm, more than 3,000 civilian sailors manned the Ready Reserve Force vessels that are maintained by the Department of Transportation for such contingencies.

The recent coalition victory in the Persian Gulf has demonstrated, once again, the importance of the American merchant marine to maintaining an adequate and reliable sea lift capacity for the United States. It has also underscored the patriotism and the devotion to duty shared by generations of U.S. merchant mariners. On this occasion, we gladly salute our Nation's civilian seafarers, our port terminal operators, and all those who serve in our vital maritime industries.

In recognition of the importance of the U.S. merchant marine, the Congress, by joint resolution approved May 20, 1933, has designated May 22 of each year as "National Maritime Day" and has authorized and requested the President to issue annually a proclamation calling for its appropriate observance. This date was chosen to commemorate the day in 1819 when the SS SAVANNAH left Savannah, Georgia, on the first transatlantic steamship voyage.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 22, 1991, as National Maritime Day. I encourage all Americans to observe this day by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this 17 day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

George Bush

[FR Doc. 91-12198
Filed 5-17-91; 3:11 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 6295 of May 17, 1991

National Huntington's Disease Awareness Month, 1991

By the President of the United States of America

A Proclamation

Appearing without warning, Huntington's disease is a hereditary, progressive, neurodegenerative disorder that gradually robs its victims of their intellect, their emotional well-being, and their control of movement. The Department of Health and Human Services reports that approximately 25,000 people in the United States have this disease, and that another 125,000 are considered at risk of developing it. Each child of an affected parent has a chance of inheriting the Huntington's gene and developing the disease.

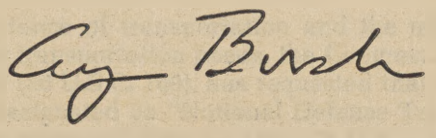
The onset of Huntington's disease varies, usually striking after the age of 30, although signs of the disease can appear in children. However, the effects are always tragic: as the disease progresses, its victims suffer increasingly from such symptoms as slurred speech, dementia, and writhing movements known as chorea. Because victims in the later stages of Huntington's disease invariably require total personal care, affected families often bear heavy financial costs in addition to the heartache of watching a mother, father, sibling, or child slowly deteriorate.

Fortunately, however, years of research have helped to increase our understanding of Huntington's disease. Thanks to advances in molecular genetics, individuals at risk can now undergo testing to determine whether they carry a genetic marker or "signpost" for the Huntington's disease gene. Today researchers across the country, supported primarily by the National Institute of Neurological Disorders and Stroke, are continuing their efforts to identify the exact location of this gene. Once the gene is located, they will be able to devise new medical treatments for Huntington's disease and, we hope, ultimately find a cure.

To enhance public awareness of Huntington's disease and to underscore our concern for its victims, the Congress, by Senate Joint Resolution 127, has designated May 1991 as "National Huntington's Disease Awareness Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month of May 1991 as National Huntington's Disease Awareness Month. I encourage all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.



[FR Doc. 91-12199
Filed 5-17-91; 3:11 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 6296 of May 17, 1991

National Defense Transportation Day and National Transportation Week, 1991

By the President of the United States of America

A Proclamation

Our Nation's transportation system has not only enabled the American people to enjoy unparalleled mobility, it has also enabled us to benefit from a high degree of economic prosperity and military preparedness. Facilitating the safe, efficient movement of workers to jobs and goods to markets, our transportation system is vital to the Nation's economic productivity and competitiveness. Allowing for the prompt, large-scale deployment of manpower and equipment, it also ensures our ability to respond effectively to national emergencies.

The recent war in the Persian Gulf underscored both the importance and the effectiveness of America's transportation system. Working with government agencies and with various carriers, thousands of civilians made a substantial contribution to the mobilization of our Armed Forces during Operations Desert Shield and Desert Storm. For example, our oceangoing Ready Reserve Force of ships and our Civil Reserve Air Fleet of commercial airline aircraft were called upon for the first time. At the request of the Department of Defense, the Department of Transportation activated more than 70 Ready Reserve Fleet ships, crewed by U.S. merchant seamen, to assist in the delivery of supplies and equipment to our troops. Under the Civil Reserve Air Fleet program, 26 commercial air carriers made 3,800 flights, carrying some 382,000 people and 163,000 tons of equipment and supplies. Throughout the conflict in the Gulf, our national highway and rail systems likewise provided timely delivery of materials to airports and seaports—including more than 25,000 rail carloads of military equipment and munitions.

As much as we depend on a safe, convenient, and effective transportation system, such a transportation system depends on a sound infrastructure—a network of well-built and well-maintained roads, bridges, airports, seaports, and railroad facilities. Our National Transportation Policy, issued last year, has been designed with this fact in mind. Through this Policy—and through our proposed Surface Transportation Assistance Act of 1991—we will strengthen our investment in the Nation's transportation infrastructure. Wise investment in maintaining and improving this infrastructure will help to create jobs while upgrading the safety and convenience of our surface, air, and water transportation.

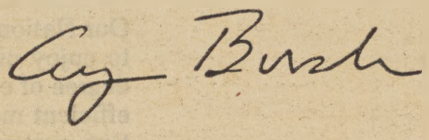
Today we are also working to restructure our transportation system to give State and local governments the flexibility and the tools that they need to meet critical transportation requirements close to home. Achieving these and other goals outlined in our National Transportation Policy will put America well on the way to a secure and prosperous future in our increasingly complex and competitive world.

In recognition of both the importance of transportation and the millions of Americans who work to meet our transportation needs, the Congress, by joint resolution approved May 16, 1957 (36 U.S.C. 160), has requested that the third Friday in May of each year be designated as "National Defense Transportation Day" and, by joint resolution approved May 14, 1962 (36 U.S.C. 166), that

the week in which that Friday falls be proclaimed "National Transportation Week."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim Friday, May 17, 1991, as National Defense Transportation Day and the week of May 12 through May 18, 1991, as National Transportation Week. I urge all Americans to observe these occasions with appropriate ceremonies that will give due recognition to the individuals and organizations that build, maintain, and safeguard our Nation's transportation system.

IN WITNESS WHEREOF, I have hereunto set my hand this 17 day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.



[FR Doc. 91-12200
Filed 5-17-91; 3:12 pm]
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Editorial note: For the President's remarks on signing Proclamation 6296, see the *Weekly Compilation of Presidential Documents* (vol. 27, no. 20).

Rules and Regulations

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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

Commodity Credit Corporation

7 CFR Part 1434

Honey Price Support Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: On March 7, 1991, the Commodity Credit Corporation (CCC) issued an interim rule with respect to the Honey Price Support Program which is conducted by the CCC in accordance with the Agricultural Act of 1949, as amended (the 1949 Act). This rule is necessary in order to amend the regulations at 7 CFR part 1434 to implement the changes made by the Food Agriculture, Conservation and Trade Act of 1990 (the 1990 Act) and the Omnibus Budget Reconciliation Act of 1990 (1990 Budget Act). Generally, this rule amends the manner in which producers may participate in CCC Honey Price Support Program and the terms and conditions of such program, and specifies the CCC price support loan eligibility quality requirements for the 1991 and subsequent year's crops.

EFFECTIVE DATE: May 21, 1991.

FOR FURTHER INFORMATION CONTACT: Margaret Wright, Program Specialist, Cotton, Grain, and Rice Price Support Division (CGRD), Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA) P.O. Box 2415, Washington, DC 20013, telephone (202) 447–8481.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under United States Department of Agriculture (USDA) procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and it has been determined to be "non-major" because the program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the federal assistance program, as found in the catalogue or Federal Domestic Assistance, to which this final rule applies is Commodity Loans and Purchases, 10.051.

It has been determined that the Regulatory Flexibility Act is not applicable because the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rule making with respect to the subject matter of these determinations.

It has been determined by environmental evaluations for the Honey Price Support Program that the program will have no significant impact on the quality of the human environment.

This program is not subject to the provision of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, and 48 FR 29115 (June 24, 1983).

Public reporting burden for the information collections contained in this final rule with respect to the Honey Price Support Program is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information collection has previously been cleared by OMB, assigned number 0560–0087.

An interim rule was published in the **Federal Register** on March 7, 1991, at 56 FR 9592 which amended the regulations found at 7 CFR part 1434 with respect to the Honey Price Support Program which is conducted by CCC. The interim rule provided a 30-day public comment period which ended April 8, 1991.

Discussion of Comments

One respondent commented on CCC's determination to provide that a producer shall be considered to have divested beneficial interest in the honey if the purchaser or intended purchaser pays the producer any advance payment amount which CCC determines has provided the purchaser or intended purchaser a beneficial interest in the honey except with respect to approved cooperative marketing associations. Generally, the respondent believed that this would eliminate an effective marketing tool producers have in getting the best price for their honey and the elimination of this tool would result in lower producer prices. The interim rule did not change the manner in which CCC operates this program but merely set forth more clearly the policy of CCC which has been in place since enactment of the Food Security Act of 1985. However, as a result of the comments received, CCC has re-examined its current policy to determine if a more effective program can be achieved. CCC agrees that it is in the best interest of producers and users of honey to have efficient marketings which are not disrupted by CCC programs. Accordingly, after reviewing the comments received, it has been determined that § 1434.4(b)(2) should be amended to permit producers to execute an option to purchase and to receive an advance payment in return for such option if the option to purchase contains a specific provision allowing the producer to retain title, risk of loss, and beneficial interest until the earlier of the expiration of the option or the date CCC claims title to the honey. This will adequately protect CCC's interest in honey pledged as collateral for price support loans while allowing producers and buyers of honey to arrange for the potential sale of the honey prior to the expiration of the loan.

There was one respondent to CCC's determination that honey with moisture level in excess of 18.5 percent is ineligible to be pledged as collateral for a price support loan. In the event CCC takes possession of honey pledged as collateral for a price support loan, CCC must be able to store the commodity. Since honey is subject to fermentation, CCC believes that honey with a moisture content in excess of 18.5 percent can not be safely stored for the

period of time necessary to arrange for CCC to dispose of the honey. In addition, while honey can be heated to reduce the level of moisture, this would be an added expense to CCC that would not be recovered in the sale by CCC of such honey. Accordingly, this suggestion is not adopted.

There was one respondent to CCC's determination to limit the quantity of honey for an additional disbursement to 120 percent of the mortgaged quantity for increases before the final loan availability date and 110 percent after the final loan availability date. This limit was necessary in order to be consistent with the limit CCC imposes on loans for other commodities. CCC has reviewed the comment and it has determined that, because honey pledged as collateral for loan is identified by producer in container lots, §§ 1434.6(c)(2), 1434.15(c) (1) and (2), and 1434.26(f) should be amended to allow for increases up to 100 percent of the quantity of honey as long as the number of containers sold as supported by disposition evidence acceptale to CCC is the same number of containers initially tendered for the loan or loan deficiency payment.

There were 2 comments concerning the requirement by CCC that loan collateral released for marketing must be redeemed before the authorization for release expires in thirty days. The comments stated that some producers will be unfairly disadvantaged because some buyers declare their intentions to purchase the producer's honey but later refuse to purchase. In addition, there was one comment on CCC's requirement that producers requesting a marketing authorization must sign the marketing authorization form and CCC must approve such authorization in writing before the producer was authorized to market the loan collateral. In the past, CCC allowed producers to telephone the county ASCS office and request authorization to market loan collateral.

Generally, commodity loans must be repaid before CCC releases claim to the loan collateral. However, in many cases, the producer does not have the cash to make such repayment. Accordingly, to allow producers to orderly market their commodity, CCC has historically allowed producers, upon agreement to repay the quantity released by the date the marketing authorization expires, to market the commodity pledged as collateral for loan and to repay such loan with the proceeds from the sale of the commodity. In addition, for commodities for which a marketing loan repayment is authorized, CCC has allowed the producer to establish the market loan repayment level as of the date the completed marketing authorization is filed with CCC. In such cases, CCC, if the producer agrees that the quantity authorized for marketing is redeemed by the ending date of such authorization, has honored the established market loan repayment level during the marketing authorization period even though such repayment level may have changed during the such period.

When loan collateral is released for maketing, it becomes impossible for CCC to acquire the commodity as necessary if the producer fails to repay the loan. For this reason, CCC has determined that the producer agreeing to the marketing authorization must be responsible for repayment of the loan amount for the quantity released. In addition, CCC has determined that if the producer does not repay such loan amount by the expiration of the authorization that the marketing loan repayment provision shall not be available to the producer for the quantity not repaid. In order to enforce this agreement between CCC and the producer, the producer must obtain this authorization in writing. Accordingly, CCC has determined to make no change.

There was one comment on the method CCC will use to allow producers to establish a market loan repayment rate which suggested using only one form to establish the loan repayment rate. CCC will allow the producer to establish a loan repayment rate as of a particular day for a specific period of time if requested by the producer. Producers may establish a market loan repayment level if the proceeds from the sale of the commodity are needed to repay the loan, or if the producer needs time to obtain the needed cash, other than by marketing the commodity, to make the loan repayment. CCC has determined that since there are two separate reasons for establishing a market loan repayment level that there be two separate forms to make such request. Accordingly, CCC has determined not to adopt the suggestion.

There was one comment on CCC's determination to announce the market loan repayment level each week and to limit the percentage that such level could be changed from one announcement to the next. It was pointed out that market pricing data for honey was not as readily available as it is for other commodities. Therefore, determining the repayment level on a monthly basis would provide CCC more opportunity to obtain more reflective pricing data. Also, the comment suggested that limiting the increase would not unduly disrupt orderly marketings.

CCC determines the marketing loan repayment level at such a level that will minimize the number of loan forfeitures; not result in excessive total stocks of honey; reduce the costs incurred in storing honey; and maintain the competiveness of honey in domestic and export markets. Since this cannot be accomplished by limiting the amount of change from one announcement to the next, this suggestion was not adopted. However, after reviewing the comments and the provisions for announcing marketing loan repayment level, CCC has determined that § 1434.24(e)(2) should be amended to provide that CCC shall determine and announce the honey marketing loan repayment level on a monthly basis.

There was one comment about CCC's definition of an eligible producer, stating that CCC should clarify the definition so that farm operators who legitimately share labor, equipment, and other resources as a normal course of operation are not penalized with respect to the payment and forfeiture limitations. Because CCC has determined that the definition is clear that such farm operators will not be unduly affected, the suggestion is not adopted.

Because several grammatical and technical changes have been made throughout the interim rule for clarity, the entire provision of part 1434 is set forth.

List of Subjects in 7 CFR Part 1434

Honey, loan programs—Agriculture, Price support programs.

Accordingly, 7 CFR part 1434 is revised to read as follows:

PART 1434—HONEY

Sec.

1434.1 Applicability.
1434.2 Administration.
1434.3 Eligible producers.
1434.4 Eligibility requirements.
1434.5 Miscellaneous requirements.
1434.6 Availability, disbursement, maturity, and expiration of loans.
1434.7 Eligible honey.
1434.8 Ineligible honey and ineligible containers.
1434.9 Approved storage.
1434.10 Warehouse receipts.
1434.11 Warehouse charges.
1434.12 Liens.
1434.13 Fees, charges and interest.
1434.14 Offsets.
1434.15 Determination of quantity.
1434.16 Determination of quality.
1434.17 Payment and forfeiture limitations.
1434.18 Transfer of producer's interest prohibited.

Sec.
1434.19 Insurance.
1434.20 Loss or damage.
1434.21 Personal liability of the producer.
1434.22 Quantity for loans.
1434.23 Unauthorized removal and unauthorized disposition.
1434.24 Release of the honey under loan.
1434.25 Liquidation of loans.
1434.26 Loan deficiency payments.
1434.27 Settlement.
1434.28 Foreclosure.
1434.29 Charges not to be assumed by CCC.
1434.30 Handling payments and collections not exceeding $9.99.
1434.31 Death, incompetency, or disappearance.
1434.32 Definitions.
1434.33 Paperwork Reduction Act assigned numbers.

Authority: 7 U.S.C. 1421, 1423, 1425a, 1446h, 4601 et seq.; 15 U.S.C. 714b and 714c.

§ 1434.1 Applicability.

(a) The regulations of this part are applicable to the 1991 and subsequent crops of extracted honey. These regulations set forth the terms and conditions under which price support loans shall be entered into and loan deficiency payments made by the Commodity Credit Corporation ("CCC"). Additional terms and conditions are set forth in the note and security agreement or the loan deficiency payment application which must be executed by a producer in order to receive a price support loan or loan deficiency payment. Purchase agreements shall not be offered for the 1991 and subsequent crops of honey.

(b) The schedule of premiums and discounts, and forms which are used in administering the price support program are available in State and county Agricultural Stabilization and Conservation Service ("ASCS") offices ("State and county offices", respectively). The forms for use in connection with the programs in this section shall be prescribed by CCC.

§ 1434.2 Administration.

(a) The price support and loan deficiency payment program which is applicable to a crop of honey shall be administered under the general supervision of the Administrator, ASCS, and shall be carried out in the field by State and county Agricultural Stabilization and Conservation committees ("State and county committees", respectively).

(b) State and county committees, and representatives and employees thereof, do not have the authorty to modify or waive any of the provisions of the regulations of this part.

(c) The State committee shall take any action required by the regulations which has not been taken by the county committee. The State committee shall also:

(1) Correct, or require a county committee to correct, an action taken by such county committee which is not in accordance with the regulations of this part; or

(2) Require a county committee to withhold taking any action which is not in accordance with the regulations of this part.

(d) No provision or delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or a designee or the Administrator, ASCS, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

(e) The Deputy Administrator, State and County Operations, ASCS, may authorize State and county committees to waive or modify deadlines and other program requirements in cases where lateness or failure to meet such other requirements does not affect adversely the operation of the price support program.

(f) A representative of CCC may execute price support loans, loan deficiency payment applications, and related documents only under the terms and conditions determined and announced by CCC. Any such document which is not executed in accordance with such terms and conditions, including any purported execution prior to the date authorized by CCC, shall be null and void.

§ 1434.3 Eligible producers.

(a) An eligible producer shall be a person (i.e., an individual, partnership, association, corporation, estate, trust, or other legal entity) who:

(1) Extracts honey as an owner or sharecropper;

(2) Meets the eligibility requirements prescribed in 7 CFR part 12; and

(3) Shares in the risk of the bees and producing the honey.

(b) A receiver or trustee of an insolvent or bankrupt debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate or a ward of an incompetent person, and trustees of a trust estate shall be considered to represent the insolvent or bankrupt debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person or estate represented by the executor or administrator. Loan or loan deficiency payment documents executed by any such person will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) A minor who is otherwise an eligible producer shall be eligible to receive price support or loan deficiency payment only if the minor meets one of the following requirements:

(1) The right of majority has been conferred on the minor by court proceedings or by statute;

(2) A guardian has been appointed to manage the minor's property and the applicable price support documents are signed by the guardian;

(3) Any note signed by the minor is cosigned by a person determined by the county committee to be financially responsible; or

(4) A bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had the minor been an adult.

(d) A cooperative marketing association which is approved by the Executive Vice President, CCC, pursuant to part 1425 of this chapter, may obtain price support on the eligible production of such crop of the honey or loan deficiency payment with respect to such honey on behalf of the members of the cooperative who are eligible to receive price support with respect to a crop of honey. The term "producer" as used in this subpart and on applicable price support and loan deficiency payment forms shall refer both to an eligible producer as defined in paragraph (a), (b), and (c) of this section and to such an approved cooperative marketing association.

(e)(1) The county committee may deny a producer price support on farm-stored commodities if the producer has:

(i) Been convicted of a criminal act, or has made a misrepresentation, with respect to:

(A) Acquiring a farm-stored loan or

(B) In the maintenance of the commodity pledged as security for a farm-stored loan; or

(ii) Failed to protect adequately the interests of CCC in the commodity pledged as security for a farm-stored loan.

(2) In such cases, the producer shall be ineligible for subsequent farm-stored loans unless the county committee determines that the producer will adequately protect CCC's interest in the commodity which would be pledged as collateral for such a loan. A producer who is denied a farm-stored loan will be eligible to pledge a commodity as collateral for a warehouse-stored loan.

(f)(1) Two or more eligible producers may obtain a joint loan on eligible honey produced and extracted by them if such honey is commingled and stored in the same eligible containers. In such cases, producers may not, in lieu of obtaining a joint loan, obtain an individual loan on such honey.

(2) Two or more producers may obtain a joint loan if the warehouse receipt is issued jointly to such producers. Each producer who is a party to a joint loan will be jointly and severally responsible and liable for the breach of the obligations set forth in the loan documents and in the applicable regulations in this subpart.

(g) Except as provided in § 1434.10, loans on warehouse stored honey may be made to a warehouseman who tenders to CCC, in the capacity as a producer, in accordance with paragraph (a) of this section, warehouse receipts issued by such warehouseman on honey where the issuance and pledge of such warehouse receipts is permitted under State law.

(h) If CCC determines that a producer knowingly pledged adulterated or imported honey as collateral to secure a price support loan or requested a loan deficiency payment for such honey, such producer shall, in addition to any other penalties or sanctions prescribed by law, be ineligible for any honey price support benefit or loan deficiency payment for 3 crop years succeeding such determination.

§ 1434.4 Eligibility requirements.

(a) In order to obtain price support and loan deficiency payments on eligible honey, a producer must request a price support loan no later than March 31 of the year following the year in which the honey was produced and extracted. March 31 is the final loan availability date.

(b)(1) To be eligible for price support, the beneficial interest in the honey must be in the producer tendering the honey as security for a loan or loan deficiency payment and must always have been in the producer or in such producer and a former producer whom the producer succeeded before such honey was extracted. Honey obtained by gift or purchase shall not be eligible to be tendered to CCC for price support. However, heirs shall be eligible for price support and loan deficiency payments as producers whether such succession occurs before or after extraction of honey, if such heirs:

(i) Succeed to the beneficial interest of a deceased producer;

(ii) Assume the decedent's obligation under a loan deficiency payment or loan if such loan deficiency payment or loan has already been obtained; and

(iii) Assure continued safe storage of the farm honey if such honey has been pledged as collateral for a farm stored loan.

(2) A producer shall not be considered to have divested the beneficial interest in the honey if the producer retains control of the honey, including the right to make all decisions regarding the tender of such honey to CCC for price support, and the producer:

(i) Executes an option to purchase whether or not an advance payment is made by the potential buyer with respect to such honey if the option to purchase contains the following provision:

"Notwithstanding any other provision of this option to purchase, title; risk of loss; and beneficial interest in the commodity, as specified in 7 CFR part 1434, shall remain with the producer until the buyer exercises this option to purchase the commodity. This option to purchase shall expire, notwithstanding any action or inaction by either the producer or the buyer, at the earlier of: (1) The maturity of any Commodity Credit Corporation price support loan which is secured by such commodity; (2) the date the Commodity Credit Corporation claims title to such commodity; or (3) such other date as provided in this option."; or

(ii) Enters into a contract to sell the honey if the producer retains title, risk of loss, and beneficial interest in the honey and the purchaser does not pay to the producer any advance payment amount or any incentive payment amount to enter into such contract except as provided in part 1425 of this chapter.

(3) If price support and loan deficiency payments are made available through an approved cooperative marketing association, the beneficial interest in the honey must always have been in the producer-members who delivered the honey to the approved cooperative or its member cooperatives. Honey so delivered to such cooperative marketing association shall not be eligible for price support if the producer-member who delivered the honey to the cooperative or its member cooperatives does not retain the right to share in the proceeds from the marketing of the honey as provided in part 1425 of this chapter.

(4) Honey purchased by a producer shall not be eligible for price support.

(c) Any producer or cooperative in doubt as to whether the beneficial interest in the honey complies with the requirements of this section shall, before requesting price support or loan deficiency payment, make available to the county committee all pertinent information which will permit a determination with respect to the beneficial interest to be made by CCC.

(d) Before the final availability date for the crop of honey, a producer may reoffer as collateral for such a loan any honey that has been previously pledged as collateral for a price support loan, except that the quantity of honey may not be pledged as collateral for a loan if such quantity:

(1) Has been redeemed at a level which is less than the loan level determined in accordance with § 1434.24(e)(1)(ii), and

(2) Is eligible to be pledged as collateral for a loan but for which the producer has received a loan deficiency payment in accordance with § 1434.26.

(e) Producers who redeem a quantity of honey at the lower loan repayment level in accordance with § 1434.24(e)(1)(ii) or, in lieu of receiving price support receive a loan deficiency payment in accordance with § 1434.26,

(1) Shall provide CCC with:

(i) Evidence of disposition of the redeemed honey such as sales receipts or other written documentation acceptable to CCC, or

(ii) The storage location of the redeemed honey which has not been otherwise disposed of and allow CCC access to such honey.

(2) Failing to provide proof of the quantity of honey redeemed in accordance with paragraph (e)(1) of this section shall be required to repay the amount of the market gain or loan deficiency payment and charges, plus interest.

(f) Producers who receive a loan deficiency payment for a commodity in accordance with paragraph (e) of this section must provide evidence of disposition of the honey acceptable to CCC within 12 months from the final loan availability date for crop year after the crop year for such commodity.

(g) If the producer fails to provide acceptable evidence of production as required in paragraph (e)(1) of this section, such producer shall be required to repay the market gain or loan deficiency payment and charges, plus interest.

§ 1434.5 Miscellaneous requirements.

A producer shall not delegate to any person (on the person's representative) who has any interest in storing, processing, or merchandising honey which is otherwise eligible for price support or a loan deficiency payment under a program to which this subpart is applicable authority to exercise on the behalf of the producer any of the producer's rights or privileges under

such program, including the authority to execute any note and security agreement, other price support document, or loan deficiency payment application unless the person (or the person's representative) to whom authority is delegated, is serving in the capacity of a farm manager for the producer or unless the authority delegated is restricted specifically for the purpose of repaying the loan amount and charges plus interest or for the purpose of obtaining a loan deficiency payment, and such delegation is filed through the execution of Form ASCS-211, Power of Attorney, or other form as approved by CCC, with the county office and accepted by CCC.

§ 1434.6 Availability, disbursement, maturity, and expiration of loans.

(a) A producer must request price support and paragraph payments on honey stored on the farm at the county office of the county where the honey is stored. A producer shall request price support and loan deficiency payments on honey stored in an approved warehouse at the county office of the county where the warehouse is located or at the county office of the county where the producer is headquartered. An approved cooperative marketing association must request price support and loan deficiency payments at the county office for the county in which the principal office of the cooperative is located unless the State committee designates some other county office. In the case of an approved cooperative marketing association having operations in two or more States, requests may be made at the county office for the county in which its principal office for each such State is located.

(b) Price support loans at a national average price support rate of 53.8 cents per pound for the 1991 through 1995 crops of honey are available to producers as soon as announced by CCC but not earlier than April 1 of the year in which the honey is produced and extracted and not later than March 31 of the year following the year in which the honey is produced and extracted. However, whenever the final date of availability falls on a nonworkday for county offices, the applicable final date shall be extended to include the next workday. Price support loans mature on demand but not later than the last day of the ninth calendar month following the month in which the loan application is approved. However, when the final date of maturity falls on a nonworkday for county offices the final date shall be extended to include the next workday.

(c) Disbursement of loans will be made by county offices by checks drawn on the account of CCC or by credit to the producer's account.

(1) The loan documents shall not be presented for disbursement unless the honey subject to the note and security agreement:

(i) Is eligible to be pledged as collateral for a price support loan.

(ii) Is in existence.

(iii) Has been extracted, and

(iv) Is in approved storage. If all of the regulations were not met at the time of disbursement, the total amount disbursed under the loan and charges plus interest shall be refunded promptly by the producer.

(2) CCC shall limit any loan disbursement or loan deficiency payment disbursement based on a subsequent increase in the quantity of eligible honey by the final loan availability date to that quantity represented by the number of containers of honey pledged as collateral for the loan when the loan was disbursed.

(d) The request for a loan shall not be approved until all producers having an interest in the honey sign the note and security agreement and the county committee approves such note and security agreement.

§ 1434.7 Eligible honey.

Honey must meet the requirements of this section in addition to other applicable eligibility requirements of this part in order to be eligible for a loan, for delivery under a loan or for a loan deficiency payment. Honey described in § 1434.8 is not eligible for price support.

(a) The honey must have been produced in the United States by an eligible producer during the calendar year for which price support or loan deficiency payment is requested and extracted on or before December 31 of such calendar year.

(b) Honey from the floral sources listed below and honey having similar flavor shall be eligible for price support and shall be classed as follows:

(1) Table honey means any honey having a good flavor of the predominant floral source which can be readily marketed for table use in all parts of the country. Such sources include alfalfa, bird's-foot trefoil, blackberry, brazil brush, catsclaw, Chinese tallow, clover, cotton, fireweed, gallberry, huajillo, knapweed (American), lima bean, mesquite, orange, raspberry, sage, saw palmetto, sourwood, soybean, star thistle (barnaby's thistle), sunflower, sweet clover, tupelo, vetch western wild buckwheat, wild alfalfa, and similar mild flavors or blends of mild-flavored honeys as determined by the Director, Cotton, Grain, and Rice Price Support Division, ASCS.

(2) Nontable honey means honey having a predominant flavor of limited acceptability for table use but which may be considered suitable for table use in areas in which it is produced. Such honeys include those with a predominat flavor of aster, athel, avocado, Brazilian pepper, buckwheat (except western wild buckwheat), cabbage palmetto, Christmas berry, dandelion, eucalyptus, goldenrod, heartsease (smartweed), horsemint, kiawe, macadamia, mangrove, manzanita, mint, partidge pea, rattan vine, safflower, salt cedar (Tamarix Gallica) spanish needle, spikeweed, titi, toyon, tulip-poplar, wild cherry, and similarly-flavored honey or blends of such honeys as determined by the Director, Cotton, Grain, and Rice Price Support Division, ASCS.

(c) The honey must be packed in metal containers of a capacity of not less than 5 gallons or greater than 70 gallons. All containers shall meet the requirements of the Federal Food, Drug, and Cosmestic Act, as amended, and regulations issued thereunder. However, the container requirements provided in this paragraph (c) may be waived by CCC if a producer agrees to redeem, pursuant to the lower loan repayment provisions contained in § 1434.24(e), and pursuant to the loan deficiency payment provisions contained in § 1434.26, and within a time period specified by CCC, honey pledged by the producer for a price support loan.

(1) The 5-gallon containers must hold approximately 60 pounds of honey and shall be new, clean, sound, uncased, and free from appreciable dents, and rust. The handle of each container must be firm and strong enough to permit carrying the filled container. The cover and can opening must not be damaged in any way that will prevent a tight seal. Cans which are punctured or have been punctured and resealed by soldering will not be acceptable.

(2) Steel drums must be open-end type and filled no closer than 2 inches from the top of the drums. In addition, such drums must be new or must be used drums which have been reconditioned inside and outside. They must be clean, treated inside and outside to prevent rusting, fitted with gaskets which provide a tight seal and have an inside coating suitable for honey storage.

(d) To be eligible for price support, honey must not contain in excess of 18.5 percent moisture.

§ 1434.8 Ineligible honey and ineligible containers.

(a) Honey from the following floral sources is not eligible for price support regardless of whether it meets other

eligibility requirements: Andromeda, bitterweed, broomweed, cajeput (melaleuca), carrot, chinquapin, dog fennel, desert hollyhock, gumweed, mescal, onion, pickly pear, prune, queen's delight, rabbit brush, snowbrush (ceanothus), snow-on-the-mountain, spurge (leafy spurge), tarweed, and similar objectionably-flavored honey or blends of honey as determined by the Director, Cotton, Grain, and Rice Price Support Division, ASCS. If any blends of honey contain such ineligible honey, the lot as a whole shall be considered ineligible for price support.

(b) Honey which is adulterated is not eligible for price support. Honey shall be considered adulterated if:

(1) Any substance including water has been substituted wholly or in part for such honey;

(2) Such honey contains a poisonous or deleterious substance that may render such honey injurious to health, except that in any case in which such substance is not added to honey, such honey shall not be considered adulterated if the quantity of such substance in or on such honey does not ordinarily render it injurious to health; or

(3) Such honey is for any other reason unsound, unhealthy, unwholesome, or otherwise unfit for human or animal consumption.

(c) Honey shall not be eligible to be pledged as collateral for price support loans if such honey is stored in:

(1) 55 gallon steel drums having a tare weight less than 38 pounds, 30 gallon steel drums having a tare weight less than 26 pounds, or drums having removable liners of polyethylene or other materials,

(2) Bung-type drums, or

(3) Bulk tanks,

(4) Plastic buckets and containers,

(5) Steel drums which are severely dented as to cause damage to the lining, improper seal, or stacking capabilities, and

(6) Rusted drums with corroded areas.

(d) Honey which has been scorched, burned, or subjected to excessive heat resulting in objectionable flavor, color deterioration or carmelization shall be ineligible for price support.

(e) Honey which is ineligible to be pledged as collateral for price support loans includes, but is not limited to:

(1) Honey containing excessive bees or bee parts, paint chips, wood chips, or other foreign matter;

(2) Honey that is fermenting; and

(3) Foreign produced honey.

§ 1434.9 Approved storage.

(a) Loans will be made only on honey in approved storage as defined in this section.

(1) Approved farm storage shall consist of a storage structure located on or off the farm (excluding public or commercial warehouses) which is determined by CCC to be under the control of the producer and to afford safe storage for honey pledged as collateral for a price support loan. Producers may also obtain loans on honey packed in eligible containers and stored on leased space in facilities owned by third parties in which the honey of more than one person is stored if the honey which is to be pledged as collateral for a loan and which is stored on such leased space is segregated from all other honey. Each container of the segregated quantity of honey shall be marked with the producer's name and lot number so as to identify the honey from other honey stored in the structure. If the honey which is to be pledged as collateral for a price support loan is stored on leased space, a copy of the lease shall be obtained by the county office before a loan is made. The lease shall authorize the producer and any person having an interest in the honey, including CCC, to enter the premises to inspect and examine the honey and shall permit a reasonable time to such persons to remove the honey from the premises upon the termination of the lease. The county office may require from the lessor, a lien waiver that fully protects the interests of CCC.

(2) Approved warehouse storage or an approved warehouse shall consist of:

(i) A public warehouse for which a CCC Honey Storage Agreement is in effect and which is approved for price support purposes, or

(ii) A warehouse operated by an approved cooperative as defined in § 1434.3(d) and licensed to store honey under the United States Warehouse Act.

(3) The names of approved warehouses may be obtained from the Kansas City Commodity Office, P.O. Box 419205, Kansas City, Missouri 64141–6205, or from State and county offices.

(b) If the honey located in a storage structure is pledged as collateral that secures more than one loan, the honey must be segregated so as to preserve the identity of the honey securing such loan. Honey securing a loan must also be segregated from any honey not pledged as collateral for a price support loan which is stored in the same structure.

(c) Approved storage requirements provided in this section may be waived by CCC if producer agrees to forego obtaining a loan pursuant to the loan deficiency payment provisions contained in § 1434.26.

§ 1434.10 Warehouse receipts.

(a) Warehouse receipts representing honey stored in an approved warehouse to be pledged as collateral for a loan or, delivered in satisfaction of a loan, or for loan deficiency payment for honey that was stored on the farm, must meet the requirements of this section, and all other provisions of this part, and CCC program documents. For warehouse stored honey, a separate warehouse receipt must be submitted for each class, color, floral source, quality, and grade of honey tendered to CCC.

(b) Warehouse receipts must be issued in the name of the eligible producer or CCC. If issued in the name of the eligible producer, the receipts must be properly endorsed in blank in order to vest title in the holder. Receipts must be issued by an approved warehouse and indicate that the honey is stored identity preserved in eligible containers. The receipts must be negotiable, must cover eligible honey actually in storage in the warehouse, and must be registered or recorded with appropriate State or local officials when required by State law.

(c) Each warehouse receipt, or extracted honey inspection and weight certificate which properly identifies the warehouse receipt must be issued in accordance with the Honey Storage Agreement or United States Warehouse Act, if applicable, and must show the following information:

(1) That the honey is stored identity preserved in containers;

(2) Number of containers;

(3) Size of containers;

(4) Gross weight;

(5) Net weight;

(6) Lot number;

(7) Average moisture for quantity represented by the receipt; and

(8) Class, color, floral source, and grade.

(d) When an extracted honey inspection and weight certificate is issued, it must show the following additional information:

(1) Warehouse receipt number;

(2) Lot number;

(3) Number and size of containers;

(4) Class, color, floral source, and grade; and

(5) Net weight.

(e) If the warehouse receipt is issued for honey which is owned by the warehouseman either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. In States where the pledge of warehouse receipts issued by a warehouseman on

the warehouseman's honey is invalid under State law, the warehouseman may offer the honey to CCC for loan if such warehouse is licensed and operating under the United States Warehouse Act. In such States, if the warehouseman is not licensed and operating under the U.S. Warehouse Act, the warehouseman may deliver the honey to CCC for purchase if the warehouse receipt is issued in the name of CCC.

(f) Each warehouse receipt representing honey stored in an approved warehouse which has a honey storage agreement with CCC shall indicate that the honey is insured in accordance with such agreement. The cost of such insurance shall not be for the account of CCC.

§ 1434.11 Warehouse charges.

(a) Before the honey which is stored in an approved warehouse is pledged as collateral for a loan, the producer shall arrange for payment of storage, inspection, and all other charges accruing through the loan maturity date for the honey. Such charges shall include charges incident to weight and grade determinations on identity-preserved honey. CCC will not assume warehouse storage charges accruing through the loan maturity date for loans on honey acquired by CCC.

(b) For honey delivered to CCC in settlement of a loan, CCC shall pay to the producer the warehouse charges for receiving the commodity, or in-charges. If the warehouse receipt delivered to CCC in settlement for loan shows that such charges:

(1) Have been paid, CCC shall issue such payment to the producer, or

(2) Have not been paid, the producer agrees to assign such payment to the warehouse and CCC shall issue such payment to the warehouse for the producer's account.

§ 1434.12 Liens.

(a) The county office shall file or record, as required by State law, all security agreements which are issued with respect to honey pledged as collateral for price support loans. The cost of filing and recording shall be for the account of CCC.

(b) If there are any liens or encumbrances on the honey, waivers that fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan proceeds. No additional liens or encumbrances shall be placed on the honey after the loan is approved.

§ 1434.13 Fees, charges and interest.

(a) A producer shall pay a nonrefundable loan service fee to CCC at a rate determined by CCC. The amount of such fees are available in State and county office and are shown on the note and security agreement.

(b) Effective only for each of the 1991 through 1995 crops of honey, producers and producer-packers of honey as defined in paragraphs (5) and (9), respectively, of section 3 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4602) shall remit to CCC a nonrefundable marketing assessment. Such marketing assessment applicable to a crop of honey shall be computed by multiplying an amount equal to one percent of the national average price support loan rate by the loan quantity of the crop. The assessment shall be collected from the loan deficiency payments and loan proceeds for the crop of honey. However, producers exempt from the payment of the honey research and promotion fee as provided in paragraph (e) of this section are also exempt from this marketing assessment.

(c) Interest which accrues with respect to a loan shall be determined in accordance with part 1405 of this chapter.

(d) All or a portion of the interest which accrues with respect to a loan may be waived on a price support loan for with respect to a quantity of honey which has been redeemed at a level which is less than the principal amount of the loan plus charges and interest determined in accordance with § 1434.24(e)(1)(ii).

(e) The Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4602) requires an assessment from honey producers and producer-packers. CCC shall collect the assessment from loan and loan deficiency payment disbursements. The amount of assessment is determined by the National Honey Board and shall be collected from each producer or producer-packer that has not been determined to be exempt from such payment by the Board. Such assessment shall not be deducted from cooperative marketing associations approved by CCC.

(f) Additional fees representing amounts voted on by producers for marketing or promotional fees may be deducted from price support proceeds by CCC as requested and agreed to by the governing body of such marketing or promotional fee and CCC. Deduction of such fees from amounts due producers and the payment of such fees to such governing body shall be made by CCC in a manner and at such time as determined by CCC.

§ 1434.14 Offsets.

(a) If any installment(s) on any loan made by CCC on farm storage facilities or drying equipment are due and payable under the provisions of the note evidencing such loan out of any amount due the producer under the regulations in this subpart, the amount due the producer, after deduction of applicable fees and charges and amounts due prior lienholders, shall be applied to satisfy the amounts due and payable on such installment(s).

(b) If the producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the county claim control record, amounts due the producer under the regulations in this subpart, after deduction of amounts due and payable on farm storage facilities or drying equipment and other amounts provided in paragraph (a) of this section, shall be applied as provided in part 3 of this title and part 1403 of this chapter, to such indebtedness.

§ 1434.15 Determination of quantity.

(a) The estimated quantity of farm-stored honey and the quantity of warehouse-stored honey pledged as collateral for a loan shall be determined as provided in § 1434.22. Estimates of the quantity of farm-stored honey shall be made on the basis of 12 pounds for each gallon of rated capacity of the container.

(b) The quantity of honey acquired by CCC as the result of a loan forfeiture shall be determined by weighing the honey delivered under the direction of the State committee.

(1) The quantity of honey acquired in 5-gallon cans shall be determined by using a tare weight of 2.5 pounds for each can.

(2) The quantity of honey acquired in 55-gallon drums shall be determined by using a tare weight of 53 pounds for each drum unless the producer can provide evidence of a lesser tare weight. However, the tare weight of such drum shall not be less than 38 pounds.

(3) The quantity of honey acquired in 30-gallon drums shall be determined by using a tare weight of 32 pounds for each drum unless the producer can provide evidence of a lesser tare weight. However, the tare weight of such drum shall not be less than 26 pounds.

(4) Title to the containers shall vest in CCC.

(c) Notwithstanding any provision in this section:

(1) Loans may be based on 100 percent of the net quantity specified on acceptable evidence of disposition of the honey pledged as collateral for the loan if the producer is repaying the loan at the lower loan repayment rate in accordance with § 1434.24(e)(1)(ii), and the proceeds of the disbursement will be applied to the loan amount as a repayment if CCC determines that such quantity represents the quantity for the number of containers of honey pledged as collateral for the loan when the loan was disbursed.

(2) Loan deficiency payments may be based on 100 percent of the net quantity specified on acceptable evidence of disposition of the honey certified as eligible for loan deficiency payment if CCC determines that such quantity represents the quantity for the number of containers of honey initially certified for the loan deficiency payment when such payment was disbursed.

§ 1434.16 Determination of quality.

(a)(1) Loans and loan deficiency payments on farm stored honey will be made on the basis of the floral source and color of the honey as declared and certified by the producer on Form CCC-666 (Honey) (Farm Stored Honey Loan Certification and Worksheet) at the time the honey is pledged as collateral for a loan or at the time the loan deficiency payment application is made. The producer is also required to declare and certify on the Farm Stored Honey Loan Certification and Worksheet the color and class (table or nontable) of the honey at the time the honey is pledged as collateral for a loan or at the time the loan deficiency payment application is made.

(2) Loans and loan deficiency payments on warehouse-stored honey will be made on the basis of the floral source of the honey as shown on the warehouse receipt or on the extracted honey inspection and weight certificate accompanying the warehouse receipt representing such honey.

(b) When honey is delivered to CCC in eligible containers, its quality and color shall be determined by the Agricultural Marketing Service (AMS), in accordance with CCC Specifications for Unprocessed Honey on the basis of samples drawn by ASCS representatives supervising delivery. Samples shall not be drawn until the producer has designated all lots. Single containers shall not be considered as lots unless necessitated by color or floral source. The cost of quality and color determinations for a maximum of four lots shall be paid by CCC, with all other costs to be paid by the producer.

(c) Table honey which is stored in eligible containers shall, insofar as is practicable, be segregated into lots by color to conform with the color categories which are set forth in the CCC Specifications for Unprocessed Honey.

(d) If the honey in eligible containers is not segregated so that it can be classified as table honey, the settlement rate shall be based on the support rate for nontable honey.

(e) In the case of blends of table and nontable honeys, the settlement rate shall be based on the support rate for nontable honey.

§ 1434.17 Payment and forfeiture limitations.

(a) The total amount of loan deficiency payments and marketing loan gains that a person, as defined in part 1497 of this chapter, may receive under this section may not exceed:

(1) $200,000 in the 1991 crop year;

(2) $175,000 in the 1992 crop year;

(3) $150,000 in the 1993 crop year; and

(4) $125,000 in each of the 1994 and subsequent crop years.

(b) The total amount of loan forfeitures which may be made in a year by a person, as defined in part 1497 of this chapter, shall not exceed the amounts specified in paragraph (a) of this section. Such forfeiture amounts shall be determined on the settlement value of the honey which is forfeited to CCC.

§ 1434.18 Transfer of producer's interest prohibited.

The producer shall not transfer either the remaining interest in or right to redeem honey pledged as collateral for a loan on farm stored honey nor shall anyone acquire such interest or right. Subject to the provisions of § 1434.24, a producer who wishes to liquidate all or part of a loan by contracting for the sale of the honey must obtain written approval of the county office on a form prescribed by CCC to remove a specified quantity of the honey from storage. Any such approval shall be subject to the terms and conditions set forth in the applicable form, copies of which may be obtained by producers or prospective purchasers at the county office.

§ 1434.19 Insurance

CCC will not require the producer to insure the honey pledged as collateral for a farm-stored loan. However, if the producer insures such honey and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the honey involved in the loss.

§ 1434.21 Loss or damage.

The producer is responsible for any loss in quantity or quality of the honey pledged as collateral for a loan. CCC shall not assume any loss in quantity or quality of the loan collateral.

§ 1434.21 Personal liability of the producer.

(a) The making of any fraudulent representation by a producer in the loan documents, in obtaining a loan, loan deficiency payment, or in connection with settlement or delivery under a loan, or the unlawful disposition of any portion of the honey by the producer, shall render the producer subject to criminal prosecution under Federal law. Any such loans shall become payable and loan deficiency payments shall be refunded upon demand and, aside from any additional liability under Federal criminal and civil fraud statutes, the producer shall be personally liable for the amount of the loan or loan deficiency payment and charges, any additional amount paid to the producer in connection with the honey, and all costs which CCC would not have incurred had it not been for the producer's fraudulent representation or unlawful disposition, together with interest on any such amounts. With regard to amounts due for a loan, such producers may not repay such loan at the lower loan repayment rate as prescribed in § 1434.24(a)(2)(ii). Notwithstanding the provisions of the note and security agreement, if a producer has made any such fraudulent representation with respect to or unauthorized removal or disposition of the honey pledged as collateral for a price support loan without prior written approval from CCC, the amount with which the producer will be credited for any honey delivered to or removed by CCC will be the following:

(1) In the case of loans on farm stored honey, the market value of the honey as determined by CCC as of the date of delivery to or removal by CCC, or the loan settlement value, whichever is the lower, or

(2) If the honey is sold by CCC in order to determine its market value, the sales price, less any costs sustained by CCC, or the loan settlement value, whichever is the lower. If the unlawful disposition of the loan collateral is determined by CCC not to have been a willful conversion, the value of the honey or part thereof delivered to CCC or removed by CCC shall be the same as the settlement value for eligible honey

acquired by CCC as provided in this subpart.

(b) If the amount disbursed under a loan or in settlement thereof, or a loan deficiency payment, exceeds the amount authorized under this part, the producer shall be personally liable for repayment of the amount of such excess and charges plus interest.

(c) A producer shall be personally liable for any damages resulting from honey delivered to or removed by CCC, containing mercurial compounds or other substances poisonous to humans, animals, or food commodites which are contaminated.

(d) If the amount collected from the producer in satisfaction of the loan or loan deficiency payment is less than the amount required to be remitted to CCC in accordance with the provisions of this part, the producer shall be personally liable for repayment of the amount of such deficiency and charges plus interest.

(e) In the case of joint loans and loan deficiency payments, each producer signing the note or loan deficiency payment application shall be jointly and severally liable for any personal liability which may result due to the application of the provisions of this section.

(f) The amount with which the producer will be credited for any honey delivered to or removed by CCC in accordance with this section shall be subject to the payment limitation provisions set forth in § 1434.17.

§ 1434.22 Quantity for loans.

(a) The amount of a loan on the quantity of eligible honey packaged in eligible containers and stored identity-preserved in an approved warehouse shall be based on a percentage of the net weight specified on the warehouse receipt representing such honey which is pledged as security for the loan. Such percentage shall not exceed 90 percent of the weight so specified except as provided in accordance with § 1434.15(c).

(b) Loans on farm stored honey shall not be made on more than a percentage ("loan percentage"), as established by the State committee, which shall not exceed a percentage established by CCC, of the certified or measured quantity of the eligible honey stored in approved farm storage and covered by the note and security agreement. The maximum loan percentage shall not exceed 90 percent of the measured or certified quantity, except as provided in accordance with § 1434.15(c). The loan percentages may be lowered by the county committee on an individual basis when determined to be necessary in order to provide CCC with adequate protection. The county committee shall consider:

(1) The condition or suitability of the storage structure;

(2) The condition of the honey;

(3) The hazardous location of the storage structure, such as a location which exposes the structure to danger of flood, fire, and theft by a person not entrusted with possession of the honey;

(4) Any disagreement with respect to the quantity of honey to be pledged as collateral for a loan; and

(5) Such other factors which relate to the preservation or safety of the loan collateral.

(c) Loans may be made on less than the maximum quantity eligible for loan at the producer's request. If the loan quantity is reduced by the State committee, the county committee, or by request of the producer, the note and security agreement shall cover all of the honey in the lot on which the loan is made.

(d) Transfer of loan collateral from farm storage to warehouse storage. Upon request by the producer before transfer, the county committee may approve the transfer of honey or part thereof which is pledged as collateral for a loan and which is stored on the farm to warehouse storage at any time during the loan period.

(1) Liquidation of the loan on the farm stored honey or part thereof shall be made through the deposit with CCC of warehouse receipts for the honey pledged as collateral for a loan on the warehouse stored honey and the immediate payment by the producer of the amount, including charges, by which the loan on the warehouse stored honey is less than the loan on the farm stored honey or part thereof and charges plus interest.

(2) Any amounts due the producer shall be disbursed by the county office.

(3) The maturity date of the loan on the warehouse stored honey shall be the maturity date applicable to the loan on the farm stored honey which was transferred to such loan on the warehouse stored honey.

(e) The quantity of honey pledged as collateral for a loan on honey stored on the farm or for which a loan deficiency payment is requested may be based on measurement as provided in paragraph (a) of this section, or based on the basis of the quantity of honey which an eligible producer certifies in writing on Form CCC–666 (Honey) is eligible if the honey is in approved farm storage and is otherwise available for loan purposes.

(f)(1) If the county committee determines, by measurement or otherwise, that the actual quantity pledged as collateral for a loan based on certification by the producer is less than the loan quantity, the county committee shall call the loan.

(i) The producer shall have fifteen days to settle the loan, except that the producer may request reconsideration of the loan call and provide information regarding the circumstances leading to the incorrect certification. The county committee may reinstate the producer's loan if:

(A) The circumstances are of a highly meritorious nature;

(B) The producer acted in good faith;

(C) The producer did not knowingly provide an incorrect certification and made a reasonable attempt to determine the quantity; and

(D) The producer repays the amount of any overdisbursement and charges plus interest.

(ii) If the loan is called, the county committee may refuse to approve any further loans on farm-stored honey for honey produced by the producer through the end of the next crop year after the crop year in which the incorrect certification was made.

(iii) If the county committee determines, by measurement or otherwise, that the actual quantity for a loan deficiency payment based on certification by the producer is less than the quantity eligible for such payment, the county committee may refuse to approve any further loan deficiency payment without evidence of production acceptable to CCC, on any commodity through the end of the next crop year after the crop year in which the incorrect certification was made. However, the producer may request reconsideration of the refusal and provide information regarding the circumstances leading to the incorrect certification. In such cases, the county committee may approve the producer's request if:

(A) The circumstances are of a highly meritorious nature,

(B) The producer acted in good faith,

(C) The producer did not knowingly provide an incorrect certification and made a reasonable attempt to determine the quantity; and

(D) The producer repays the overdisbursement and charges, plus interest for the shortage.

(2) If the producer has incorrectly certified quantities for a loan or a loan deficiency payment on more than one occasion, the county committee shall call the loan or loans involved and approve no further loan deficiency payment without acceptable production evidence or loans on farm storage honey for the producer on any commodity through the end of the next crop year

after the crop year in which the incorrect certification was made. If the county committee feels the seriousness of the matter so justifies, they may deny further farm-stored loans to the producer for more than one year.

(3) If the loan is called in accordance with this subsection, the producer may not repay the loan at the lower loan repayment rate in accordance with § 1434.24(a)(2)(ii).

(g) Producers who have been refused a loan on farm-stored honey may apply for a loan on warehouse stored honey.

§ 1434.23 Unauthorized removal and unauthorized disposition.

(a) Producers obtaining a honey loan shall agree not to move or dispose of the collateral pledged as security for such loan without obtaining prior written approval for such action from the county committee in accordance with § 1434.24 of this part.

(1) Unauthorized removal is the movement without prior written consent from the county committee in accordance with § 1434.24 of any loan collateral from the storage structure in which the honey was stored when the loan was approved to any other storage structure whether or not such structure is located on the producer's farm. In such cases:

(i) On the first offense:

(A) If there are any liens or encumbrances on the commodity, waivers that fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan proceeds and no additional liens or encumbrances shall be placed on the commodity. If such waivers cannot be obtained, CCC shall call the loan in accordance with § 1434.22(f). And,

(B) The county committee may refuse to approve any further loans on farm stored honey for honey produced by the producer through the end of the next crop year after the crop year in which the unauthorized removal occurred.

(ii) On the second and subsequent offense, the county committee shall:

(A) Call the loan, and

(B) Not approve any further loans on farm stored honey for honey produced by the producer through the end of the next crop year after the crop year in which the unauthorized removal occurred.

(2) Unauthorized disposition is the conversion of collateral under loan without prior written consent from the county committee in accordance with § 1434.24. If unauthorized disposition of a quantity of a commodity occurs, the producer and CCC agree that such unauthorized disposition will cause serious and substantial damages to CCC, including damages to CCC's price support program, and the incurring of substantial administrative and other costs. The producer and CCC further agree that it will be difficult, if not impossible, to prove the amount of such damages. Accordingly, in the event that the producer moves the loan collateral prior to receiving written approval from the county committee, the loan shall be called and liquidated damages shall be assessed, in addition to any applicable interest with respect to the loan, on the quantity so disposed of beginning on the date the county committee has determined the unauthorized disposition occurred and shall continue until the loan is repaid.

(i) If the date of the unauthorized disposition of the loan collateral cannot be determined, such disposition shall be considered to have occurred on the later of:

(A) The day following the latest inspection of the collateral by a representative of the county committee, or

(B) The day following disbursement of the loan.

(ii) Liquidated damages shall be computed by multiplying the loan principal which represents the quantity so disposed by 6.5 percent interest.

(3) If liquidated damages are assessed in accordance with paragraph (a)(2) of this section, the county committee:

(i) On the first offense:

(A) May waive the calling of the loan and some or all of such liquidated damages if the county committee determines that:

(*1*) The violation occurred inadvertently or because the producer acted to prevent spoilage of the commodity,

(*2*) The violation did not result in harm or damage to the right or interest of any person or government agency, and

(*3*) The producer repays the loan and charges plus interest with respect to the quantity of the collateral which has been disposed.

(B) In such cases, shall furnish a copy of its determination to the Administrator, ASCS, and the State committee. If the determination of the county committee is not disapproved by either the Administrator, ASCS, or his designee, or the State committee within sixty days from the date the determinations are received, such determination shall be considered to have been approved.

(ii) On the second and subsequent offense, may not waive the calling of the loan or any of the liquidated damages.

(iii) Shall not consider the following acts as inadvertent acts, unless prior written approval is obtained from CCC, for the purposes of determining if some or all of the liquidated damages, or required repayments and charges plus interest or other administrative actions may be waived:

(A) Movement of mortgaged collateral off the farm,

(B) Movement of mortgaged collateral from one storage structure to another on the farm, and

(C) Feeding of mortgaged collateral.

(b) Producers who have been refused a loan on farm stored honey may apply for a loan on warehouse stored honey.

(c) If the loan is called in accordance with this subsection, the producer may not repay the loan at the lower loan repayment rate in accordance with § 1434.24(a)(2)(ii).

(d) Upon request by the producer before the transfer, the county committee may authorize the transfer of honey pledged as collateral for a loan or part thereof for honey stored in an approved warehouse to a loan on honey stored on the farm. Quantities pledged as collateral for a loan for honey stored on the farm shall be based on a measurement by a representative of the county office before approving the loan on the honey stored on the farm. The producer must immediatley repay the amount by which the loan on the honey stored on the farm is less than the loan for the honey stored in an approved warehouse and charges plus interest on the shortage. Such loans on farm-stored honey shall be made in the manner prescribed herein and the maturity date shall be the maturity date applicable to the loan which was transferred.

§ 1434.24 Release of the honey under loan.

(a)(1) A producer shall not move or dispose of any honey pledged as collateral for a loan until prior written approval for such removal or disposition has been received from the county committee in accordance with this section.

(2) A producer may at any time obtain a release of all or part of the honey remaining under loan by paying to CCC:

(i) The amount of the loan and any charges which had been made by CCC to the producer with respect to the quantity of the honey released, plus interest, or

(ii) An amount, without interest, which is less than the loan level determined in accordance with § 1434.24(e)(1)(ii).

(3) When the proceeds of a sale of honey are needed to repay all or part of

a loan, the producer must request and obtain prior written approval of the county committee on a form prescribed by CCC in order to remove a specified quantity of the honey from storage. Any such approval shall be subject to the terms and conditions set forth in the applicable form, copies of which may be obtained by producers at the county office. Any such approval shall not constitute a release of CCC's security interest in the commodity or release the producer from liability for any amounts due and owing to CCC with respect to the loan indebtedness if full payment of such amounts is not received by CCC. If a producer fails to repay a loan within the time period prescribed by CCC for a loan and such commodity pledged as loan collateral has been delivered to a buyer in accordance with Form CCC–681–1, Marketing Authorization, such producer may not repay the loan at the level that is less than the loan level determined in accordance with § 1434.24(e)(1)(ii).

(b) The note and security agreement shall not be released by CCC until the loan has been satisfied in full.

(c) After satisfaction of aloan, CCC shall release CCC's security interest in the honey at the producer's request. The producer shall be responsible for payment of any fee for such release if such fee can be determined.

(d) For honey stored in an approved warehouse, each partial release must cover all of the honey represented by one warehouse receipt. Subject to provisions of § 1434.5, warehouse receipts redeemed by the producer upon repayment of the loan, as providced in this paragraph (d) shall be released only to the producer or the producer's authorized agent. However, redeemed warehouse receipts maybe released to persons designated in a written authorization filed with the county office by the producer or the producer's properly authorized agent and dated within 15 days prior to the date of repayment.

(e)(1) Producers of honey may repay honey price support loans at the level that is the lesser of:

(i) The loan level and charges, plus interest, determined for such crop; or

(ii) such level as the Secretary, or a designee, determines will:

(A) Minimize the number of loan forfeitures;

(B) Not result in excessive total stocks of honey;

(C) Reduce the costs incurred by the Federal Government in storing honey; and

(D) Maintain the competitiveness of honey in domestic and export markets.

(2) CCC shall determine and announce the repayment levels for each crop of honey on a monthly basis. CCC may allow producers with honey loans to request that a loan repayment rate, announced by CCC, to be the repayment level for not more than 30 days from the date of such request. In such cases:

(i) The producer shall file, on a form prescribed by CCC, an agreement to redeem all or a portion of the loan quantity pledged as collateral for a loan at the announced price entered on the form.

(ii) If such request is approved by CCC, the rate specified on such form shall be in effect for not more than 30 days from the date such request is made for such loan.

(iii) If the producer fails to redeem the specified loan quantity within the 30-day period, CCC will require the producer to redeem the loan quantity at not less than the loan level determined for such crop in accordance with § 1434.24(a)(2)(i).

§ 1434.25 Liquidation of loans.

(a) The producer is required to:

(1) Repay the loan by payment of the amount of loan and any charges, plus interest, or an amount, without interest, which is less than the loan level determined in accordance with § 1434.24(e)(1)(ii), or

(2) Deliver the honey under loan to CCC. Deliveries shall be made in accordance with written instructions issued by the county office which shall set forth the time and place of delivery. Delivery points shall be limited to those approved by the CCC Kansas City Commodity Office. CCC will not accept delivery of any quantity of eligible honey in satisfaction of the loan indebtedness in excess of:

(i) For honey stored on the farm, the larger of:

(A) 110 percent of the quantity pledged as collateral for the loan, or

(B) A sufficient quantity of honey having a settlement value equal to the loan amount and charges, plus interest.

(ii) For honey stored in an approved warehouse, the quantity shown on the warehouse receipts.

(iii) An amount having a settlement value in excess of the amounts shown in § 1434.17 for the applicable crop year.

(b) Settlement of the quantity determined shall be made as provided in § 1434.27.

(c) If the producer desires to deliver the honey to CCC, the producer must give the county committee notice in writing of such intention to do so within a reasonable time prior to the applicable maturity date. If the producer fails to deliver such commodities to CCC by the date specified on Form CCC–691, Commodity Delivery Notice, and the producer subsequently redeems the commodity pledge as collateral for the loan before delivery is completed, interest shall continue to be assessed on such amount in accordance with part 1405 of this chapter.

(d) If, prior to delivery to CCC, the honey in approved farm storage is going out of condition, the producer shall so notify the county office and confirm such notice in writing. If the county committee determines that:

(1) The honey is going out of condition or is in danger of going out of condition;

(2) The honey cannot be satisfactorily conditioned by the producer; and

(3) Delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination. When delivery is completed, settlement shall be made subject to the provisions of §§ 1434.20 and 1434.21 on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, for the quantity actually delivered.

(e) When considered necessary to protect the interest of CCC or when requested by the producer, CCC may call the loan and accept delivery of the honey prior to the loan maturity date.

(f) If the loan maturity date is accelerated upon request of the producer and the acceleration is approved by CCC, the settlement value of the honey shall be reduced by one-sixtieth of 1 cent per pound per month or fraction thereof from the earlier of:

(1) The date delivery is accomplished, or

(2) The final date for delivery as shown in the delivery instructions up to and including the original loan maturity date.

(g) If a producer fails to settle the loan in accordance with paragraph (a) of this section within 30 days from the maturity date of such loan, or other reasonable time period as established by CCC, a claim for the loan amount and charges plus interest shall be established. CCC shall:

(1) Inform the producer before the maturity date of the loan of the date by which the loan must be settled or a claim will be established in accordance with part 1403 of this title; and

(2) If the producer delivers the loan collateral in accordance with paragraph (a)(2) of this section after a claim is established:

(i) Determine the value of such collateral in accordance with § 1434.27,

(ii) Waive interest on the loan amount which accrued prior to the establishment of the claim with respect to the settlement value of the quantity delivered from the date such loan proceeds were disbursed through the loan maturity date. Interest which accrues after the establishment of the claim shall not be waived, and

(iii) Reduce the outstanding claim amount arising from the loan by the amount of the settlement value of the quantity delivered plus the interest that was waived.

(h) Producers may not acquire honey, which was pledged as collateral for a price support loan through the exchange of commodity certificates.

§ 1434.26 Loan deficiency payments.

(a) Loan deficiency payments shall be available with respect to the 1991 through 1995 crops of honey.

(b) In order to be eligible to receive loan deficiency payments for a crop of honey, the producer of such commodity must:

(1) Comply with all of the program requirements to be eligible to obtain loans in accordance with this part,

(2) Agree to forego obtaining such loans, and

(3) Otherwise comply with all program requirements.

(c) The loan deficiency payment rate for a crop shall be the amount by which the level of price support loan level for the crop exceeds the level at which CCC has announced that producers may repay their price support loans in accordance with § 1434.24.

(d) The loan deficiency payment applicable to a crop of honey shall be computed by multiplying the loan deficiency payment rate, as determined in accordance with paragraph (c) of this section, by the quantity of honey the producer is eligible to pledge as collateral for a price support loan for which a loan deficiency payment is requested.

(e) CCC will make 90 percent of the loan deficiency payment in accordance with paragraph (d) of this section pending the receipt of disposition evidence in accordance with § 1434.15.

(f) Notwithstanding any provisions in this section, loan deficiency payments may be based on 100 percent of the net quantity specified on acceptable evidence of disposition of the honey certified as eligible for a loan deficiency payment if CCC determines that such quantity represents the quantity for the number of containers of honey pledged as collateral for the loan when the loan was disbursed.

§ 1434.27 Settlement.

(a) Except as provided in §§ 1434.20, 1434.21, and paragraph (b) of this section, settlement with the producer for eligible honey acquired by CCC under loan will be made on the basis of the quantity, floral source, class, quality, grade, and color of such honey as provided in this section and other applicable provisions of this subpart. The settlement value of honey shall be the product of the support rate for the class, floral source, grade, and color, times the quantity acquired at the time of settlement adjusted by the applicable discounts. The support rate per pound of honey at which settlement will be made shall be the rate determined annually and available in ASCS county offices.

(b) Settlement for eligible honey stored identity preserved in an approved warehouse and acquired by CCC shall be made on the basis of the net weight shown on the extracted honey inspection and weight certificate and the class, floral source, color, and grade shown on the inspection certificate.

(c) If ineligible honey is inadvertently accepted by CCC, the settlement value shall be the market value as of the date of delivery as determined by CCC. The provisions of § 1434.21 shall be applicable to settlement on ineligible honey where there has been a fraudulent representation on the part of the producer.

(d) If the settlement value of the honey is less than the amount due on the loan (excluding interest), or if the settlement value has been limited in accordance with § 1434.17, the amount of any deficiency and charges plus interest thereon shall be paid to CCC.

(e) If the settlement value of the honey delivered to CCC exceeds the amount due on the loan (excluding interest), such excess amount shall be paid to the producer. Any payment due the producer on a loan will be made by check drawn on the account of CCC by the county office.

(f) A producer may be required to retain and store the honey that is pledged as collateral for a loan for a period of 60 days after the maturity date of a loan without any cost to CCC. If CCC is unable to take delivery of the honey within the 60-day period after the loan maturity date, the producer shall be paid a storage payment upon delivery of the honey to CCC. The storage payment shall be computed at the storage rate stated in the applicable CCC storage agreement for honey in effect at the delivery point where the producer delivers the honey. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after such maturity date and extend through the earlier of:

(1) The final date of actual delivery, or

(2) The final date for delivery as specified in the delivery instructions issued to the producer by the county office.

§ 1434.28 Foreclosure.

(a) If the loan indebtedness (i.e., the unpaid amount of the note, charges, and interest) is not satisfied upon maturity of the note, CCC may remove the honey from storage and assign, transfer, and deliver the honey or documents evidencing title thereto at such time, in such manner, and upon such terms as CCC may determine at public or private sale. Any such disposition may similarly be accomplished without the prior removal of the honey from storage. The honey may be processed before sale. CCC may become the purchaser of the whole or any part of the honey at either a public or private sale.

(b) At CCC's election, title to all or any part of the unredeemed honey securing the note as CCC may designate shall, without a sale thereof, immediately vest in CCC upon maturity and nonpayment of the producer's note. Whenever CCC acquires title to the unredeemed honey, CCC shall have no obligation to pay for any market value which such honey may have in excess of the loan indebtedness, i.e., the unpaid amount of the note and charges plus interest.

(c) If honey is removed from storage by CCC and is sold pursuant to paragraph (a) of this section at less than the principal amount due CCC on the loan (excluding interest), or, if the settlement value has been limited in accordance with § 1434.17, the producer shall be liable to CCC for the difference between the settlement value of the honey (or the proceeds from the sale of the honey, if higher) and the amount of the loan and charges plus interest.

§ 1434.29 Charges not be assumed by CCC.

CCC will not assume any charges for insurance, storage, packaging, or processing.

§ 1434.30 Handling payments and collections not exceeding $9.99.

In order to avoid administrative costs of making small payments and handling small accounts, amounts of $9.99 or less which are due the producer will be paid only upon the producer's request. Deficiencies of $9.99 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1434.31 Death, incompetency, or disappearance.

In the case of death, incompetency, or disappearance of any producer who is entitled to the payment of any sum in settlement of a loan, payment shall be made upon proper application to the county office which made the loan to the persons who would be entitled to such producer's payment under the regulations contained in part 707 of this title—Payments Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent.

§ 1434.32 Definitions.

(a) As used in the regulations in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases listed in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires.

(b) The following definitions shall be applicable to this part:

Charges. The term "charges" means all fees, costs, and expenses incident to insuring, carrying, handling, storing, conditioning, and marketing the honey and otherwise protecting the interest in the loan collateral of CCC or the producer including foreclosure costs.

Chattel mortgage. The term "chattel mortgage" means any security instrument which secures a farm stored loan.

County committee. The term "county committee" means only the committee and not its representative.

County executive director. The term "county executive director" means the person employed by the county committee to execute the policies of the county committee and to be responsible for day-to-day operations of the ASCS county office or the person acting in such capacity.

Crop year. The crop year shall be the calendar year.

Person. The term "person" means the individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity and, whenever applicable a State, political subdivision of a State, or any agency thereof.

Representative of the county committee and county committee representative. The terms "representative of the county committee" and "county committee representative" mean a member of the county committee, the county executive director, or a person designated by the county executive director to act in behalf of the county executive director.

Request for price support. The term "request for price support" means a request for loan.

Settlement value. The term "settlement value" means the value at which settlement is made with the producer on the mortgaged or pledged honey, as determined under the provisions of the regulations in this part.

State committee. The term "State committee" means the persons in a State designated by the Secretary of Agriculture as the ASC State committee under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, except that for Puerto Rico and the Virgin Islands, the Caribbean ASCS shall, in so far as applicable, perform the functions of the State committee.

State Executive Director. The term "State Executive Director" means the person employed by the State committee to execute the policy of the State committee and to be responsible for the day-to-day operations of the State ASCS office, or the person acting in such capacity.

§ 1434.33 Paperwork Reduction Act assigned numbers.

The information collection requirements contained in these regulations will be submitted to the Office of Management and Budget in accordance with 44 U.S.C. chapter 35 and an OMB number will be assigned.

Signed this 15 day of May 1991 in Washington, D.C.

John A Stevenson,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 91–11949 Filed 5–20–91; 8:45 am]

BILLING CODE 3410–05

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 101 and 103

[INS Number: 1424–91]

Special Immigrant Status; Certain Aliens Declared Dependent on a Juvenile Court; Bona Fide Marriage Exemption to Marriage Fraud Amendments

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule implements section 153 of the Immigration Act of 1990 (IMMACT 90), Public Law 101–649, November 29, 1990. The interim rule establishes a procedure for classification of certain aliens who have been declared dependent on a juvenile court in the United States as special immigrants. This rule also implements section 702 of IMMACT 90 by providing for appeals of denial of adjustment of status where the denial was based solely on failure to establish eligibility for the bona fide marriage exemption contained in section 245(e) of the Immigration and Nationality Act, as amended.

DATES: This interim rule is effective May 21, 1991. Written comments must be submitted on or before June 20, 1991.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., room 5304, Washington, DC 20536. To ensure proper handling, please reference INS number 1424–91 on your correspondence.

FOR FURTHER INFORMATION CONTACT: Rita A. Boie, Senior Immigration Examiner, Adjudications Branch, Immigration and Naturalization Service, 425 I Street, NW., room 7223, Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION: Section 153 of IMMACT 90 establishes a special immigrant classification for juveniles who have been declared dependent upon a juvenile court in the United States, found to be eligible for long-term foster care and in whose best interests it would be not to return to his or her home country.

The grant of special immigrant classification allows these juveniles to become eligible for an immigrant visa or adjustment of status to that of a lawful permanent resident. The special immigrant classification is not currently subject to the numerical restrictions imposed by law on most immigrant categories. On and after October 1, 1991, special immigrants will be subject to numerical limitations.

Congress did not waive any provisions of section 245 of the Act for these aliens. Section 245(a) prohibits the adjustment of status of aliens who have not been inspected and admitted or paroled into the United States. Section 245(c) also prohibits the adjustment of status of aliens who have failed to continuously maintain lawful nonimmigrant status or who have been employed without authorization in the United States. The Service anticipates that many dependent juvenile aliens will not be eligible for adjustment of status because of these provisions of law and will therefore request corrective legislation.

Section 153 of IMMACT 90 waives certain grounds of deportability for

dependent juvenile aliens. However, the statute does not waive any grounds of excludability. An excludable alien may not be issued an immigrant visa, unless the exclusion grounds are waived. Therefore, many dependent juveniles may also be ineligible to obtain immigrant visas abroad. The Service will also request corrective legislation to allow certain grounds of excludability to be waived for these juveniles.

Section 153 of IMMACT 90 also provides that the parents of any alien provided special immigrant status shall not be accorded, by virtue of such parentage, any right, privilege or status under the Act.

The juvenile, or any person acting on the juvenile's behalf, may file the petition for classification as a special immigrant juvenile. The petitioner is not required to be a citizen or permanent resident of the United States.

The juvenile must be unmarried, since marriage alters the dependent relationship to the juvenile court.

The petitioner may appeal the director's decision to deny a petition for a special immigrant juvenile to the Associate Commissioner, Examinations.

This rule also provides for automatic revocation of special immigrant classification if the alien ceases to be dependent upon the juvenile court prior to entering the United States with an immigrant visa or approval of an application for adjustment of status to that of a lawful permanent resident. This is necessary to ensure that the alien continues to meet the qualifications set forth in the Act at the time the juvenile is admitted to the United States for lawful permanent residence. An alien will not be required to remain in depenent juvenile status after becoming a lawful permanent resident.

This rule also amends 8 CFR part 103 to provide for the appeal of a denial of an application for adjustment of status under section 245 of the Act when the application was denied solely because the applicant failed to establish eligibility for the bona fide marriage exemption contained in section 245(e)(3) of the Act. Section 702 of IMMACT 90 provided for a single level of administrative review for denials of requests for the exemption. The Service has determined that these denials will be appealable to the Associate Commissioner, Examinations. Minor technical revisions are also made to this part to remove grammatical inconsistencies caused by the additions.

The Service's implementation of this rule as an interim rule, with provision for post-promulgation public comment, is based upon the "good cause" exception found at 5 U.S.C. 553(d). The reason and the necessity for immediate implementation of this interim rule are as follows:

Public Law 101–649 (IMMACT 90) created a new special immigrant classification for juvenile aliens who have been declared dependent upon a juvenile court in the United States. Early implementation of this rule will allow eligible alien juveniles to immediately obtain special immigrant status and apply for immigrant visas or adjustment of status to that of a lawful permanent resident. Early implementation will further allow petitioners for special immigrant juveniles and applicants for adjustment of status whose applications were denied because the applicant failed to establish eligibility for the bona fide marriage exemption to appeal the initial decisions.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have Federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612.

The information collection requirements contained in this regulation have been forwarded to the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act for review and clearance.

List of Subjects

8 CFR Part 101

Aliens, Immigration, Reporting and recordkeeping requirements.

8 CFR Part 103

Adminstrative practice and procedures, Archives and records, Authority delegation, Fees, Forms.

Accordingly, chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 101—PRESUMPTION OF LAWFUL ADMISSION

1. The authority citation for part 101 continues to read as follows:

Authority: 8 U.S.C. 1103, 8 CFR part 2.

2. A new section 101.6 is added to read as follows:

§ 101.6 Special immigrant status for certain aliens declared dependent on a juvenile court (Special Immigrant Juvenile).

(a) *Definitions.*

Juvenile court means a court located in the United States having jurisdiction under state law to make judicial determinations about the custody and care of juveniles.

Long-term foster care means foster care that is of indefinite duration. A child who is eligible for long-term foster care will normally be expected to remain in foster care until reaching the age of majority.

(b) *Petition for Special Immigrant Juvenile.* An alien may not be classified as a special immigrant juvenile unless the alien is the beneficiary of an approved petition to classify an alien as a special immigrant under 101(a)(27)(J) of the Act. The petition must be filed on Form I–360, Petition for Amerasian, Widow or Special Immigrant.

(1) *Who may file.* The alien juvenile, or any person acting on the alien juvenile's behalf, may file the petition for special immigrant juvenile status. The person filing the petition is not required to be a citizen or lawful permanent resident of the United States.

(2) *Where to file.* The petition must be filed at the district office of the Immigration and Naturalization Service having jurisdiction over the juvenile's residence.

(c) *Eligibility.* An alien is eligible for classification as a special immigrant under section 101(a)(27)(J) of the Act if the alien:

(1) Is a juvenile under the law of the state in which the juvenile court upon which the alien has been declared dependent is located;

(2) Is unmarried;

(3) Has been declared dependent upon a juvenile court located in the United States while the juvenile was in the United States and under the jurisdiction of the court;

(4) Has been deemed eligible by the juvenile court for long-term foster care;

(5) Continues to be dependent upon the juvenile court and eligible for long-term foster care, such declaration, dependency or eligibility not having been vacated, terminated or otherwise ended; and

(6) Has been the subject of administrative or judicial proceedings in which it has been determined that it would not be in the alien's best interest to be returned to the country of nationality or last habitual residence of the beneficiary or his or her parent or parents.

(d) *Documents which must be submitted in support of the petition.* A petition to classify an alien as a special immigrant under section 101(a)(27)(J) of the Act must be accompanied by:

(1) A juvenile court order, issued by a court of competent jurisdiction located in the United States, showing that the court has found the beneficiary to be dependent upon that court;

(2) A juvenile court order, issued by a court of competent jurisdiction located in the United States, showing that the court has found the beneficiary eligible for long-term foster care; and

(3) Evidence of a determination made in judicial or administrative proceedings by a court or agency authorized by law to make such decisions, that it would not be in the beneficiary's best interest to be returned to the country of nationality or last habitual residence of the beneficiary or his or her parent or parents.

(e) *Decision.* The petitioner will be notified of the director's decision, and, if the petition is denied, of the reasons for the denial. If the petition is denied, the petitioner will also be notified of the petitioner's right to appeal the decision to the Associate Commissioner, Examinations, in accordance with part 103 of this chapter.

(f) *Revocation of approval.* The approval of a petition for a juvenile special immigrant is revoked as of the date of approval if the Secretary of State terminates the beneficiary's registration pursuant to section 203(e) of the Act prior to October 1, 1991 or pursuant to section 203(g) of the Act on or after October 1, 1991, or if any of the following circumstances occur before the beneficiary's journey to the United States commences or, if the beneficiary is an applicant for adjustment of status to that of a permanent resident, before the decision on his or her application becomes final:

(1) The beneficiary ceases to be a juvenile under the laws of the state of the juvenile's residence;

(2) The beneficiary marries;

(3) The beneficiary ceases to be dependent upon the juvenile court;

(4) The beneficiary ceases to be eligible for long-term foster care; or

(5) It is determined in administrative or judicial proceedings that it is in the beneficiary's best interest to be returned to the country of nationality or last habitual residence of the beneficiary or his or her parent or parents.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

3. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 552, 552a; 8 U.S.C. 1101, 1103, 1201, 1304; 31 U.S.C. 9701; E.O. 12356, 47 FR 14874, 15557, 3 CFR, 1982 Comp., p. 166; 8 CFR part 2.

4. Section 103.1(f)(2) is amended by removing the word "and" at the end of paragraph (f)(2)(xxxiii), and by removing the period at the end of paragraph (f)(2)(xxxiv) and adding, in its place, a semicolon.

5. Section 103.1 is further amended by adding new paragraphs (f)(2)(xxxv) and (f)(2)(xxxvi) to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(f) * * *

(2) * * *

(xxxv) Petition for special immigrant juvenile under part 101.6 of this title; and

(xxxvi) Applications for adjustment of status under part 245 of this title when denied solely because the applicant failed to establish eligibility for the bona fide marriage exemption contained in section 245(e) of the Act.

* * * * *

Dated: March 19, 1991.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 91-11971 Filed 5-20-91; 8:45 am]

BILLING CODE 4410-10-M

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8 CFR Part 204

[INS No. 1401-91]

Transition for Employees of Certain United States Businesses Operating in Hong Kong

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This rule implements section 124 of the Immigration Act of 1990 (Pub. L. 101-649) by providing petition procedures to establish eligibility for immigrant visas for qualifying employees (as well as their spouses and dependent children) of certain United States businesses operating in Hong Kong. This rule is necessary to help United States companies operating in Hong Kong avoid the loss of key employees through emigration to countries other than the United States and transfers to non-United States businesses.

DATES: This interim rule is effective May 21, 1990. Written comments must be submitted on or before June 20, 1991.

ADDRESSES: Please submit written comments, in triplicate, to Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street NW., room 5304, Washington, DC 20536. To ensure proper handling, please reference the INS number 1401-91 on your correspondence.

FOR FURTHER INFORMATION CONTACT: Edward H. Skerrett, Senior Immigration Examiner, Adjudications Division, Immigration and Naturalization Service, 425 I Street NW., room 7122, Washington, DC 20536, telephone (202) 514-3946.

SUPPLEMENTARY INFORMATION: Section 124 of the Immigration Act of 1990 (Pub. L. 101-649) provides that up to 12,000 additional immigrant visas shall be made available in each of fiscal years 1991 through 1993 for qualifying employees (as well as their spouses and dependent children) of certain United States businesses operating in Hong Kong. This section further provides that the United States business desiring to employ such an alien within the United States must file a classification petition with the Attorney General

Due to the scheduled reversion of Hong Kong to the People's Republic of China in 1997, United States companies operating in Hong Kong have already lost key emloyees through emigration from Hong Kong and transfers to non-United States businesses. Congress passed Section 124 and provided an additional 12,000 visas for Hong Kong residents who might be forced to choose between remaining in Hong Kong after 1997, or seeking employment with a company which is based in a country with a more liberal immigration policy. It was intended that this provision would help reduce the out-migration of Hong Kong residents that results in the potential loss by American companies of some key employees. Section 124 is intended to reduce these losses.

This rule amends part 204 of title 8 of the Code of Federal Regulations by adding a new § 204.8 which sets forth regulatory requirements for eligibility and a petition process.

Jurisdiction

This rule prescribes that the petition to be used for this process shall be Form I-140, Petition for Prospective Immigrant Employee. The petition must be filed with the Service Center of the United States Immigration and Naturalization Service (INS) having jurisdiction over the United States Corporate Headquarters of the United States business.

Section 124 does not preclude these employees from adjusting status to permanent residence in the United States; however, because of the wording of section 124, only employees who still are residents of and employed in Hong Kong and only temporarily in the United

States would be adjustable as section 124 immigrants. Furthermore, because of the limited number of aliens involved and the short duration of this provision, this rule precludes the concurrent filing of Form I–140 with an application for status as a permanent resident (Form I–485).

United States Employer

Section 124 requires that the qualifying business entity must be owned and operated in the United States, or that it be the subsidiary or affiliate of a business owned and operated in the United States. The legislative history is quite clear in indicating that the qualifying business entity must be a United States entity and that a foreign entity which happens to have premises in both the United States and Hong Kong would not be a qualifying business.

The business entity must employ at least 100 employees in the United States and at least 50 employees outside the United States. Section 124 does not require that all of this latter group be employed in Hong Kong. Of course, aliens employed in and residing in foreign locations other than Hong Kong are not eligible for the benefits of the provision.

Hong Kong Employees

Section 124 requires that the alien employee be a resident of Hong Kong. There is no requirement that the alien be a native of Hong Kong. Further, the alien must be employed in Hong Kong at the time the petition is filed (and have been so employed during the 12 previous, consecutive months) as an officer or supervisor or in a capacity that is managerial, executive, or requires specialized knowledge. The definitions of "officer" and "supervisor" are set forth in section 124; the definitions of "managerial capacity" and "executive capacity" are set forth in section 123 of the Immigration Act of 1990; and the definition of "specialized knowledge" has the meaning given that term in section 214(c)(2)(B) as amended by section 206(b)(2) of the Immigration Act of 1990.

United States Job Offer

The provision requires that the offer of employment be effective from the time of filing the petition and including the time of entry into the United States. It is clear, therefore, that qualifying employment must continue and cannot be broken. Termination of employment prior to entry will result in termination of qualification for the benefits of this provision; however, transfers within the same company to different divisions, sections, subsidiaries, or affiliates in Hong Kong will not be disqualifying.

Since section 154 of the Immigration Act of 1990 permits deferral of immigration of the United States by residents of Hong Kong until September 1, 2001, this rule provides for two levels of documentation regarding the proposed job in the United States. If immigration is to be immediate, a specific job description must be included with employer's attestation that the alien will be employed in one of the qualifying positions and that salary and benefits will be comparable to those provided to others with similar responsibilities and experience within the same company. If immigration will be deferred, a simple commitment by the employer that a qualifying job will be available will be accepted. However, at the eventual time of application for an immigrant visa, the specificity required for immediate immigration will apply and must be presented.

The Service's implementation of this rule as an interim rule, with provision for post-promulgation public comment, is based upon the "good cause" exception found at 5 U.S.C. 553(d). The reason and the necessity for immediate implementation of this interim rule is as follows: This provision has been mandated for immediate implementation by section 161(b)(3) of Public Law 101–649.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

This rule is not a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have Federalism implications warranting the preparation of a Federal Assessment in accordance with E.O. 12612.

This rule contains information collection requirements which have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act. The OMB control numbers for these collections are contained in 8 CFR 299.5.

List of Subjects in 8 CFR Part 204

Administrative practice and procedure, Aliens, Employment, Immigration, Petitions.

Accordingly, part 204 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

1. The authority citation for part 204 continues to read as follows:

Authority: 66 Stat. 166, 173, 175, 178, 179, 182, 217; 100 Stat. 3537; 8 U.S.C. 1101, 1103, 1151, 1153, 1154, 1182, 1186a, 1255, and 8 CFR part 2.

2. A new § 204.8 is added to read as follows:

§ 204.8 Petitions for employees of certain United States businesses operating in Hong Kong.

(a) *General.* A petition to accord an alien status as an employee of a United States business operating in Hong Kong pursuant to section 124 of the Immigration Act of 1990 shall be filed by the employer on Form I–140, Petition for Prospective Immigrant Employee. Since section 124 provides for up to 12,000 additional visa numbers only in each of fiscal years 1991 through 1993, petitions for these employees will not be accepted after September 30, 1993.

(b) *Definitions.* As used in this section:

Affiliate means one of two subsidiaries both of which are owned and controlled by the same parent or individual or one of two legal entities owned and controlled by the same group of individuals, each individual owning and controlling approximately the same share or proportion of each entity.

Executive capacity means an assignment within an organization in which the employee primarily:

(i) Directs the management of the organization or a major component or function of the organization;

(ii) Establishes the goals and policies of the organization, component, or function;

(iii) Exercises wide latitude in discretionary decision-making; and

(iv) Receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the organization.

Managerial capacity means an assignment within an organization in which the employee primarily:

(i) Manages the organization, or a department, subdivision, function, or component of the organization;

(ii) Supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function within the organization, or a department or subdivision of the organization;

(iii) Has the authority to hire and fire or recommend those as well as other

personnel actions (such as promotion and leave authorization) if another employee or other employees are directly supervised, or, if no other employee is directly supervised, functions at a senior level within the organizational hierarchy or with respect to the function managed; and

(iv) Exercises direction over the day-to-day operations of the activity or function for which the employee has authority.

Officer means, with respect to a business entity, the chairman or vice-chairman of the board of directors of the entity, the chairman or vice-chairman of the executive committee of the board of directors, the president, any vice-president, any assistant vice-president, any senior trust officer, the secretary, any assistant secretary, the treasurer, any assistant treasurer, any trust officer or associate trust officer, the controller, any assistant controller, or any other officer of the entity customarily performing functions similar to those performed by any of the foregoing officers.

Parent means a firm, corporation, or other legal entity which has subsidiaries.

Specialized knowledge means, with respect to an organization, that an alien has a special knowledge of the organization's product and its application in international markets or has an advanced level of knowledge of processes and procedures of the organization.

Subsidiary means a firm, corporation, or other legal entity of which a parent owns, directly or indirectly, more than half of the entity and controls the entity; or owns, directly or indirectly, 50 percent of a 50–50 joint venture and has equal control and veto power; or owns, directly or indirectly, less than half the entity, but in fact controls the entity.

Supervisor means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, award, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively recommend such action, if in connection with the foregoing, the exercise of such authority is not merely of a routine or clerical nature, but requires the use of independent judgement.

United States business, as used in this section, means an entity or organization created under the laws of the United States which has a United States principal place of business and which is at least 50 percent owned by United States citizens or permanent residents.

(c) *Jurisdiction.* The petition must be filed at the Service Center having jurisdiction over the corporate headquarters of the business in the United States. There will be no concurrent filing of a petition with an application for status as a permanent resident (Form I–485).

(d) *Eligibility.* The alien beneficiary must:

(1) Be a resident of Hong Kong who is employed in Hong Kong (and has been so employed during the 12 previous, consecutive months) as an officer or supervisor or in a capacity that is managerial, executive, or involves specialized knowledge, by a business entity which:

(i) Is owned and organized in the United States (or is the subsidiary or affiliate of a business owned and organized in the United States);

(ii) Employs at least 100 employees in the United States and at least 50 employees outside the United States (not necessarily all in Hong Kong); and

(iii) Has a gross annual income of at least $50,000,000.

(2) Have an offer of employment in the United States from the United States business entity as an officer or supervisor or in a capacity that is managerial or executive, or involves specialized knowledge. The offer of employment must:

(i) Be effective from the time of filing the petition through and including the time of entry into the United States, and

(ii) Provide for salary and benefits comparable to the salary and benefits provided to others with similar responsibilities and experience within the same company.

(e) *Determining managerial or executive capacities*—(1) *Supervisors as managers.* A first-line supervisor is not considered to be acting in a managerial capacity merely by virtue of the supervisor's supervisory duties unless the employees supervised are professional.

(2) *Staffing levels.* If staffing levels are used as a factor in determining whether an individual is acting in a managerial or executive capacity, the reasonable needs of the organization, component, or function in light of the overall purpose and stage of development of the organization, component, or function shall be taken into account. An individual shall not be considered to be acting in a managerial or executive capacity merely on the basis of the number of employees that the individual supervises or has supervised or directs or has directed.

(f) *Evidence to accompany petition.* A petition filed on Form I–140 shall be accompanied by:

(1) Form ETA–750B, Statement of Qualifications of Alien; and

(2) A letter from the employer attesting to the information contained in paragraph (d) of this section. Since the alien's move to the United States from Hong Kong does not need to take place immediately, the employer's information on the job in the United States will be determined by the circumstances of the individual case. If immediate immigration is intended, a specific job description must be included with the employer's attestation. If immigration will be deferred, a simple commitment by the employer that a qualifying job will be available in the United States will be acceptable. Prior to seeking admission to the United States, a deferred visa applicant must present a specific job description letter for redetermination of eligibility. Such letter shall be presented to the visa-issuing consular post, or to the Service office where the alien is applying for adjustment of status in the United States.

(g) *Closing action*—(1) *Approval.* If the alien is residing in Hong Kong, an approved petition will be forwarded for visa processing to the United States Consulate at Hong Kong. Whether the alien is in Hong Kong or is adjusting in the United States, the legend "HONG KONG SEC. 124" will be clearly printed in the block used for indicating preference at the top of Form I–140.

(2) *Denial.* The denial of a petition filed under this provision shall be appealable to the Associate Commissioner, Examinations. Notification of denial and appeal rights, and the procedure for appeal shall be the same as those contained in 8 CFR 103.3.

(3) *Revocation.* A petition approved under this provision shall be automatically revoked for the same reasons provided in 8 CFR 205.1(c). The procedure for revocation on notice shall be the procedure described in 8 CFR 205.2. Termination of employment shall be grounds for automatic revocation; however, a transfer within the same company to a different division, section, subsidiary, or affiliate in Hong Kong will not be disqualifying.

Dated: March 18, 1991.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 91–11972 Filed 5–20–91; 8:45 am]

BILLING CODE 4410–10–M

8 CFR Part 212

[INS No. 1410-91]

Consent to Reapply for Admission After Deportation, Removal or Departure at Government Expense

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule implements section 514 of the Immigration Act of 1990 (IMMACT), Public Law 101–649, November 29, 1990, by extending from ten to twenty years the bar on re-entry into the United States after deportation or removal of aliens who are convicted of one or more aggravated felonies. This change applies to admissions occurring on or after January 1, 1991, and is necessary to ensure implementation and regulatory compliance with the statute as enacted by Congress. This rule also provides other miscellaneous technical changes to 8 CFR 212.2.

DATES: This interim rule is effective May 21, 1991. Interested persons are invited to submit written comments on or before June 20, 1991.

ADDRESSES: Written comments should be submitted in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street NW., room 5304, Washington, DC 20536. Please include INS number 1410–91 on the mailing envelope to ensure proper and timely handling.

FOR FURTHER INFORMATION CONTACT: Cindy N. Lechner, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., room 7228, Washington, DC 20536, telephone (202) 514–3946.

SUPPLEMENTARY INFORMATION: On November 29, 1990, section 212(a)(17) of the Immigration and Nationality Act (Act) was amended to bar the re-entry of an alien convicted of an aggravated felony, as defined in section 101(a)(43) of the Act, within twenty (20) years of the date of deportation or removal. Such alien may not re-enter the United States until twenty (20) years have elapsed unless special permission to reapply for admission during the twenty (20) year period is granted by the Attorney General. This extended period barring aggravated felons relates to aliens who are applying for admission on or after January 1, 1991.

The Service's implementation of this rule as an interim rule, with provision of for post-promulgation public comment, is based upon the "good cause" exception found at 5 U.S.C. 553(d). The reason and the necessity for immediate implementation of this interim rule is that this amendment with respect to consent to reapply for admission after deportation, removal or departure at government expense, and the extension of the bar from ten to twenty years for aggravated felons is effective on January 1, 1991, under Public Law 101–649.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have Federalism implications warranting the preparation of a Federal Assessment in accordance with E.O. 12612.

This rule contains information collection requirements which have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act. The OMB control numbers of these collections are contained in 8 CFR 299.5.

List of Subjects in 8 CFR Part 212

Administrative practice and procedure, Aliens.

Accordingly, part 212 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. The authority citation for part 212 continues to read as follows:

Authority: 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1225, 1226, 1228, 1252; and 8 CFR part 2.

2. Section 212.2 is revised to read as follows:

§ 212.2 Consent to reapply for admission after deportation, removal or departure at Government expense.

(a) *Evidence.* Any alien who has been deported or removed from the United States is inadmissible to the United States unless the alien has remained outside of the United States for five consecutive years since the date of deportation or removal. If the alien has been convicted of an aggravated felony, he or she must remain outside of the United States for twenty consecutive years from the deportation date before he or she is eligible to re-enter the United States. Any alien who has been deported or removed from the United States and is applying for a visa, admission to the United States, or adjustment of status, must present proof that he or she has remained outside of the United States for the time period required for re-entry after deportation or removal. The examining consular or immigration officer must be satisfied that since the alien's deportation or removal, the alien has remained outside the United States for more than five consecutive years, or twenty consecutive years in the case of an alien convicted of an aggravated felony as defined in section 101(a)(43) of the Act. Any alien who does not satisfactorily present proof of absence from the United States for more than five consecutive years, or twenty consecutive years in the case of an alien convicted of an aggravated felony, to the consular or immigration officer, and any alien who is seeking to enter the United States prior to the completion of the requisite five- or twenty-year absence, must apply for permission to reapply for admission to the United States as provided under this part. A temporary stay in the United States under section 212(d)(3) of the Act does not interrupt the five or twenty consecutive year absence requirement.

(b) *Alien applying to consular officer for nonimmigrant visa or nonresident alien border crossing card.* (1) An alien who is applying to a consular officer for a nonimmigrant visa or a nonresident alien border crossing card, must request permission to reapply for admission to the United States if five years, or twenty years if the alien's deportation was based upon a conviction for an aggravated felony, have not elapsed since the date of deportation or removal. This permission shall be requested in the manner prescribed through the consular officer, and may be granted only in accordance with sections 212(a)(17) and 212(d)(3)(A) of the Act and § 212.4 of this part. However, the alien may apply for such permission by submitting Form I–212, Application for Permission to Reapply for Admission into the United States after Deportation or Removal, to the consular officer if that officer is willing to accept the application, and recommends to the district director that the alien be permitted to apply.

(2) The consular officer shall forward the Form I–212 to the district director with jurisdiction over the place where the deportation or removal proceedings were held.

(c) *Special provisions for an applicant for nonimmigrant visa under section 101(a)(15)(K) of the Act.* (1) An applicant for a nonimmigrant visa under section 101(a)(15)(K) must:

(i) Be the beneficiary of a valid visa petition approved by the Service; and

(ii) File an application on Form I–212 with the consular officer for permission to reapply for admission to the United States after deportation or removal.

(2) The consular officer must forward the Form I–212 to the Service office with jurisdiction over the area within which the consular officer is located. If the alien is ineligible on grounds which, upon the applicant's marriage to the United States citizen petitioner, may be waived under section 212 (g), (h), or (i) of the Act, the consular officer must also forward a recommendation as to whether the waiver should be granted.

(d) *Applicant for immigrant visa.* An applicant for an immigrant visa who is not physically present in the United States and who requires permission to reapply must file Form I–212 with the district director having jurisdiction over the place where the deportation or removal proceedings were held. If the applicant also requires a waiver under section 212 (g), (h), or (i) of the Act, Form I–601, Application for Waiver of Grounds of Excludability, must be filed simultaneously with the Form I–212 with the American consul having jurisdiction over the alien's place of residence. The consul must forward these forms to the appropriate Service office abroad with jurisdiction over the area within which the consul is located.

(e) *Applicant for adjustment of status.* An applicant for adjustment of status under section 245 of the Act and Part 245 of this chapter must request permission to reapply for entry in conjunction with his or her application for adjustment of status. This request is made by filing an application for permission to reapply, Form I–212, with the district director having jurisdiction over the place where the alien resides. If the application under section 245 of the Act has been initiated, renewed, or is pending in a proceeding before an immigration judge, the district director must refer the Form I–212 to the immigration judge for adjudication.

(f) *Applicant for admission at port of entry.* Within five years of the deportation or removal, or twenty years in the case of an alien convicted of an aggravated felony, an alien may request permission at a port of entry to reapply for admission to the United States. The alien shall file the Form I–212 with the district director having jurisdiction over the port of entry.

(g) *Other applicants.* (1) Any applicant for permission to reapply for admission under circumstances other than those described in paragraphs (b) through (f) of this section must file Form I–212. This form is filed with either:

(i) The district director having jurisdiction over the place where the deportation or removal proceedings were held; or

(ii) The district director who exercised or is exercising jurisdiction over the applicant's most recent proceeding.

(2) If the applicant is physically present in the United States but is ineligible to apply for adjustment of status, he or she must file the application with the district director having jurisdiction over his or her place of residence.

(h) *Decision.* An applicant who has submitted a request for consent to reapply for admission after deportation or removal must be notified of the decision. If the application is denied, the applicant must be notified of the reasons for the denial and of his or her right to appeal as provided in part 103 of this chapter. Except in the case of an applicant seeking to be granted advance permission to reapply for admission prior to his or her departure from the United States, the denial of the application shall be without prejudice to the renewal of the application in the course of proceedings before an immigration judge under section 242 of the Act and this chapter.

(i) *Retroactive approval.* (1) If the alien filed Form I–212 when seeking admission at a port of entry, the approval of the Form I–212 shall be retroactive to either:

(i) The date on which the alien embarked or reembarked at a place outside the United States; or

(ii) The date on which the alien attempted to be admitted from foreign contiguous territory.

(2) If the alien filed Form I–212 in conjunction with an application for adjustment of status under section 245 of the Act, the approval of Form I–212 shall be retroactive to the date on which the alien embarked or reembarked at a place outside the United States.

(j) *Advance approval.* An alien whose departure will execute an order of deportation shall receive a conditional approval depending upon his or her satisfactory departure. However, the grant of permission to reapply does not waive inadmissibility under section 212(a) (16) or (17) of the Act resulting from exclusion, deportation, or removal proceedings which are instituted subsequent to the date permission to reapply is granted.

Dated: March 11, 1991.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 91–12020 Filed 5–20–91; 8:45 am]

BILLING CODE 4410–10–M

8 CFR Part 237

[INS No. 1416–91]

Imposition of Penalty

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule removes 8 CFR 237.4 which references 8 CFR part 280 of the Code of Federal Regulations regarding the imposition of penalties and bond procedures of section 237 of the Immigration and Nationality Act (Act). The reference will be properly placed in the Immigration and Naturalization Service (Service) Operations Instructions (O.I.) 237.1. Part 237.4 is removed and reserved.

EFFECTIVE DATE: May 21, 1991.

FOR FURTHER INFORMATION CONTACT: Kathryn Sheehan, Director, Enforcement Implementation Team, Immigration and Naturalization Service, 425 I St. NW., room 2108, Washington, DC 20536, telephone (202) 514–9612.

SUPPLEMENTARY INFORMATION: Title 8, Code of Federal Regulations, part 237.4 states that penalties for violation of section 237 of the Act shall be imposed in accordance with the provisions of part 280 of the regulations. A bond or undertaking submitted to obtain clearance as provided in section 237(b) of the Act shall be on Form I–310. Prior to the enactment of the Immigration Act of 1990 (IMMACT 90), Public Law 101–649, 104 Stat. 4978, section 237 of the Act required any master, commanding officer, purser, person in charge, agent, owner, or consignee of any vessel or aircraft who violated the provisions of section 237 of the Act to pay to the District Director of Customs a fine of $300.00 for each violation. Section 543 of the IMMACT 90 increased this fine to $2,000.00 and authorized the Commissioner of the Immigration and Naturalization Service to collect this fine.

The Service is removing the reference to the procedure for imposition of penalties and for obtaining a clearance bond from 8 CFR 237.4, and properly placing the reference into Service Operations Instructions (O.I.) 237.1. This action will bring this section into conformity with similar sections that do not contain a reference in the Service Regulations about the imposition of penalties. Therefore, 8 CFR 237.4 is removed and reserved.

The Service's implementation of this rule as a final rule is based upon the "good cause" exception found at 5 U.S.C. 553(d). The reason and the

necessity for immediate implementation of this final rule is that the removal of 8 CFR 237.4 from the regulations will not have an impact on any other section or procedures as it merely refers to 8 CFR part 280, Imposition and Collection of Fines which describes procedures. This will simply bring 8 CFR 237 into conformity with similar sections which do not have a regulation for imposition of penalties.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule does not have significant economic impact on a substantial number of small entities. This is not a major rule as defined in Section 1(b) of E.O. 12992, nor does this rule have Federalism implications warranting the preparation of the Federalism Assessment in accordance with E.O. 12612.

List of Subjects in 8 CFR Part 237

Aliens.

Accordingly, part 237, chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 237—DEPORTATION OF EXCLUDED ALIENS

1. The authority citation for part 237 is revised to read as follows:

Authority: 8 U.S.C. 1103, 1227, and 1255.

§ 237.4 [Removed]

2. Section 237.4 is removed and reserved.

Dated: February 27, 1991.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 91–11970 Filed 5–20–91; 8:45 am]

BILLING CODE 4410–10–M

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8 CFR Part 242

[INS No. 1439–91]

Release Procedures; Lawful Permanent Residents Convicted of Aggravated Felonies

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This rule implements section 504 of the Immigration Act of 1990 (IMMACT), Public Law 101–649, enacted on November 29, 1990, by providing the procedures to be followed in determining release conditions for lawful permanent resident aliens who are in deportation proceedings and who have been convicted of aggravated felonies as defined in section 101(a)(43) of the Immigration and Nationality Act. This rule is necessary to provide that aggravated felons who are eligible for release are screened carefully to ensure that they do not pose a threat to the public.

DATES: This rule is effective May 21, 1991. Written comments must be submitted on or before June 20, 1991.

ADDRESSES: Please submit written comments, in triplicate, to the Records Systems Division, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., room 5304, Washington, DC 20536. To ensure proper handling please reference INS number 1439–91 on your correspondence.

FOR FURTHER INFORMATION CONTACT: Gale David, telephone: (202) 514–1954.

SUPPLEMENTARY INFORMATION: This rule amends 8 CFR 242.2 by adding a new paragraph (h) relating to the release procedures for an alien lawfully admitted for permanent residence who has been convicted of an aggravated felony. This addition is necessitated by section 504 of the Immigration Act of 1990, which provides for the release from custody of permanent resident aliens who are in deportation proceedings and who are aggravated felons. This section sets forth the procedures for such release.

Background; Statutory Authority

The Anti-Drug Abuse Act of 1988 provided that any alien convicted of an aggravated felony on or after November 18, 1988 must be taken into custody and is ineligible under any circumstances for release from custody. However, section 504 of the Immigration Act of 1990 modifies this stricture and provides that a permanent resident alien convicted of an aggravated felony shall be released from detention on bond or such other conditions an may be prescribed if the Attorney General determines that he or she is not a threat to the community, and he or she is likely to appear for any scheduled hearings.

This interim rule establishes the criteria to be used in determining whether and under what conditions an aggravated felon lawfully admitted for permanent residence may be released from custody. This includes the seriousness of the crime (or crimes) committed, the alien's criminal history and prior immigration violations, whether any relief from deportation is available and the likelihood that it will be granted, and whether the alien poses a threat to the community, in determining whether the alien is a good candidate for release.

Amelioration of custody status is addressed in 8 CFR 242.2(c)(2). Generally, an alien should not be detained or required to post bond except upon a finding that he or she is a threat to the national security or a poor bail risk. However, this standard considers that the alien concerned has not been arrested or convicted of any crime, nor has he or she been involved with subversive or immoral activities or narcotics. Clearly, aggravated felons do not fall within the purview of this standard and a new standard must be developed.

The Service's implementation of this rule as an interim rule, with provision for post-promulgation public comment, is based upon the "good cause" exception found at 5 U.S.C. 553(d). The reasons and the necessity for immediate implementation of this interim rule are as follows: Section 504 of the Immigration Act of 1990 was effective on the date of enactment, November 29, 1990. This regulatory authority is required immediately.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not considered to be a major rule within the meaning of section 1(b) of E.O. 12291, not does this rule have Federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612.

List of Subjects in 8 CFR Part 242

Administrative practice and procedure, Aliens.

Accordingly, part 242 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

1. The authority citation for part 242 is revised to read as follows:

Authority: 104 Stat. 4978, 66 Stat. 173, 208, 214, 235, 100 Stat. 3537; 8 U.S.C. 1103, 1182, 1186a, 1251, 1252, 1254, 1362; 8 CFR part 2.

2. Section 242.2 is amended by adding a new paragraph (h) to read as follows:

§ 242.2 Apprehension, custody, and detention.

* * * * *

(h) *Custody issues; release procedures.* (1) A lawful permanent resident alien convicted of an aggravated felony may be released from

custody, after having completed serving the sentence for such conviction, if the Attorney General determines that he or she is not a danger to the community and that he or she is likely to appear for all scheduled hearings. Review of each case to determine custody or release conditions shall include, but need not be limited to, consideration of the following factors:

(i) Seriousness of the crime(s) of which convicted;

(ii) Prior criminal history, especially the nature of the crimes and number of arrests;

(iii) Sentence(s) imposed and time actually served;

(iv) History of failures to appear for court (defaults);

(v) Probation history;

(vi) Evidence of rehabilitative effort or recidivism;

(vii) Equities in the United States;

(viii) Availability of relief from deportation and the likelihood of its being granted; and

(ix) Prior immigration violations and history.

(2) If, after consideration of all factors listed in paragraph (h)(1) of this section, it is determined that the alien is not a threat to public safety and is likely to appear for all scheduled hearings, he or she may be released from custody under such conditions as the Attorney General may prescribe, including the giving of a bond. If an appearance bond is prescribed as a condition of such release, it shall be in an appropriate and sufficient amount to encourage compliance with demands for appearance and with any other conditions of release.

Dated: April 1, 1991.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 91-12021 Filed 5-20-91; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 90-AAL-4]

Amendment to Adak Control Zone and Transition Area; Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of the control zone and transition area of the Adak, AK, Naval Air Station (NAS). This action is due to a change in the airport reference point (ARP) and relocation of the tactical air navigational aid (TACAN) for Adak, AK, NAS.

EFFECTIVE DATE: 0901 u.t.c., July 25, 1991.

FOR FURTHER INFORMATION CONTACT: Alton D. Scott, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace—Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9252.

SUPPLEMENTARY INFORMATION:

History

On January 18, 1991, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the descriptions of the control zone and transition area of the Adak, AK, NAS (56 FR 1958). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Two comments, one from the Department of Defense and the other from the Department of State, were received regarding this proposal. Both parties concurred with the proposal. Except for editorial changes, this amendment is the same as that proposed in the notice. Sections 71.171 and 71.181 of part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6G dated September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations alters the description of the control zone and transition area of the Adak, AK, NAS. A new Department of the Navy survey resulted in a new ARP for Adak Airport and relocation of the TACAN. This action corrects the descriptions of the Adak, AK, Control Zone and the 700-foot and the 1,200-foot Transition Area to reflect these changes.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Adak, AK [Revised]

Within a 5-mile radius of the Naval Air Station (NAS) Adak Airport (lat. 51°52'46" N., long. 176°38'37" W.); within 2 miles either side of the 052° bearing from the Adak RBN (lat. 51°55'06" N., long. 176°33'52" W.) extending from the 5-mile radius zone to 7 miles northeast of the airport, within 2 miles either side of the NAS Adak TACAN (lat. 51°52'22" N., long. 176°40'18" W.) 059° radial extending from the 5-mile radius zone to 7 miles northeast of the airport; and within 2 miles either side of the NAS Adak TACAN 250° radial extending from the 5-mile radius zone to 7 miles southwest of the airport.

§ 71.181 [Amended

3. Section 71.181 is amended as follows:

Adak, AK [Revised]

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Naval Air Station (NAS) Adak Airport (lat. 51°52'46" N., long. 176°38'37" W.); within 2 miles either side of the 052° bearing from the Adak RBN (lat. 51°55'06" N., long. 176°33'52" W.) extending from the 5-mile airport radius to 8.5 miles northeast of the airport, within 2 miles either side of the NAS Adak TACAN (lat. 51°52'22" N., long. 176°40'18" W.) 059° radial extending from the 5-mile radius to 8.5 miles northeast of the airport, within 2 miles either side of the NAS Adak TACAN 250° radial extending from the 5-mile radius to 8.5 miles southwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles either side of the 052° bearing from the Adak RBN extending from the 5-mile airport radius to 15 miles northeast of the airport, within 5 miles either side of the NAS Adak

TACAN 059° radial extending from the 5-mile radius to 15 miles northeast of the airport, within 5 miles either side of the NAS Adak TACAN 250° radial extending from the 5-mile radius to 15 miles southwest or the airport, excluding that airspace contained in the Adak, AK, Control Zone.

Issued in Washington, DC, on May 8, 1991.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 91–11963 Filed 5-20–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 90–AAL–9]

Establishment of VOR Federal Airway; Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes Federal Airway V–357 located between Kodiak and Homer, AK. This action will improve the flow of traffic between Kodiak and Homer, AK, by providing an additional navigable airway for departures to reduce delays at Kodiak. The establishment of this airway will improve the flow of traffic between Kodiak and Homer, AK, and reduce controller workload

EFFECTIVE DATE: 901 u.t.c., July 25, 1991.

FOR FURTHER INFORMATION CONTACT: Alton D. Scott, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace—Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–9252.

SUPPLEMENTARY INFORMATION:

History

On October 12, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish VOR Federal Airway V–357 located between Kodiak and Homer, AK (55 FR 41544). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.125 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes VOR Federal Airway V–357 located between Kodiak and Homer, AK. Departures from Kodiak are often delayed by arrivals due to the lack of a navigable airway to apply the required lateral separation between opposite direction traffic. This action will provide an alternate route with a lower minimum en route altitude, which will enhance safety, reduce delays, and reduce controller workload.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.125 [Amended]

2. Section 71.125 is amended as follows:

V–357 [NEW]

From Kodiak, AK, 27 miles 12 AGL, 24 miles 35 MSL, 4 miles 65 MSL, INT Kodiak 033° and Homer, AK, 179° radials, 30 miles 65 MSL, 40 miles 12 AGL, to Homer.

Issued in Washington, DC, on May 8, 1991.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 91–11962 Filed 5–20–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Parts 71 and 75

[Airspace Docket No. 90–AAL–2]

Establishment of VOR Federal Airways and Jet Routes; Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments establish new Jet Routes J–237 and J–238 and establish new Federal Airways V–500 and V–525 located in the State of Alaska between Shemya, AK; Amchitka, AK; and Adak, AK. These airways are necessary to improve the increasing flow of traffic between Amchitka, AK, and Adak, AK, and to increase the efficiency of air traffic to Shemya, AK, by providing a more precise means of navigation. These actions will enhance safety, improve traffic flow, and reduce controller workload.

EFFECTIVE DATE: 0901 u.t.c., July 25, 1991.

FOR FURTHER INFORMATION CONTACT: Alton D. Scott, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace—Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–9552.

SUPPLEMENTARY INFORMATION:

History

On April 10, 1990, the FAA proposed to amend parts 71 and 75 of the Federal Aviation Regulations (14 CFR parts 71 and 75) to establish new Jet Routes J–237 and J–238 and to establish new VOR Federal Airways V–500 and V–525 located in the State of Alaska between Shemya, AK; Amchitka, AK; and Adak, AK (55 FR 13287). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, these amendments are the same as that proposed in the notice. Sections 71.125 and 75.100 of parts 71 and 75 of the Federal Aviation Regulations were republished in Handbook 7400.6G dated September 4, 1990.

The Rule

These amendments to parts 71 and 75 of the Federal Aviation Regulations designate Jet Routes J–237 and J–238 and establish Federal Airways V–500 and V–525 located in the State of Alaska between Shemya, AK; Amchitka, AK; and Adak, AK. These airways are necessary to improve the increasing flow of traffic between Amchitka, AK, and Adak, AK, and to increase the efficiency of air traffic to Shemya, AK, by providing a more precise means of navigation. With the commissioning of the Amchitka VORTAC and the designation of the Amchitka Island, AK, Control Zone, traffic is steadily increasing between Amchitka, AK, and Adak, AK. Due to the limitations of radar and communication coverage in this area, the need for primary and alternate navigable airspace is essential. These actions will enhance safety, improve traffic flow, and reduce controller workload.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 75

Aviation safety, VOR Federal airways, Jet routes.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, parts 71 and 75 of the Federal Aviation Regulations (14 CFR parts 71 and 75) are amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.125 [Amended]

2. Section 71.125 is amended as follows:

V–500 [New]

From Shemya, AK; Amchitka, AK; to Adak, AK, NDB.

V–525 [New]

From Amchitka, AK, INT Amchitka 062° and Adak, AK, 275° radials; to Adak, AK, NDB.

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

3. The authority citation for part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

4. Section 75.100 is amended as follows:

J–237 [New]

From Shemya, AK; Amchitka, AK; to Adak, AK, NDB.

J–238 [New]

From Amchitka, AK, INT Amchitka 062° and Adak, AK, 275° radials; to Adak, AK, NDB.

Issued in Washington, DC, on May 7, 1991.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 91–11965 Filed 5–20–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Parts 71 and 75

[Airspace Docket No. 89–ASO–12]

Alteration of VOR Federal Airways and Jet Routes; Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects an error discovered in the description of V–35 located in the vicinity of Lee County, FL. The description omitted a dogleg that should be included between Lee County and St. Petersburg, FL. This action corrects that omission.

EFFECTIVE DATE: 0901 u.t.c., May 30, 1991.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace—Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 91–8007 was published on April 5, 1991, altering the descriptions of several Federal airways and jet routes located in the vicinity of Fort Myers, FL (56 FR 14016). The description for VOR Federal Airway V–35 was written incorrectly. The description indicates that the segment after Lee County, FL., is a direct route to St. Petersburg, FL., when it should be a dogleg to the west of those two points. This action corrects that error.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 91–8007, as published in the **Federal Register** on April 5, 1991 (56 FR 14016), is corrected to read as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V–35 [Amended]

By removing the words "INT Biscayne Bay 288° and Fort Myers, FL, 137° radials: Fort

Myers; St. Petersburg, FL; " and substituting the words "INT Biscayne Bay 228° and Lee County, FL, 139° radials; Lee County; INT Lee County 326° and St. Petersburg, FL, 152° radials; St. Petersburg;"

Issued in Washington, DC, on May 10, 1991.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 91–11964 Filed 5–20–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 75

[Airspace Docket No. 90–AEA–13]

Alteration of Jet Routes J–42 and J–225

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of Jet Routes J–42 and J–225 located in the States of New York, Connecticut, Rhode Island, and Massachusetts. This alteration will realign the jet routes to simplify the issuance of clearances and improve the flow of air traffic in the Boston, MA, area.

EFFECTIVE DATE: 0901 u.t.c., July 25, 1991.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9255.

SUPPLEMENTARY INFORMATION:

History

On February 11, 1991, the FAA proposed to amend part 75 of the Federal Aviation Regulations (14 CFR part 75) to alter the description of Jet Routes J–42 and J–225 located in the States of New York, Connecticut, Rhode Island, and Massachusetts (56 FR 5378). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. One comment supporting the proposed alteration was received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 75.100 of part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

The Rule

This amendment to part 75 of the Federal Aviation Regulations alters Jet Routes J–42 and J–225 located in the States of New York, Connecticut, Rhode Island, and Massachusetts. This action will realign J–42 between Hartford, CT, and Boston, MA; and J–225 between Cedar Lake, NJ, and Providence, RI. Realigning the jet routes will simplify the issuance of clearances and improve air traffic ingress/egress in the Boston, MA, area. Modifying this jet route will facilitate the air traffic flow.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 75 of the Federal Aviation Regulations (14 CFR part 75) is amended, as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

2. Section 75.100 is amended as follows:

J–42 [Amended]

By removing the words "Hartford; Providence, RI." and substituting the words "Hartford; Putman, CT; Boston, MA."

J–225 [Revised]

From Cedar Lake, NJ; INT Cedar Lake 037° and Kennedy, NY, 232° radials; Kennedy; INT Kennedy 048° and Providence, RI, 248° radials; to Providence.

Issued in Washington, DC, on May 10, 1991.

Richard Huff,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 91–11966 Filed 5–20–91; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 771

[Docket No. 910504–1104]

Expansion of General License GCT

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: As part of the Department of Commerce initiative to streamline export licensing requirements for exports to countries that are demonstrating increased ability to safeguard strategic goods and technology, the Bureau of Export Administration (BXA) is extending additional benefits to Austria, Finland, Ireland, and Switzerland consistent with the provisions of section 5(k) of the Export Administration Act of 1979, as amended (EAA). This action will lessen the administrative burden on U.S. exporters and their foreign customers.

Specifically, this rule expands General License GCT by authorizing certain shipments of U.S.-origin commodities to Austria, Finland, Ireland, and Switzerland.

EFFECTIVE DATE: This rule is effective May 21, 1991.

FOR FURTHER INFORMATION CONTACT: Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, U.S. Department of Commerce, Telephone: (202) 377–2440.

SUPPLEMENTARY INFORMATION:

Background

Although the Export Administration Act (EAA) expired on September 30, 1990, the President invoked the International Emergency Economic Powers Act and continued in effect, to the extent permitted by law, the provisions of the EAA and the Export Administration Regulations (EAR) in Executive Order 12730 of September 30, 1990.

Rulemaking Requirements

1. This rule complies with Executive Order 12291 and Executive Order 12661.

2. This rule involves collections of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under control numbers 0694–0005, 0694–0010, and 0694–0015. Licensing requirements will be reduced as a result of this rule, thereby reducing the paperwork burden on the public.

3. This rule does not contain a policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. The provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a foreign and military affair function of the United States. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects in 15 CFR Part 771

Exports, Reporting and recordkeeping requirements.

Accordingly, part 771 of the Export Administration Regulations (15 CFR parts 930–799) is amended as follows:

PART 771—[AMENDED]

1. The authority citation for 15 CFR part 771 is revised to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95–223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99–440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986); and E.O. 1730 of September 30, 1990 (55 FR 40373, October 2, 1990).

§ 771.25 [Amended]

3. In § 771.25, the heading is amended by revising the phrase "COCOM Trade" to read "eligible trade".

§ 771.25 [Amended]

4. In § 771.25, paragraph (a) is amended by revising the phrase "COCOM participating countries" to read "eligible countries".

§ 771.25 [Amended]

5. In § 771.25, paragraph (b) is amended by adding the word "Austria," immediately before the word "Belgium,"; by adding the word "Finland," immediately before the word "France,"; by adding the word "Ireland," immediately before the word "Italy,"; and by adding the word "Switzerland," immediately before the word "Turkey".

§ 771.25 [Amended]

6. In § 771.25, paragraph (d) introductory text is amended by revising the phrase "COMOM participating countries" to read "GCT eligible countries".

§ 771.25 [Amended]

7. In § 771.25, paragraph (e)(1) is amended by revising the phrase "COCOM participating country" to read "GCT eligible country".

§ 771.25 [Amended]

8. In § 771.25, paragraph (f)(2) is amended by revising the phrase " 'COCOM countries' " to read "COCOM countries, Austria, Finland, Ireland, and Switzerland" [2 references].

Dated: May 15, 1991.

James M. LeMunyon,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 91–11958 Filed 5–20–91; 8:45 am]

BILLING CODE 3510–DT–M

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15 CFR Part 777

[Docket No. 910490–1090]

Exports of Crude Oil From the Strategic Petroleum Reserve

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Interim rule.

SUMMARY: This interim rule amends § 777.6 of the Export Administration Regulations (EAR) to allow the Office of Export Licensing (OEL), Bureau of Export Administration, to issue validated licenses authorizing the export, during an emergency, of crude oil from the Strategic Petroleum Reserve, provided that the export would result directly in the import into the United States of refined petroleum products. This change is in accordance with section 10 of the Energy Policy and Conservation Act Amendments of 1990 (Pub. L. 101–383).

DATES: This rule is effective May 21, 1991. Comments must be received by June 20, 1991.

ADDRESSES: Written comments (six copies) should be sent to: Brad Botwin, Director, Strategic Analysis Division, Office of Industrial Resource Administration, Bureau of Export Administration, Department of Commerce, room 3878, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Bernard Kritzer, Senior Policy Advisor, Strategic Analysis Division, Office of Industrial Resource Administration, Bureau of Export Administration, Telephone: (202) 377–4060.

SUPPLEMENTARY INFORMATION:

Background

Section 10 of the Energy Policy and Conservation Act Amendments of 1990 (Pub. L. 101–383) permits the export, during an emergency, of crude oil from the Strategic Petroleum Reserve (SPR), for refining or exchange outside the United States, provided that the export is made in conjunction with an arrangement for delivering refined petroleum products to the United States. This interim rule amends § 777.6 of the EAR to allow the Office of Export Licensing (OEL) to issue validated licenses authorizing such exports, in cases where the Secretary of Commerce, in consultation with the Secretary of Energy, determines that the exports will directly result in the importation into the United States of refined petroleum products that are needed in the United States and that would otherwise not be available for importation.

Each application to export SPR crude oil must be supported by documentation that shows the applicant has title to the quantity of barrels stated in the application or has a contract to purchase the quantity of barrels stated in the application. Applicants who are issued validated licenses to export SPR crude oil must provide OEL with documentation showing that they have imported refined petroleum products into the United States in conjunction with the export of the SPR crude oil. This documentation must be submitted to OEL no later than two weeks following the importation of the refined petroleum products and must include the following:

(1) Evidence showing that the exporter of the SPR crude oil has title to or a contract to purchase refined petroleum products;

(2) A copy of the shipping manifest that identifies the refined petroleum products; and

(3) A copy of the entry documentation required by the U.S. Customs Service that shows the refined petroleum products were imported into the United States (unless the refined petroleum products are for delivery to the U.S. military outside of the United States—then, a copy of the delivery receipt must be furnished).

Finally, both the export of the SPR crude oil and the import of the refined petroleum products must be accomplished within 30 days following the issuance of the export license, except in the case of delivery to the U.S. military outside of the United States, in which case the delivery of the refined petroleum products must be completed no later than the end of the term of the contract with the Department of Defense.

Rulemaking Requirements

1. This rule is consistent with Executive Orders 12291 and 12661.

2. This rule contains a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control numbers 0694–0005 and 0694–0027. The public reporting burden to apply for a short supply crude oil license is estimated to average 4 hours. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Security and Management Support, Bureau of Export Administration, U.S. Department of Commerce, room 4513, Washington, DC 20230; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503—ATTN: Paperwork Reduction Project (0694–0005 and 0694–0027).

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. The provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a foreign and military affairs function. This rule does not impose a new control. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

However, because of the importance of the issues raised by these regulations, this rule is issued in interim form and comments will be considered in the development of final regulations. Accordingly, the Department encourages interested persons who wish to comment to do so at the earliest possible time to permit the fullest consideration of their views.

The period for submission of comments will close June 20, 1991. The Department will consider all comments received before the close of the comment period in developing final regulations. Comments received after the end of the comment period will be considered if possible, but their consideration cannot be assured. The Department will not accept public comments accompanied by a request that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the person submitting the comments and will not consider them in the development of final regulations. All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, the Department requires comments in written form. Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the Bureau of Export Administration, Freedom of Information Records Inspection Facility, room 4525, Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in part 4 of title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Margaret Cornejo, Bureau of Export Administration, Freedom of Information Officer, at the above address or by calling (202) 377–2593.

List of Subjects in 15 CFR Part 777

Administrative practice and procedure, Exports, Forests and forest products, Petroleum, Reporting and recordkeeping requirements.

Accordingly, part 777 of the Export Administration Regulations (15 CFR parts 730–799) is amended as follows:

PART 777—[AMENDED]

1. The authority citation for 15 CFR part 777 is revised to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97–145 of December 29, 1981, by Pub. L. 99–64 of July 12, 1985, by Pub. L. 100–180 of December 4, 1987, by Pub. L. 100–418 of August 23, 1988, and by Pub. L. 100–449 of September 28, 1988; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); sec. 103, Pub. L. 94–163 of December 22, 1985 (42 U.S.C. 6212), as amended by Pub. L. 99–58 of July 2, 1985; sec. 101, Pub. L. 93–153 of November 16, 1973 (30 U.S.C. 185); sec. 28, Pub. L. 95–372 of September 18, 1978 (43 U.S.C. 1354); E.O. 11912 of April 13, 1976 (41 FR 15825, April 15, 1976), as amended; secs. 201(1) and 201(11)(e), Pub. L. 94–258 of April 5, 1976 (10 U.S.C. 7420 and 7430(e)); Presidential Findings of June 14, 1985 (50 FR 25189, June 18, 1985) and December 31, 1988 (54 FR 271, January 5, 1989); sec. 125, Pub. L. 99–64 of July 12, 1985 (46 U.S.C. 466(c)); E.O. 12730 of September 30, 1990 (55 FR 40373, October 2, 1990).

2. Section 777.6 is amended by adding a new paragraph (d)(1)(xi), by redesignating paragraphs (g), (h), and (i) as new paragraphs (h), (i), and (j), respectively, and by adding a new paragraph (g), as follows:

§ 777.6 Petroleum and petroleum products.

* * * * *

(d) * * *

(1) * * *

(xi) *Refining or exchange of Strategic Petroleum Reserve oil.* The Group A commodity will be exported as part of an overall transaction that satisfies all of the following conditions:

(A) The Group A commodity will be withdrawn from the Strategic Petroleum Reserve;

(B) The direct result of the export of the Group A commodity will be the importation into the United States of needed refined petroleum products (Deliveries to the United States military outside are considered imports for the purposes of this section.);

(C) The refined petroleum products to be imported into the United States would not be available for import without the export of the Group A commodity; and

(D) All aspects of the transaction comply with the provisions of paragraph (g) of this section.

* * * * *

(g) *Refining or exchange of Strategic Petroleum Reserve oil pursuant to § 777.6(d)(1)(xi).* Crude oil withdrawn from the Strategic Petroleum Reserve (SPR crude), may be authorized for export in accordance with the requirements of paragraph (d)(1)(xi) of this section, if the Secretary of Commerce, in consultation with the Secretary of Energy determines that such exports will directly result in the importation into the United States of refined petroleum products that are needed in the United States and that otherwise would not be available for importation, as follows:

(1) Authorization may be granted to export, for refining or exchange outside of the United States, SPR crude that will be sold and delivered, pursuant to a drawdown and distribution of the SPR, in connection with an arrangement for importing refined petroleum products into the United States.

(2) Each application submitted to the Office of Export Licensing must be supported by documentation providing evidence that the applicant has either:

(i) Title to the quantity of barrels of SPR crude stated in the application; or

(ii) A contract to purchase, for importation into the United States, the quantity of barrels of SPR crude stated in the application.

(3) The exporter must submit the following documentation to the Office of Export Licensing no later than two weeks following the date that the refined petroleum products are imported into the United States (in exchange for the export of the SPR crude):

(i) Evidence showing that the exporter of the SPR crude has title to or a contract to purchase refined petroleum products;

(ii) A copy of the shipping manifest that identifies the refined petroleum products; and

(iii) A copy of the entry documentation required by the U.S. Customs Service that shows the refined petroleum products were imported into the United States, or a copy of the delivery receipt when the refined petroleum products are for delivery to the U.S. military outside of the United States.

(4) The exporter must complete both the export of the SPR crude and the import of the refined petroleum products no later than 30 days following the issuance of the export license, except in the case of delivery to the U.S. military outside of the United States, in which case the delivery of the refined petroleum products must be completed no later than the end of the term of the contract with the Department of Defense.

* * * * *

Dated: May 14, 1991.

Michael P. Galvin,

Assistant Secretary for Export Administration.

[FR Doc. 91–11959 Filed 5–20–91; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 918

Louisiana Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: The Director of OSM is approving a proposed amendment submitted by the State of Louisiana as a modification to its permanent regulatory program (hereinafter referred to as the Louisiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment, concerning operations extracting coal incidental to the extraction of other minerals, revises Louisiana's rules to be consistent with the corresponding Federal regulations.

EFFECTIVE DATE: May 21, 1991.

FOR FURTHER INFORMATION CONTACT: James H. Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 E. Skelly Drive, suite 550, Tulsa, Oklahoma 74135, Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION:

I. Background

The Louisiana program was conditionally approved by the Secretary of the Interior on October 10, 1980. Information on the general background, modifications and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Louisiana program was published in the October 10, 1980, Federal Register (45 FR 67340). Subsequent actions concerning the Louisiana program and program amendments can be found at 30 CFR 918.15 and 918.16.

II. Submission of Program Amendment

In accordance with the provisions of 30 CFR 732.17(d), OSM notified Louisiana by letter dated February 7, 1990 (administrative record No. LA–296), of changes to Louisiana's approved regulatory program that were necessary to make the program no less effective than the December 20, 1989, Federal regulations concerning the extraction of coal incidental to the extraction of other minerals.

In response to the 30 CFR part 732 notification, Louisiana, by letter dated August 14, 1990 (administrative record No. LA–307), submitted to OSM a proposed amendment to the Louisiana Surface Mining Regulations (LSMR). Louisiana proposed to add a new Chapter 4 entitled "Exemption for Coal Extraction Incidental to the Extraction of Other Minerals." OSM announced receipt of the proposed amendment in a notice in the September 14, 1990, publication of the Federal Register (55 FR 37903). In this notice, OSM opened a public comment period and provided an opportunity for a public hearing on the substantive adequacy of the revisions to the proposed amendment. The public comment period closed on October 15, 1990.

During its review of the proposed amendment, OSM identified concerns relating to sections: 1.07.C., applicability; 403.A.2. and 403.B., definitions; 405.A.1., 405.B., and 413.C., application requirements, conditions of exemptions, and right of inspection and entry; 405.D., application requirements and procedures; and 405.F.1. and F.2., and 417.C.2. and C.3., administrative review. OSM notified Louisiana of the concerns by letter dated November 14, 1990 (administrative record No. LA–313). Louisiana responded in a letter dated November 29, 1990, by submitting a revised amendment (administrative record No. LA–312).

OSM announced receipt of the revisions to the proposed amendment in a notice in the December 17, 1990, Federal Register (55 FR 51734). In this notice, OSM reopened the public comment period. The reopened public comment period closed on January 2, 1991.

III. Director's Findings

After a thorough review pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, the Director finds, as discussed below, that the proposed amendment as submitted by Louisiana on August 14, 1990, and

revised by it on December 4, 1990, is no less stringent than SMCRA and no less effective than the corresponding Federal regulations.

1. Revisions to Louisiana's Regulations That Are Substantially Identical to the Corresponding Federal Regulations

Louisiana proposes revisions to the following rules of the LSMR that either contain language that is the same as or similar to the corresponding Federal regulations and are nonsubstantive in nature, or add specificity without adversely affecting other aspects of the Louisiana program.

LSMR 107.C, concerning the applicability of the Louisiana program to operations where the extraction of coal is incidental to the extraction of other minerals (corresponding Federal regulation 30 CFR 700.11(a)(4)); and

LSMR chapter 4, concerning the exemption for operations extracting coal incidental to the extraction of other minerals, including LSMR 401, scope; LSMR 403, definitions; LSMR 405, application requirements and procedures; LSMR 407, contents of applications for exemption; LSMR 409, public availability of information; LSMR 411, requirements for exemption; LSMR 415, stockpiling of minerals; LSMR 417, revocation and enforcement; and LSMR 419, reporting requirements (corresponding Federal regulation 30 CFR part 702).

Because the proposed revisions to these Louisiana regulations either contain language that is the same as or similar to the corresponding Federal regulations and are nonsubstantive in nature, or add specificity without adversely affecting other aspects of the program, the Director finds that these proposed revisions to Louisiana's regulations are no less effective than the corresponding Federal regulations. Therefore, the Director approves the proposed revisions.

2. LSMR 405.F.1 and 2 and 417.C.2, Administrative Review in Accordance With LSMR 3301

Louisiana proposes at LSMR 405.F.1 and 2 and 417.C.2 that any person adversely affected by determinations made by Louisiana concerning exemptions from its approved program for coal extraction incidental to the extraction of other minerals, or revocation and enforcement of these determinations, may request administrative review of such decisions in accordance with LSMR 3301.

The corresponding Federal regulations at 30 CFR 702.11(f) and 702.17(c)(2) state that these adversely affected persons may request administrative review of such decisions "in accordance with procedures established under 43 CFR 4.1280 when OSM is the regulatory authority or under corresponding State procedures when a State is the regulatory authority." 43 CFR 4.1280 is applicable to formal administrative review of decisions of the Director of OSM. Louisiana's referenced LSMR 3301 is also applicable to formal administrative review of decisions of the Louisiana regulatory authority.

Because Louisiana's proposed rules at LSMR 405.F.1 and 2 and 417.C.2, through their reference to LSMR 3301, do require that formal procedures be followed for requested administrative reviews, the Director finds that the proposed rules are no less effective than the corresponding Federal regulations at 30 CFR 702.11(f) and 702.17(c), which reference the formal administrative review procedures at 43 CFR 4.1280. The Director is approving the proposed rules.

IV. Public and Agency Comments

1. Public Comments

The Director solicited public comments on the proposed amendment and provided opportunity for a public hearing. No comments were received. Because no one requested an opportunity to testify at a public hearing, no hearing was held.

2. Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), OSM solicited comments from various Federal and State agencies with an actual or potential interest in the Louisiana program.

By letter dated December 28, 1990, the U.S. Soil Conservation Service responded that it had no comments on the proposed amendment (administrative record No. LA–317).

By letter dated January 8, 1991, the U.S. Fish and Wildlife Service responded that it had no objections to the proposed amendment (administrative record No. LA–318).

3. Environmental Protection Agency (EPA) Concurrence

Pursuant to 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of EPA with the respect to any provisions of a State program amendment which relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

None of the changes that Louisiana proposes to its rules pertain to air or water quality standards. Nevertheless, OSM requested EPA's concurrence on the proposed amendment (administrative record No. LA–316). EPA did not respond to OSM's request.

4. State Historic Preservation Officer (SHPO) and Advisory Council on Historic Preservation Comments (ACHP)

Pursuant to 30 CFR 732.17(h)(4), all amendments that may have an effect on historic properties are to be provided to the SHPO and ACHP for comment. OSM solicited comments from these offices. By letter dated January 24, 1991, the SHPO responded that he had no objections to the proposed amendment (administrative record No. LA–319). ACHP did not respond to OSM's solicitation for comments.

V. Director's Decision

Based on the above findings, the Director is approving the proposed amendment as submitted by Louisiana on August 14, 1990, and as revised by it on November 29, 1990. The Director is approving the proposed rules with the provision that they be fully promulgated in identical form to the rules submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR part 918 codifying decisions concerning the Louisiana program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Requirements

1. Compliance with the National Environmental Policy Act

The Secretary has determined that pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of a State regulatory program. Accordingly, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it

will ensure that existing requirements established by SMCRA and the Federal regulations will be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by OMB under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 918

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 9, 1991.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T, of the Code of Federal Regulations is amended as set forth below:

PART 918—LOUISIANA

1. The authority citation for part 918 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 918.15 is amended by designating the introductory text as paragraph (a); by redesignating paragraph (a) and (b) as paragraph (a)(1) and (a)(2); and by adding a new paragraph (b) to read as follows:

§ 918.15 Approval of regulatory program amendments.

* * * * *

(b) The revisions to the following section and chapter of Louisiana Surface Mining Regulations (LSMR) submitted to OSM on August 14, 1990, and revised by Louisiana on November 29, 1990, are approved effective May 21, 1991: LSMR 107.C and chapter 4, concerning operations extracting coal incidental to the extraction of other minerals.

[FR Doc. 91–11994 Filed 5–20–91; 8:45 am]
BILLING CODE 4310–05–M

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30 CFR Part 935

Ohio Regulatory Program; Revision of Administrative Rule

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing the approval of proposed Program Amendment Number 49 to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment is intended to revise one Ohio administrative rule by adding a provision that would allow extensions of time without accompanying notices of violation for resoiling that is delayed because of climatic conditions.

EFFECTIVE DATE: May 21, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Richard J. Seibel, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, 2242 South Hamilton Road, room 202, Columbus, Ohio 43232; (614) 866–0578.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program
II. Submission of Amendment
III. Director's Findings
IV. Summary and Disposition of Comments
V. Director's Decision
VI. Procedural Determinations

I. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982, **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 934.16.

II. Submission of Amendment

By letter dated January 31, 1991 (Administrative Record No. 1441), the Ohio Department of Natural Resources, Division of Reclamation (Ohio), submitted proposed Ohio Program Amendment Number 49. This amendment revises Ohio Administrative Code (OAC) 1501:13–9–03, governing topsoil handling, by adding language that provides that, where resoiling and the protection of that resoiling cannot be reasonably done within a prescribed time because of climatic conditions, the permittee may request an extension of time without the issuance of a notice of violation.

OSM announced receipt of the proposed amendment in the February 19, 1991, **Federal Register** (56 FR 6597), and, in the same notice, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The comment period closed on March 21, 1991.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment to the Ohio program submitted on January 31, 1991.

Ohio is proposing to add paragraph (D) to OAC 1501:13–9–03 to provide for an extension of time without the issuance of a notice of violation for resoiling that is delayed because of climatic conditions. Ohio is proposing to insert this language in OAC 1501:13–9–03 because of its topical relevance to the resoiling performance standards. Although there is no direct Federal counterpart to the provision Ohio is proposing to add, the Federal regulations at 30 CFR 816.22/817.22 address resoiling performance standards.

On June 26, 1981, OSM drafted revisions to the topsoil regulations. OSM considered all comments to the draft and in the March 11, 1982, **Federal Register** (47 FR 10742) proposed to revise to topsoil handling regulations because of the wide variations in topsoil characteristics and terrain. Further, the topsoil rules did not give adequate consideration to section 101(f) of SMCRA.

Section 101(f) of SMCRA requires that "because of the diversity in terrain, climate, biologic, chemical, and other physical conditions in areas subject to mining operations, the primary governmental responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining and reclamation operations subject to this Act should rest with the States."

In line with section 101(f), in the May 16, 1983, **Federal Register** (48 FR 22092), OSM revised the topsoil handling regulations to allow each State more flexibility to develop further its own topsoil protection rules according to local soil, climatic, and topographic conditions. The new Federal rules require, among other things, persons conducting surface coal mining and reclamation operations to redistribute topsoil in a manner which enhances its capability to support vegetation and to control erosion.

Section 515(b)(16) of SMCRA requires "all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the surface coal mining operations * * *." OSM believes the term "as practicable" to include delays in resoiling of topsoil material for climatic reasons. Climatic conditions and the season of the year may not always be favorable for seeding and planting. Therefore, it may become necessary to delay the resoiling of topsoil material in order to avoid erosion losses of the material. Under the Federal rules there are no time

limitations placed on resoiling in order to protect against erosion. On June 26, 1981, OSM made available to the public a pre-proposed draft of revisions to the topsoil handling regulations. A commenter to the pre-proposed draft suggested adding a provision to control the timing of redistributing topsoil to prevent erosion during the time of year when establishing vegetation may not be possible. In response to this comment, OSM believes the regulatory authority must have the flexibility to apply the most appropriate soil stabilizing techniques that fit local landscape features and weather conditions. 47 FR 10743 (March 11, 1982). The requirement for redistribution of topsoil in a manner that protects against erosion is contained in 30 CFR 816.22(d)/817.22(d).

Section 816.22(d)/817.22(d) requires that the person conducting the surface mining activity shall redistribute topsoil materials in a manner that achieves a uniform stable thickness, prevents excessive compaction, and protects the topsoil from wind and water erosion before and after it is seeded and planted.

By granting extensions of time to resoil, the operator is not forced to resoil when climatic conditions are not at their best. This approach would provide compliance with section 515(b)(16) of the Act by not proceeding with reclamation when it is not environmentally sound to do so.

Since there is no Federal counterpart to this rule and its inclusion does not render the Ohio program less effective than the Federal regulations, the Director finds the proposed amendment to be not inconsistent with the requirements of SMCRA and the Federal regulations.

IV. Summary and Disposition of Comments

Public Comments

The public comment period and opportunity to request a public hearing announced in the February 19, 1991, **Federal Register** (56 FR 6597) closed on March 21, 1991. No comments from the public were received and the scheduled public hearing was not held because no one requested an opportunity to provide testimony.

Agency Comments

Pursuant to section 503(b) of SMCRA and the implementing regulations at 30 CFR 732.17(h)(11)(i), comments were solicited from various Federal agencies with an actual or potential interest in the Ohio Program. The U.S. Environmental Protection Agency, the U.S. Department of Agriculture, Soil Conservation Service, the U.S. Army Corps of Engineers, and the U.S. Department of Labor, Mine Safety and Health Administration, responded that they had no comments on the proposed amendment. No other comments were received.

V. Director's Decision

Based on the above findings, the Director is approving Ohio Program Amendment Number 49 as submitted by Ohio on January 31, 1991. The Federal regulations at 30 CFR part 935 codifying decisions concerning the Ohio program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to conform their programs with the Federal standards is required by SMCRA.

EPA Concurrence

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the Environmental Protection Agency (EPA) with respect to any provisions of a State program amendment which relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that this amendment contains no such provisions and that EPA concurrence is therefore, unnecessary.

VI. Procedural Determinations

National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

Executive Order No. 12291 and the Regulatory Flexibility Act

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a regulatory impact analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

Papwerwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 7, 1991.

Carl C. Close,

Assistant Director, Eastern Support Center.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 935—OHIO

1. The authority citation for part 935 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. In § 935.15, a new paragraph (ww) is added to read as follows:

§ 935.15 Approval of regulatory program amendments.

* * * * *

(ww) The following amendment to the Ohio regulatory program, as submitted to OSM on January 31, 1991, is approved, effective May 21, 1991. Amendment Number 49 which amends provisions of the Ohio regulatory program concerning topsoil handling at Ohio Administrative Code (OAC) section 1501:03–9–13.

[FR Doc. 91–11995 Filed 5–20–91; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05–91–16]

Special Local Regulations for Marine Events; 8th Annual Chesapeake Bay Bridge Swim Race, Chesapeake Bay, MD

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of 33 CFR 100.507.

SUMMARY: This notice implements 33 CFR 100.507 for the 8th Annual Chesapeake Bay Bridge Swim Race, an annual event to be held on June 9, 1991. These special local regulations are needed to provide for the safety of participants and spectators on the

navigable waters during this event. The effect will be to restrict general navigation in the regulated area for the safety of participants in the swim, and their attending personnel.

EFFECTIVE DATES: The regulations in 33 CFR 100.507 are effective from 7 a.m. to 2:15 p.m., June 9, 1991. If inclement weather causes postponement of the event, the regulations are effective from 7 a.m. to 2:15 p.m., June 16, 1991.

FOR FURTHER INFORMATION CONTACT: Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004 (804) 398–6204.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are QM1 Kevin R. Connors, project officer, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and Lieutenant Monica L. Lombardi, project attorney, Fifth Coast Guard District Legal Staff.

Discussion

Fletcher Hanks, Director of the Chesapeake Bay Bridge Swim Race, has submitted an application on February 4, 1991 to hold the race on June 9, 1991. Approximately 1000 swimmers will start from Sandy Point State Park and swim between the William P. Lane Jr. Memorial Twin Bridges to the Eastern Shore. Since this is the type of event contemplated by these regulations, and the safety of the participants would be enhanced by the implementation of the special local regulations for this regulated area, the regulations in 33 CFR 100.507 are being implemented. Vessel traffic will be permitted to transit the regulated area as the swim progresses, so commercial traffic should not be severely disrupted.

Dated: May 10, 1991.

P.A. Welling,

Commander, Fifth Coast Guard District.

[FR Doc. 91–11974 Filed 5–20–91; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD 05–91–17]

Special Local Regulations for Marine Events; Virginia Beach Offshore Grand Prix; Atlantic Ocean, Rudee Inlet, Lake Rudee, Virginia Beach, VA

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: Special Local Regulations are being adopted for the Virginia Beach Offshore Grand Prix to be held in the Atlantic Ocean off Virginia Beach on May 18, 1991. These special local regulations are necessary to control vessel traffic in the immediate vicinity of this event. The effect will be to restrict general navigation in the regulated area for the safety of spectators and participants.

EFFECTIVE DATES: The regulations are effective from 11:45 a.m. to 4 p.m., May 18, 1991. If inclement weather causes the postponement of the event, the regulations are effective from 11:45 a.m. to 4 p.m., May 19, 1991.

FOR FURTHER INFORMATION CONTACT: Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004 (804) 398–6204.

SUPPLEMENTARY INFORMATION: The Coast Guard published a notice of proposed rulemaking concerning these regulations in the **Federal Register** on April 8, 1991 (56 FR 14224). Interested persons were requested to submit comments and none were received.

Drafting Information

The drafters of this notice are QM1 Kevin R. Connors, project officer, Boating Affairs Branch, Fifth Coast Guard District, and Lieutenant Monica L. Lombardi, project attorney, Fifth Coast Guard District Legal Staff.

Background and Purpose

The Eastern Virginia Offshore Racing Association (EVORA) submitted an application to hold the Virginia Beach Offshore Grand Prix on March 1, 1991. The race will consist of approximately 100 powerboats, from 22 to 50 feet in length, racing over a closed course off the beachfront at Virginia Beach, Virginia. As part of the application, the EVORA requested that the Coast Guard provide control of spectator and commercial traffic along the beachfront and Rudee Inlet areas.

Discussion of Regulations

These regulations will regulate the area surrounding the Virginia Beach Offshore Grand Prix. The race course is generally oval shaped, running paralled to the shoreline. The Rudee Inlet/Lake Rudee area will include the wet pits and dockage for patrol boats at the Riverhouse boat docks, and the Owl Creek boat ramp which will serve as the put in area for the race participants.

The Cape Henry Precautionary Area and the Dam Neck Danger Area are located to the north and south of the race course, respectively. While the race course does not encroach on either of these area, the regulated area includes the southwest corner of the Cape Henry Precautionary Area and the northeast corner of the Dam Neck Danger Area. To provide for the safety of participants, spectators, and vessels transiting the area, the Coast Guard will restrict vessel movement in the regulated area and has established a temporary spectator anchorage for what is expected to be a large spectator fleet. Coast Guard patrol vessels will be positioned at Rudee Inlet to direct vessels to the temporary spectator anchorage. The sponsor will provide approximately 35 vessels, including 15 medical boats with paramedics on board to assist the Coast Guard and local government agencies in patrolling this event. All vessels will display Official Regatta Patrol signs and identity numbers. Representatives of the sponsors and members of the Coast Guard will be present in the vicinity of the race site to inform vessel operators of these regulations and other applicable laws.

Regulatory Evaluation

This final rule is not considered major under Executive Order 12291 and not significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. This regulation will only be in effect for several hours, and the impacts on routine navigation are expected to be minimal.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small Entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Most small entities located in the regulated area will be involved with providing services to the EVORA, the race participants, and race spectators. This should have a favorable impact, and only a few small businesses will not be involved. Since the impact of this rule on non-participating small entities will be minimal, the Coast Guard certifies under 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

This final rule has been thoroughly reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and been placed in the rulemaking docket.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

Proposed Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations is amended as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35–T0517 is added to read as follows:

§ 100.35–T0517 Atlantic Ocean, Rudee Inlet, Lake Rudee, Virginia Beach, Virginia.

(a) *Definitions*—(1) *Regulated area.* The waters of the Atlantic Ocean commencing at a point on the shoreline at latitude 36°54'23.0" North, longitude 75°59'26.0" West; thence east northeast to latitude 36°54'38" North, longitude 75°56'55" West; thence south southeast parallel to the Virginia Beach shoreline to latitude 36°49'06" North, longitude 75°55'58" West; thence west southwest to the shoreline at latitude 36°48'53" North, longitude 75°57'58" West, and the waters of Rudee Inlet and Lake Rudee including the Owl Creek Boat Ramp.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Hampton Roads.

(3) *Spectator Anchorage Area.* The waters off the Virginia seacoast bounded by a line connecting the following points:

Latitude	*Longitude*
36°51'23.0" N	75°56'47.0" W
36°51'27.0" N	75°56'23.0" W
36°50'26.0" N	75°56'13.0" W
36°50'23.0" N	75°56'36.0" W.

(b) *Special Local Regulations.* (1) Except for participants in the Virginia Beach Offshore Grand Prix and vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area without the permission of the Patrol Commander.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately when directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign.

(3) Spectator vessels may anchor in the spectator anchorage area specified in paragraph (a)(3) of these regulations.

(4) The Coast Guard Patrol Commander may allow vessels to transit the regulated area whenever a race heat is not being run.

(5) Vessel operators are advised to remain clear of the advisory area during the effective periods of this regulation.

(c) *Effective periods:* The regulations are effective from 11:45 a.m. to 4 p.m., May 18, 1991. If inclement weather causes the postponement of the event, the regulations are effective from 11:45 a.m. to 4 p.m., May 19, 1991.

Dated: May 13, 1991.

H. B. Gehring,

Captain, U.S. Coast Guard, Commander, Fifth Coast Guard District, Acting.

[FR Doc. 91–11975 Filed 5–20–91; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 110

[CGD1 91–010]

Anchorage Ground; Port of New York Upper Bay

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the description of Federal Anchorage No. 23–A and Federal Anchorage No. 23–B. These anchorages are also known as the Stapleton Anchorages and are located adjacent to Naval Station New York on Staten Island, New York. These changes are necessary to conform with the restricted area established by the U.S. Army Corps of Engineers on February 8, 1991. The restricted area includes portions of these anchorages.

DATES: Effective date February 8, 1991.

FOR FURTHER INFORMATION CONTACT: Lieutenant (junior grade) C.W. Jennings, Waterways Management Officer, Captain of the Port, New York at (212) 668–7933.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Following normal rulemaking procedures would have been unnecessary. The dimensions of the anchorages addressed in this rule have already been altered by the adjacent restricted area which became effective on February 8, 1991. This rule is published as an administrative action so the regulations will correctly reflect the actual dimensions of the affected anchorages.

Drafting Information

The drafters of this regulation are LTJG C.W. Jennings project officer, Captain of the Port, New York and LT R.E. Korroch, project attorney, First Coast Guard District Legal Office.

Discussion of Regulation

In the February 8, 1991 **Federal Register**, Vol. 56, No. 27, pg. 5300, the Army Corps of Engineers published a final rule which limited the space available for vessels wishing to anchor in Federal Anchorages 23–A and 23–B. The Coast Guard is amending the existing regulations which describe those anchorages to reflect this change.

List of Subjects in 33 CFR Part 110

Anchorage Grounds.

Final Regulations

In consideration of the foregoing, part 110 of title 33, Code of Federal Regulations, is amended to read as follows:

PART 110—[AMENDED]

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

2. In § 110.155, paragraphs (d)(13) introductory text and (d)(14) introductory text are revised; and paragraphs (d)(13)(v) and (d)(14)(iii) are added to read as follows:

§ 110.155. Port of New York

* * * * *

(d) * * *

(13) Anchorage No. 23–A. That area enclosed by coordinates starting at

40°38'36.5" N., 74°04'13.5" W.; to
40°38'37.0" N., 74°03'49.0" W.; to
40°38'23.4" N., 74°03'37.2" W.; to
40°37'49.5" N., 74°03'25.7" W.; to

40°37'49.8" N., 74°03'50.1" W.; to
40° 37' 50.0" N., 74° 03' 50.2 W.; to
40° 37' 53.0" N., 74° 04' 07.0 W.; thence back to
40° 38' 36.5" N., 74° 04' 13.5 W.;

* * * * *

(v) See 33 CFR 334.85 for information on anchoring near the U.S. Navy restricted area adjacent to this anchorage.

(14) Anchorage No. 23–B. That area enclosed by coordinates starting at

40°37'49.8" N., 74°03'50.1" W.; to
40°37'49.5" N., 74°03'25.7" W.; to
40°37'27.0" N., 74°03'18.1" W.; to
40°37'23.0" N., 74°03'59.0" W.; to
40°37'30.0" N., 74°04'04.0" W.; to
40°37'37.5" N., 74°03'46.0" W.; thence back to
40°37'49.8" N., 74°03'50.1" W.

* * * * *

(iii) See 33 CFR 334.85 for information on anchoring near the U.S. Navy restricted area adjacent to this anchorage.

* * * * *

Dated: April 25, 1991.

P.L. Collom,

Commander, First Coast Guard District, Acting.

[FR Doc. 91–11973 Filed 5–20–91; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3917–8]

Approval and Promulgation of State Implementation Plans; North Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice is to inform the public of a clarification of the June 3, 1986 notice, which approved a recodification of the North Carolina regulations. On June 3, 1986, EPA published a final rule at (51 FR 19834) which approved the North Carolina regulations submitted on March 31, 1976. The purpose of this notice is to clarify the intent of the June 3, 1986 notice. EPA intended to approve only the 1976 recodification, reorganization and editorial changes on June 3rd, not the entire March 31, 1976, submittal of the North Carolina regulations. The EPA merely intended to approve the renumbering system submitted by the State. EPA did not review the substance of these regulations. These rules were approved into the State Implementation Plan (SIP) in previous rulemakings. Therefore, the June 3, 1986, notice did not supercede any previous approvals. To the extent EPA has issued any SIP calls to the State with respect to the adequacy of any of the rules subject to the June 3, 1986, recodification, EPA will continue to require the State to correct any such rule deficiencies despite EPA's approval of the recodification in the June 3, 1986, final rule.

EFFECTIVE DATE: This notice is effective May 21, 1991.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalyn D. Hughes, Air Programs Branch at Region IV, 345 Courtland Street, Atlanta, Georgia 30365 and (404) 347–2864 (FTS 257–2864).

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon Monoxide, Hydrocarbons, Incorporation by Reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: March 18, 1991.

Patrick M. Tobin,

Acting Regional Administrator.

Part 52 of Chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart II—North Carolina

2. Section 52.1770 is amended by removing and reserving paragraph (c)(41) to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(41) [Reserved]

[FR Doc. 91–12009 Filed 5–20–91; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 721

[OPTS–50585A; FRL–3880–3]

RIN 2070–AB27

Sulfurized Alkylphenols; Withdrawal of Significant New Use Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of final rule.

SUMMARY: EPA is withdrawing a significant new use rule (SNUR) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for the chemical substances described generically as sulfurized alkylphenols and which were the subject of premanufacture notice (PMN) P–89–708. EPA initially published this SNUR using direct final procedures. EPA received a notice of intent from interested parties who wish to make adverse or critical comments on this rule. Therefore, the Agency is withdrawing this rule, as required under the Expedited SNUR rulemaking process (40 CFR 721 Subpart D). In a separate notice of proposed rulemaking in today's **Federal Register**, EPA is proposing a SNUR for this substance with a 30–day comment period.

EFFECTIVE DATE: This rule is effective July 22, 1991.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS–799), Office of Toxic Substances, Environmental Protection Agency, rm E–543–B, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 28, 1990, at 55 FR 39892, EPA issued several direct final SNURs including a SNUR for the substances described generically as sulfurized alkylphenols and identified by PMN number P–89–708. Under § 721.160, EPA is required to withdraw rules issued under direct final procedures if the Agency receives notice of intent to submit adverse or critical comments within 30 days of publication of the rule in the **Federal Register**. EPA has received such a notice of intent regarding the SNUR for PMN P–89–708 and is therefore withdrawing the subject SNUR and, according to § 716.160(a)(3)(iii), is proposing the rule elsewhere in today's **Federal Register**. For further information regarding EPA's expedited process for issuing SNURs, interested parties are directed to 54 FR 31314 (July 27, 1989).

The record for the direct final SNUR for PMN P–89–708 which is being withdrawn by this rule was established at OPTS–50585. That record includes information considered by the Agency in developing this rule, and includes the notice of intent to submit adverse or critical comments to which the Agency has responded with this notice of withdrawal. The docket control number for the withdrawal is OPTS–50585A. For details refer to the proposal elsewhere in today's **Federal Register**. The relevent portions of the original docket for the direct final SNUR are being

incorporated under OPTS–50585B, which is established for the proposed rule.

A public version of the records, without any CBI, is available in the TSCA Public Docket Office from 8 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays. The TSCA Public Docket Office is located in rm. NE–G004, 401 M St., SW., Washington, DC., 20460.

List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: May 14, 1991.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 will continue to read as follows:

Authority: 15 U.S.C. 2604 and 2607.

§ 721.1541 [Removed]

2. By removing § 721.1541.

[FR Doc. 91–12011 Filed 5–20–91; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Parts 766 and 799

[OPTS–40020; FRL 3840–8]

RIN 2070–AB97

Technical Amendments to Test Rules and Consent Orders

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to 40 CFR 790.55 and 790.68, EPA has approved by letter certain modifications to test standards and schedules for chemical testing programs under section 4 of the Toxic Substances Control Act (TSCA). These modifications, requested by test sponsors, will be incorporated and codified in the respective test regulation or consent order. Because these modifications do not significantly alter the scope of a test or significantly change the schedule for its completion, EPA approved these requests without seeking notice and comment. EPA will annually publish a notice describing all of the modifications granted by letter for the previous year. This is the third such annual notice.

EFFECTIVE DATE: This rule is effective on May 21, 1991.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS–799), Office of Toxic Substances, rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: EPA issued an interim final rule published in the **Federal Register** of September 1, 1989 (54 FR 36311), amending procedure for modifying test standards and schedules for test rules and testing consent orders under section 4 of TSCA The amended procedures allow EPA to approve requested modifications which do not alter the scope of a test or significantly change the schedule for it completion. These modifications are approved by letter without public comment. The rule also requires immediate placement of these letters in EPA's public files and publication of these modifications in the **Federal Register**. This document includes modifications approved from October 1, 1989, through December 31, 1990. For a detailed description of the rationale for these modifications, refer to the submitters' letters and EPA's responses in the public record for this rulemaking.

I. Discussion of Modifications

Each chemical discussed in this rule is identified by a specific CAS number and docket number. Copies of correspondence relating to specific chemical modifications may be found in docket number (OPTS–40020) or the chemical specific docket established for this rule. The following table lists all chemical-specific modifications approved from October 1, 1989, through December 31, 1990:

MODIFICATIONS TO TEST STANDARDS AND CONSENT ORDERS OCTOBER 1, 1989 THROUGH DECEMBER 31, 1990

Chemical/CAS Number	Chemical FR Cite	Test	Modifications	Docket No.
Final Rule Chemicals:				
bis(2-chloroethoxy)methane (111–91–1)	799.5055	N/A	8	40020/42088J
cumene (98–82–8)	799.1285	Acute toxicity test with: *daphnia magna*, *Salmo quairdneri*, *Cyprinodon variagatus*, *Mysidopsis bahia*	5	40020/42074D
diethylenetriamine (111–40–0)	799.1575	chemical fate	3	40020/42012J
Isopropanol (67–63–0)	795.250	developmental neurotoxicity test	7	40020/42097
unsubstituted phenylenediamine: *m*-pda (108–45–2), *o*-pda (95–54–5), *p*-pda (106–50–3)	799.3300	if triggered in one isomer: subchronic neurotoxicity, functional observational battery (FOB), motor activity test (MAT), neuropathological studies. If triggered in two isomers: subchronic neurotoxicity (FOB) test, motor activity test, neuropathology studies. If triggered in three isomers: subchronic neurotoxicity (FOB) test, motor activity test, neuropathology studies.	5	40020/42008H
	799.3300	acute toxicity testing in *Gammarus*	5	40020/42008H
	799.3300	*Daphnia* Life-cycle Test	5	40020/42008H
m-pda	799.3300	SLRL test, and acute toxicity in rainbow trout	5	40020/42008H
polyhalogenated dibenzo-*p*-dioxins/dibenzofurans:				
tetrabromobisphenol-A (79–94–7)	766.35	protocols submissions	5	40020/83002C
2,4,6-tribromophenol (118–79–6)	766.35	protocols submissions	5	40020/83002C
decabromodiphenyloxide (1163–19–5)	766.35	protocols submissions	5	40020/83002C
1,2-bis(tribromophenoxy)-ethane (37853–59–1)	766.35	protocols submissions	5	40020/83002C
octabromodiphenyloxide (32536–52–0)	766.35	protocols submissions	5	40020/83002C

MODIFICATIONS TO TEST STANDARDS AND CONSENT ORDERS OCTOBER 1, 1989 THROUGH DECEMBER 31, 1990—Continued

Chemical/CAS Number	Chemical FR Cite	Test	Modifications	Docket No.
allyl ether of tetrabromobisphenol-A (25327-89-3)	766.35	protocols submissions	5	40020/83002C
pentabromodiphenyloxide (32534-81-9)	766.35	protocols submissions	5	40020/83002C
tetrabromodisphenol-A-bisethoxylate (4126-45-2)	766.35	protocols submissions	5	40020/83002C
3,4',5 tribromosalicylanilide	766.35	protocols submissions	5	40020/83002C
tributyl phosphate (126-73-8)	799.4360	pharmacokinetics, oral/dermal, developmental toxicity, vapor pressure, hydrolysis rate, sediment and soil adsorption isotherm, reproductive and fertility effects.	3,5	40020/42100C
triethylene glycol monomethyl ether (112-50-5)	799.4440	developmental neurotoxicity	5,7	40020/42080G
vinyl fluoride (75-02-5)	799.1700	oncogenicity	6	40020/42002L
Consent Orders:				
alkyl phthalates	799.5000	fish early life stage studies	3	40020/42092A
		analytical confirmation studies	3	40020/42092A
		adsoption isotherm studies	5	40020/42092A
2-chloroaniline (95-51-2)	799.5000	rainbow trout early life-stage toxicity	5	40020/42054D
C.I. Disperse Blue 79:1 (3618-72-2)	799.5000	rat development toxicity test	5	40020/42103A
		Fish early life stage studies	3	40020/42103A
4-nonylphenol branched (84852-15-3)	799.5000	octanol/water partition coefficient, sediment and soil adsorption isotherm.	5	40020/42104C
octamethylcyclotetrasiloxane (556-67-2)	799.5000	biodegradation study	5	40020/42071D
		bioconcentration study	5	40020/42071D
triethylene glycol monomethyl ether (112-50-5)	799.5000	dermal subchronic toxicity	3	40020/42080G

Modifications:
1. Modify sampling schedule.
2. Change to test substance (form/purity)
3. Change in non-critical test procedure or condition.
4. Add satellite group for further testing.
5. Extend test or protocol deadline, delete test initiation date.
6. Clarify and/or add specific guideline requirement.
7. Alternate specific guideline requirement approved for certain test(s).
8. CAS No. correction.

II. Public Record

EPA has established a public record for this rulemaking (docket number OPTS-40020). The record includes the information considered by EPA in evaluating the requested modifications.

The record is available for inspection from 8 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays, in rm. G-004, NE Mall, 401 M St., SW., Washington, DC 20460.

III. Other Regulatory Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule, listing modifications of test standards and schedules for tests required under test rules and testing consent agreements under the authority of section 4 of TSCA, is not major because it does not meet any of the criteria set forth in section 1(b) of the Order.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB to EPA, and any EPA response to those comments, are included in the rulemaking record.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq., Pub. L. 96-354, September 19, 1980), EPA is certifying that this rule will not have a significant impact on a substantial number of small businesses because the modifications listed in this rule have been made to expedite the development of test data and to reduce certain paperwork burdens associated with current regulations.

C. Paperwork Reduction Act

The information collection requirements associated with this rule have been approved by OMB under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et. seq. and have been assigned OMB control number 2070-0033.

EPA has determined that this rule does not change existing recordkeeping or reporting requirements nor does it impose any additional recordkeeping or reporting requirements on the public.

Send comments regarding this rule to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to the Office of Management and Budget, Paperwork Reduction Project (2070-0033) Washington, DC 20503.

List of Subjects in 40 CFR Parts 766 and 799

Chemicals, Chemical export, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements, Testing.

Dated: May 14, 1991.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR chapter I, subchapter E, parts 766 and 799 are amended as follows:

PART 766—[AMENDED]

1. In part 766:

a. The authority citation for part 766 continues to read as follows:

Authority: 15 U.S.C. 2603 and 2607.

b. In § 766.35, by revising paragraphs (a)(2)(i)(B) and (b)(4)(i) and adding paragraph and (f) to read as follows:

§ 766.35 Reporting requirements.

* * * * *

(a) * * *

(2) * * *

(i) * * *

(B) The protocol for each brominated chemical substance produced by each process to be tested must be submitted to EPA no later than 24 months after the effective date of this part except for the following chemicals.

(*1*) The deadline for submitting the protocols for tetrabromobisphenol-A (CAS No. 79-94-7); 2,4,6 tribromophenol (CAS. No. 118-79-6);

decabromodiphenyloxide (CAS No. 1163–19–5); and 1,2-bis(tribromophenoxy)-ethane (CAS No. 37853–59–1) is January 31, 1991.

(*2*) The deadline for submitting protocols for octabromodiphenyloxide (CAS No. 32536–52–0) and allyl ether of tetrabromobisphenol-A (CAS No. 25327–89–3) is January 31, 1991.

(*3*) The deadline for submitting protocols for pentabromodiphenyloxide (CAS No. 32534–81–9) and tetrabromodisphenol-A-bisethoxylate (CAS No. 4126–45–2) is January 31, 1991.

(*4*) The deadline for submitting protocols for 3,4',5-tribromosalicylanilide (CAS No. 87–10–5) is September 5, 1990.

* * * * *

(b) * * *

(4) *Test results.* (i) Except as noted in the following specified substances, test results must be submitted to EPA not later than 270 days after EPA's transmission of comments or 180 days after a final protocol is submitted to EPA, whichever is shorter. The test results for 3,4'5-tribromosalicylanilide must be submitted 45 days after the test protocols have been approved by EPA. The test results for tetrabromobisphenol-A, 2,4,6 tribromophenol, decabromodiphenyloxide, 1,2-bis(tribromophenoxy)-ethane, octabromodiphenyloxide, allyl ether of tetrabromobisphenol-A, pentabromodiphenyloxide and tetrabromodiphenol-A-bisethoxylate must be submitted no later than 45 days after EPA has notified the test sponsor that EPA has accepted the protocol or 135 days from the date of submission of the test protocol to EPA, whichever is later.

* * * * *

(f) *Effective date.* (1) The effective date of this final rule is July 6, 1987, except for paragraphs (a)(2)(i)(B) and (b)(4)(i) of this section.

(2) The effective date for paragraphs (a)(2)(i)(B) and (b)(4)(i) of this section is May 21, 1991.

(3) The guidelines and other test methods cited in this rule are referenced as they exist on the effective date of the final rule.

PART 799—[AMENDED]

2. In part 799:

a. The authority citation for part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

b. In § 799.1285 by redesignating paragraph (c)(3) "Neurotoxicity" as (c)(4), and by revising paragraphs (d)(2)(ii)(A) and (g) to read as follows:

§ 799.1285 Cumene.

* * * * *

(d) * * *

(2) * * *

(ii) *Reporting requirements.* (A) The acute toxicity tests conducted with *Daphnia magna, Salmo gairdneri,* and *Cyprinodon variegatus* shall be completed and the final reports submitted to EPA by March 9, 1990. The acute toxicity test conducted with *Mysidopsis bahia* shall be completed and the final report submitted to EPA by May 13, 1990.

* * * * *

(g) *Effective date.* (1) The effective date of the final rule for cumene is September 9, 1988, except for paragraphs (d)(1)(i), (d)(1)(ii)(A),(d)(2)(ii)(A), and (e)(1)(ii)(A) of this section. The effective date of paragraphs (d)(1)(i), (d)(1)(ii)(A), and (e)(1)(ii)(A) of this section is March 1, 1990. The effective date of paragraph (d)(2)(ii)(A) of this section is May 21, 1991.

(2) The guidelines and other test methods cited in this rule are referenced as they exist on the effective date of the final rule.

* * * * *

c. In § 799.1575, by revising paragraphs (d)(2) and (f) to read as follows:

§ 799.1575 Diethylenetriamine (DETA).

* * * * *

(d) * * *

(2) *Test standard.* The testing shall be conducted in accordance with the following revised EPA-approved modified study plan (June 7, 1990) originally submitted by the Diethylenetriamine Producers/Importers Alliance (DPIA): "Modified Final Copy (04–17–90); Diethylenetriamine: Environmental Fate in Sewage, Lake Water and Soil". This revised EPA-modified study plan is available for inspection in the EPA's OTS Reading room, Room NE–G004, 401 M St., SW., Washington, DC 20460.

* * * * *

(f) *Effective date.* (1) The effective date of the final Phase II rule for diethylenetriamine is March 19, 1987, except for paragraphs (c)(4)(iii), (d)(2), and (d)(3) of this section. The effective date of paragraphs (c)(4)(iii), and (d)(3) of this section is March 1, 1990. The effective date for paragraph (d)(2) of this section is May 21, 1991.

(2) The guidelines and other test methods cited in this rule are referenced as they exist on the effective date of the final rule.

* * * * *

d. In § 799.1700, by revising paragraphs (c)(4)(i) and (d) to read as follows:

§ 799.1700 Fluoroalkenes.

* * * * *

(c) * * *

(4) *Oncogenicity*— (i) *Required testing.* (A) (*1*) Oncogenicity tests shall be conducted in both rats and mice by inhalation with VF in accordance with § 798.3300 of this chapter, except for the provisions in paragraph (b)(7)(vi) of § 798.3300.

(*2*) For the purposes of this section, the following provisions also apply:

(*i*) *Test procedures—observations of animals.* All mice of test groups in which survival is approximately 25 percent of mice at risk (approximately 25 percent of 70, or approximately 18 mice) will be sacrificed near the time that 25 percent survival is achieved. All mice surviving the 18–month test period will be sacrificed and necropsied. The order of sacrifice for mice at all pathological evaluations will be random among all exposure groups within a sex Moribund animals should be removed and sacrificed when noticed.

(*ii*) [Reserved]

(B) Oncogenicity testing shall be conducted in mice with VDF in accordance with § 798.3300 of this chapter.

(C) Oncogenicity tests shall be conducted in both rats and mice with HFP if, after a public program review, EPA issues a **Federal Register** notice or sends a certified letter to the test sponsor specifying that the testing shall be initiated.

(D) Oncogenicity tests shall also be conducted by inhalation in both rats and mice with TFE in accordance with § 798.3300 of this chapter if TFE yields a positive test result in any one of the following mutagenicity tests: The *in vitro* cytogenetics assay conducted pursuant to paragraph (c)(2)(i)(A) of this section, the mouse micronucleus cytogenetics assay conducted pursuant to paragraph (c)(2)(i)(B) of this section, the mammalian cells in culture assay conducted pursuant to paragraph (c)(1)(i)(A) of this section or the sex-linked recessive lethal assay in *Drosophila melanogaster* conducted pursuant to paragraph (c)(1)(i)(B) of this section if, after a public program review, EPA issues a **Federal Register** notice or sends a certified letter to the test sponsor specifying that the testing shall be initiated. Criteria for positive test results are established in 40 CFR 798.5375, 798.5385, 798.5300 and 798.5275 of this chapter, respectively.

* * * * *

(d) *Effective date.* (1) The effective date of the final rule is July 22, 1967, except for paragraphs (c)(1)(i)(C)(*1*), (c)(1)(ii)(A), and (c)(4)(i), of this section. The effective date of paragraphs (c)(1)(i)(C)(*1*), and (c)(1)(ii)(A) is May 21, 1990. The effective date of paragraph (c)(4)(i) of this section is May 21, 1991.

(2) The guidelines and other test methods cited in this rule are referenced as they exist on the effective date of the final rule.

* * * * *

e. In § 799.2325 by revising paragraphs (c)(6)(i)(D) and (d) to read as follows:

§ 799.2325 Isopropanol.

* * * * *

(c) * * *

(6) * * *

(i)* * *

(D) The developmental neurotoxicity test shall be conducted with isopropanol in accordance with § 795.250 of this chapter, except for paragraph (c)(1)(iv).

(*1*) For purposes of this section, the following provisions also apply:

(*i*) *Numbers of animals.* The objective is for a sufficient number of pregnant rats to be exposed to ensure that an adequate number of offspring are produced for neurotoxicity evaluation. At least 24 litters shall be used at each dose level.

(*ii*) [Reserved]

(*2*) [Reserved]

* * * * *

(d) *Effective dates.* (1) The effective date of this rule is December 4, 1989, except for the provisions of paragraphs (c)(5)(i)(C)(*1*), (c)(5)(ii)(A)(*3*), (c)(6)(i)(D) of this section. The effective date for paragraphs (c)(5)(i)(C)(*1*) and (c)(5)(ii)(A)(*3*) is May 21, 1990. The effective date for paragraph (c)(6)(i)(D) is May 21, 1991.

(2) The guidelines and other test methods cited in this rule are referenced as they exist on the effective date of the final rule.

* * * * *

f. In § 799.3300 by revising paragraphs (c)(1)(ii)(A), (c)(3)(ii)(A), (e)(1)(ii), (e)(2)(ii) and (f) to read as follows:

§ 799.3300 Unsubstituted phenylenediamine.

* * * * *

(c) * * *

(1) * * *

(ii) *Reporting requirements.* (A) The tests shall be completed and the final reports for the MBMC assay shall be submitted to the EPA no later than January 16, 1991. The final report for the SLRL in *Drosophila melanogaster* shall be submitted no later than April 15,1991.

* * * * *

(3) * * *

(ii) *Reporting requirements.* (A) The acute neurotoxicity tests shall be completed and the final report submitted to EPA no later than September 15, 1990. If triggered, the final report of the subchronic neurotoxicity testing and the neuropathological examination shall be submitted to EPA on the following schedules. If one isomer is triggered, the reporting deadline is July 15, 1990. If two isomers are triggered, the reporting deadline is January 15, 1992. If three isomers are triggered, the reporting deadline is July 15, 1992.

* * * * *

(e) * * *

(1) * * *

(ii) *Reporting requirements.* The final reports for acute toxicity testing shall be submitted as follows:

(A) Testing on the rainbow trout shall be completed and submitted to EPA 9 months after the effective date of the final rule for *o*-pda and *p*-pda. Testing for *m*-pda shall be completed and submitted by January 15, 1991.

(B) The acute toxicity testing in freshwater *Gammarus* shall be completed and submitted no later than January 15, 1991.

(2) * * *

(ii) *Reporting requirements.* (A) The fish partial life-cycle flow-through test shall be completed and final results shall be submitted to EPA no later than January 16, 1992.

(B) The invertebrate life-cycle flow-through toxicity test shall be completed and the final report submitted to EPA no later than July 15, 1991.

(C) Progress reports shall be submitted at 6 month intervals after the effective date of the final rule.

(f) *Effective dates.* (1) The effective date of this final rule is January 16, 1990, except for (c)(1)(i)(B), (c)(1)(ii)(A), (c)(1)(ii)(C), (c)(1)(ii)(F), (c)(3)(ii)(A), (e)(1)(ii) and (e)(2)(ii). The effective date of paragraphs (c)(1)(i)(B), (c)(1)(ii)(C) and (c)(1)(ii)(F) is May 21, 1990. The effective date of paragraphs (c)(1)(ii)(A), (c)(3)(ii)(A), (e)(1)(ii) and (e)(2)(ii) is May 21, 1991.

(2) The guidelines and other test methods cited in this rule are referenced as they exist on the effective date of the final rule.

* * * * *

g. In § 799.4360, by revising paragraphs (c)(2)(ii)(A), (c)(3)(ii)(A), (c)(8)(i), (c)(8)(ii)(A), (e)(1)(ii), (e)(2)(ii)(A), and (c)(3)(ii) and (f) to read as follows:

§ 799.4360 Tributyl phosphate.

* * * * *

(c) * * *

(2) * * *

(ii) *Reporting requirements.* (A) The developmental toxicity study required under paragraph (c)(2) of this section shall be completed and a final report submitted to EPA by January 27, 1991.

* * * * *

(3) * * *

(ii) *Reporting requirements.* (A) The reproduction and fertility effects study required under paragraph (c)(3) of this section shall be completed and a final report submitted to EPA by August 17, 1992.

* * * * *

(8) * * *

(i) *Required testing.* (A) A pharmacokinetics test shall be conducted with TBP in accordance with § 795.228 of this chapter, except for the provisions of paragraphs (c)(1)(iii)(B), (c)(2)(ii)(C)(*1*) and (c)(2)(ii)(C)(*2*) of § 795.228.

(B) For the purposes of this section, the following provisions also apply:

(*1*) *Animal care.* During the acclimatization period, the animals shall be housed in suitable cages. All animals shall be provided with certified feed and tap water *ad libitum.*

(*2*) *Dermal treatment.* For dermal treatment, two doses, comparable to the low and high oral doses, shall be dissolved in a suitable vehicle and applied in volumes adequate to deliver comparable doses. The backs of the animals should be lightly clipped with an electric clipper 24 hours before treatment. The test substance shall be applied to the intact clipped skin (approximately 2 cm^2 for rats, 40 cm^2 for mini-pigs). The dosed areas shall be protected with a suitable porous covering which is secured in place, and the animals shall be housed separately.

(ii) *Reporting requirements.* (A) The pharmacokinetics test required in paragraph (c)(8)(i) of this section shall be completed and the final report submitted to EPA by September 27, 1991

* * * * *

(e) * * *

(1) * * *

(ii) *Reporting requirements.* The vapor pressure test required in paragraph (d)(1) of this section shall be completed and the final report submitted to EPA by September 27, 1990.

(2) * * *

(ii) *Reporting requirements.* (A) The sediment and soil absorption isotherm test required under paragraph (d)(2) of

this section shall be completed and the final report submitted to EPA by September 27, 1990.

* * * * *

(3) * * *

(ii) *Reporting requirements.* The hydrolysis test required under paragraph (e)(3)(i) of this section shall be completed and the final report submitted to EPA by September 27, 1990.

(f) *Effective date.* (1) The effective date of this final rule is September 27, 1989, except for paragraphs (c)(2)(ii)(A), (c)(3)(ii)(A), (c)(8)(i), and (c)(8)(ii)(A), (e)(1)(ii), (e)(2)(ii)(A), and (e)(3)(ii) of this section. The effective date for paragraphs (c)(2)(ii)(A), (c)(3)(ii)(A), (c)(8)(i), and (c)(8)(ii)(A), (e)(1)(ii), (e)(2)(ii)(A), and (e)(3)(ii) is May 21, 1991.

(2) The guidelines and other test methods cited in this rule are referenced as they exist on the effective date of the final rule.

* * * * *

h. In § 799.4440, by revising paragraphs (c)(2), (c)(3)(i) and (d) to read as follows:

§ 799.4440 Triethylene glycol monomethyl ether.

* * * * *

(c) * * *

(2) For the purpose of this section, the following provisions also apply:

(i) *Number of animals.* The objective is for a sufficient number of pregnant rats to be exposed to ensure that an adequate number of offspring are produced for neurotoxicity evaluation. At least 24 litters are recommended at each dose level.

(ii) *Dose levels and dose selection.* In the absence of developmental toxicity or maternal toxicity the maximum dose shall be 5 grams/kilogram.

(3) * * *

(i) The developmental neurotoxicity test shall be completed and the final report submitted to EPA within 21 months of the initiation of the test.

* * * * *

(d) *Effective date.* (1) The effective date of this final rule is May 17, 1989, except for paragraph (c)(2)(i) and (c)(3)(i) of this section. The effective date for paragraph (c)(2)(ii) and (c)(3)(i) of this section is May 21, 1991.

(2) The guidelines and other test methods cited in this rule are referenced as they exist on the effective date of the final rule.

* * * * *

i. In § 799.5055 by revising paragraphs (e)(1)(i)(A) and (f) to read as follows:

§ 799.5055 Hazardous waste constituents subject to testing.

* * * * *

(e) * * *

(1) * * *

(i) *Required test.* (A) An oral gavage subchronic toxicity test shall be conducted in the rat with the substances designated in paragraph (c) of this section except for bis(2-chloroethoxy) methane (CAS No. 111–91–1) in accordance with § 798.2650 of this chapter.

* * * * *

(f) *Effective date.* (1) The effective date of the final rule is July 29, 1988, except for paragraphs (d)(1)(i), (d)(1)(ii), (d)(2)(ii), (e)(1)(i), and (e)(1)(ii)(A) of this section. The effective date of paragraphs (d)(1)(i), (d)(1)(ii), (d)(2)(ii), (e)(1)(i)(B) and (e)(1)(ii)(A) of this section is March 1, 1990. The effective date of paragraph (e)(1)(i)(A), is May 21, 1991.

(2) The guidelines and other test methods cited here are referenced as they exist on the effective date of the final rule.

[FR Doc. 91–12012 Filed 5–20–91; 8:45 am]
BILLING CODE 6560–50–F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6859

[AK–932–4214–10; AA–62906]

Revocation of Public Land Order No. 4958, as Amended; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes in its entirety a public land order as it affects approximately 1,095 acres of National Forest System land withdrawn for Powersite Classification No. 459 at Vodapad River and Green Lake, near Sitka, Alaska. The land is no longer needed for the purpose for which it was withdrawn. The power potential of the land has been fully developed under the Green Lake Hydroelectric Project (Power Project No. 2818) and the land has been conveyed to the State of Alaska. Therefore, this action is for record clearing purposes only.

EFFECTIVE DATE: May 21, 1991.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513–7599, 907–271–5477.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Public Land Order No. 4958, as amended, which withdrew land for Powersite Classification No. 459 is hereby revoked as it affects the following described land:

Copper River Meridian

Tongass National Forest

All land adjacent to Vodapad River and Green Lake upstream from the outlet at Silver Bay which lie below an altitude of 400 feet above sea level. The Port Alexander D–4 quadrangle map shows that the land will lie wholly or in part within:

T. 56 S., R. 65 E. (Unsurveyed)
Secs. 20, 21, 26, 27, 28, 29, 33, 34, 35 and 36.

The area described contains approximately 1,095 acres.

Dated: May 13, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91–11907 Filed 5–20–91; 8:45 am]
BILLING CODE 4310–JA–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89–249]

Radio Broadcasting Services; Waldron, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On reconsideration, the Commission grants the request of Good News Broadcasting Corporation, licensee of Station KRWA–FM, and Waldron Community Broadcasting Corporation, the proposed assignee, to substitute Channel 276C3 for Channel 276A at Waldron, Arkansas, and modify the license for Station KRWA–FM to operate on Channel 276C3, based upon their expressed intent to pursue and construct the Class C3 facility. The proposal was previously denied for failure of Good News Broadcasting Corporation to file supporting comments in response to the Notice. See 54 FR 26220, June 22, 1989. Coordinates for Channel 276C3 at Waldron are 34–51–44 and 94–04–26. With this action, the proceeding is terminated.

EFFECTIVE DATE: June 27, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Memorandum Opinion and Order, MM

Docket No. 89-249, adopted May 1, 1991, and released May 15, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by removing Channel 276A and adding Channel 276C3 at Waldron.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-11909 Filed 5-20-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-482; RM-7172]

Radio Broadcasting Services; Lemoore and Tipton, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reallots Channel 285A from Lemoore to Tipton, California, and modifies the license of Lemoore Wireless Co., Inc., for Station KQYZ(FM) to specify operation on Channel 285B1, as requested, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. The allotment of Channel 285B1 to Tipton will provide the community with its first local broadcast service without depriving Lemoore of local aural service. See 55 FR 46960, November 8, 1990. Coordinates used for Channel 285B1 at Tipton are 36-02-58 and 119-29-08. With this action, the proceeding is terminated.

EFFECTIVE DATE: June 27, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-482, adopted May 1, 1991, and released May 15, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 285A at Lemoore and adding Channel 285B1, Tipton.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-11910 Filed 5-20-91; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 56, No. 98
Tuesday, May 21, 1991

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 735

Cotton Warehouses—United States Warehouse Act (USWA)

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of withdrawal.

SUMMARY: On August 21, 1990, a proposed rule was published in the Federal Register (55 FR 34021). The rule proposed amendments to the regulations governing cotton warehousemen licensed under the USWA that would allow cotton warehousemen to: (1) Issue negotiable warehouse receipts for reginned motes; and (2) insert certain language relating to liens in their schedule of warehouse charges (aka "tariffs")

The proposal was in response to several industry requests.

A total of 18 respondents submitted comments. Four respondents commented on both issues. All sectors of the cotton industry were heard from: Warehousemen, merchants, bankers, shippers, textile manufacturers, and a State Department of Agriculture. Seven comments concerned the issue of reginned cotton motes. All comments were negative and urged us to withdraw the proposal. Fifteen comments concerned the insertion of lien language in a warehouseman's tariff. Thirteen respondents opposed the proposal. One of the respondents is a warehouseman and was in favor of the proposal, but is not licensed under the USWA. The other respondent supports the proposal, but feels that the proposed language would not provide full rights according to the Uniform Commercial Code.

Based on the Agency's review of the comments, it is hereby determined that the proposed rulemaking is being withdrawn.

EFFECTIVE DATE: May 21, 1991.

FOR FURTHER INFORMATION CONTACT: Lynda Moore, Agricultural Marketing Specialist, ASCS–USDA, telephone: (202) 382–8004.

Signed at Washington, DC on May 15, 1991.

Keith D. Bjerke,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 91–11989 Filed 5–20–91; 8:45 am]

BILLING CODE 3410–05–M

Agricultural Marketing Service

7CFR Parts 916 and 917

[Docket No. FV–91–239 PR]

Nectarines and Peaches Grown in California; Proposed Amendment of Size, Container Marking and Maturity Requirements and Effective Dates for the 1991 Season: Marketing Order Nos. 916 for Nectarines and 917 for Fresh Pears, Plums, and Peaches Grown in California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on changes to the size, container marking and maturity requirements for fresh nectarines and peaches grown in California. The proposal would change the size requirements by adding several new varieties of nectarines and peaches to variety-specific size requirements. Other nectarine and peach varieties would be deleted from those requirements. Deleted varieties would be subject to the minimum size requirements for non-listed varieties. The proposal would also clarify size requirements for nectarines by making minor changes in terminology to standardize the format of the regulations. The proposed rule would exempt from certain container marking requirements packages of nectarines and peaches mailed directly to consumers. The proposed rule would add maturity assignments to two new nectarine varieties and four new peach varieties and revise the footnote of the maturity assignment tables for the two fruits. Additionally, the effective dates for regulating the grade, size, quality, maturity, container and pack of nectarines and peaches would be changed to establish the estimated beginning and ending shipment dates for these commodities for the 1991 and subsequent seasons. With the exception of the clarification of nectarine size regulations, the revised effective dates for regulating peaches, and the changes to the footnote to each fruit's maturity assignment table, all proposals were unanimously approved by the Nectarine Administrative Committee and the Peach Commodity Committee. The proposals are designed to provide handlers with more marketing flexibility, to more accurately define the size and maturity characteristics of the fruit, and to promote the marketing of both of the fruits.

DATES: Comments must be received by June 5, 1991.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments should be sent to: Docket Clerk, Marketing Order Administration Branch, USDA/AMS/F&V–room 2525-South, PO Box 96456, Washington, DC 20090–6456. Three copies of all written material shall be submitted, and will be made available for public inspection in the office of the Docket Clerk during regular business hours. All comments should reference the date and page number of this issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT: George Kelhart, Marketing Order Administration Branch, USDA/AMS/F&V/room 2525-South, P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 475–3919, or, Kurt Kimmel, Marketing Field Office, USDA/AMS, 2202 Monterey St., suite 102–B, Fresno, California 93721; telephone (209) 487–5901.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Agreement and Marketing Order Nos. 916 and 917 (7 CFR parts 916 and 917) regulating the handling of nectarines and fresh pears, plums and peaches grown in California. The orders are effective under the Agricultural Marketing Agreement Act of 1937 (Act) as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This proposed rule has been reviewed under Executive Order 12291 and Departmental regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural

Marketing Service (AMS) has considered the economic impact of this proposal on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

It is estimated that approximately 300 handlers are subject to regulation under the marketing orders for California nectarines and peaches. Small agricultural service firms have been defined by the Small Business Administration (SBA) (13 CFR 121.601) as those having annual receipts of less than $3,500,000. There are about 1,800 producers of these tree fruits in California. Small agricultural producers have been defined by the SBA as those having annual receipts of less than $500,000. The majority of these handlers and producers may be classified as small entities.

Inspected shipments of California nectarines and peaches for the 1990 season totalled 18,256,000 and 16,063,000 packages, respectively.

They were marketed primarily in the fresh market.

The Nectarine Administrative Committee and the Peach Commodity Committee (hereinafter referred to as the nectarine and peach committees) unanimously recommended amending size requirements, amending maturity requirements, adding container marking requirements and exempting directly mailed consumer packages from certain container marking requirements.

This proposed rule is based upon the two committees' recommendations, on information submitted by the committees and their respective subcommittees, and on other available information. The proposed changes reflect crop and market conditions experienced in 1990 and expected in 1991.

Effective Dates

Because these regulations do not change substantially from season to season, they have been issued on a continuing (yearly) basis subject to amendment, modification or suspension as may be recommended by the applicable committee and approved by the Secretary. Currently, the marketing orders' regulations are effective on a yearly basis from January 1 through December 31. This action proposes changing the effective dates of the regulations to more closely coincide with the marketing season for California nectarines and peaches. The nectarine committee approved unanimously the dates April 15 through October 31. The peach committee did not consider any proposal to change that order's effective dates. Nonetheless, this proposal would also establish the period April 15 through October 31 as the effective dates for marketing California peaches. These proposed periods include additional time after the last day of harvest when some lots of the fruits may be kept in cold storage prior to shipment.

Size Requirements

This proposal would alter size requirements for nectarines and peaches by adding several new varieties now produced in commercially significant quantities to variety-specific (named variety) size requirements. Nectarine and peach varieties no longer produced in significant quantities would be deleted from variety-specific size requirements. Size requirements for named varieties and non-listed varieties not mentioned in this rulemaking would not be changed for the 1991 season.

Variety-specific size requirements are proposed when a variety is first produced in commercially significant quantities. Such quantity is considered by the two committees to be total shipments of a variety exceeding 10,000 packages during a season. In making this volume determination, individual consumer packages weighing 15 pounds net weight or less are converted to 25 pound equivalent packages. For instance, two individual nectarine consumer packages of 11 pounds and 14 pounds would be counted as one 25-pound package of the fruit.

Nectarine and peach varieties that exceeded 10,000 shipped packages for the first time during the 1990 season are listed in the regulations proposed in this rulemaking. These varieties would be regulated under variety-specific size requirements for each fruit.

When a variety is no longer produced in significant quantities—which the committees have determined to be less than 5,000 packages during a season—it is removed from the variety-specific size requirement list. The varieties listed below in this rulemaking are proposed to be removed from their respective variety-specific size requirement lists for the 1991 season. During the 1990 season these varieties were not produced in quantities significant enough to warrant variety-specific size coverage. However, these varieties would be subject to minimum size requirements for non-listed varieties because, in combination with other varieties of the fruit, they are produced in quantities significant enough to warrant some size coverage. The size requirements established for non-listed varieties are generally less restrictive than those established for listed varieties, but help provide retailers and consumers with the fruit they prefer. The 10,000 and 5,000 package quantities used in making these determinations have been used in prior seasons.

For nectarines, the variety-specific size requirements and non-listed size requirements are specified in paragraphs (a)(2) through (a)(8) of § 916.356, as amended on June 15, 1990 (55 FR 24215). To implement the nectarine committee's unanimous recommendations for this action, paragraph (a)(5)(i) of § 916.356 would be amended to establish variety-specific size requirements for five nectarine varieties that were produced in commercially significant quantities of more than 10,000 packages for the first time during the 1990 season. These varieties are Alta Red, Del Rio Rey, Mid Glo, Super Red and Zee Glo.

The nectarine committee also unanimously recommended that four varieties be deleted from variety-specific size requirements because their production was less than 5,000 packages during the 1990 season. The nectarine varieties proposed to be removed from the variety-specific list and made subject to the non-listed variety size requirements specified in paragraphs (a)(6) through (a)(8) of § 916.356 are Late Tina Red, Mayfair, Nect–5 and 32–79–22. Also, paragraph (ii) of these paragraphs would be amended by changing the words "in any container" to "other than as specified in paragraph (ii) (respectively) of this section." This change is proposed to clarify that different sizing tests would be applied to different containers of the inspected nectarines.

For peaches, the variety-specific size requirements and non-listed size requirements are specified in paragraphs (a)(2) through (a)(6) and in paragraphs (b) and (c) of § 917.459, as amended on June 15, 1990 (55 FR 24215). The peach committee unanimously recommended that variety-specific size requirements be established for three peach varieties. Paragraph (a)(5) of § 917.459 would be amended to include new varieties Rich Lady and Sierra Lady. Paragraph (a)(6) would be amended to include new variety Topcrest.

The peach committee also unanimously recommended that three

varieties be deleted from variety-specific size requirements because the production of these varieties was less than 5,000 packages during the 1990 season. The peach varieties proposed to be removed from the variety-specific list and made subject to the non-listed variety size requirements specified in paragraphs (b) and (c) of § 917.459 are Jefferson Sun, June Crest and Prima Fire.

Finally, the Department of Agriculture (Department) proposes clarifying changes in subparagraphs (i) and (ii) of paragraphs (a)(2), (3), (4), (5), (6), (7), and (8) of § 916.356. The terminology would be standardized and would be modeled after the format currently used in the peach grade and size regulations.

The addition of several new varieties of nectarines and peaches to the variety-specific size requirements, the removal of certain other varieties from those requirements, and the change in the effective dates for the application of requirements would not be detrimental to small entities. These changes are expected to help the two commodity industries to provide the sizes of fruit that are desired in fresh markets.

Container Marking Requirements

Table I of § 917.442(a)(3)(iv), as amended on June 15, 1991 (55 FR 24222) specifies that the size designations of peaches, loose-filled or tight-filled, in any container shall be marked according to the number of fruit when packed in molded forms (tray-packs) in No. 22D standard lug boxes and in accordance with standard pack requirements. Based on the experience of the 1990 season, the peach committee unanimously recommended that the table listing the tray-pack sizes and corresponding range of the number of fruit per 16-pound sample should be revised for 64, 50 and 48 size peaches to more accurately indicate the maximum number of the fruit in the sample. It is proposed that the maximum number of peaches in a 16-pound sample of size 64 peaches should be reduced by one to 53 peaches. The maximum number of peaches in 16-pound samples of size 50 and size 48 should increase by one to 39 peaches and 35 peaches, respectively.

The nectarine and peach committees also reviewed a request by one handler that direct mail consumer packages/gift boxes (hereinafter referred to as gift packs) be exempt from certain container marking requirements. The handler supports mandatory inspection under the program, but believes the container marking requirements impose an unnecessary burden on the marketing of direct mail consumer packages and gift boxes. Gift packs mailed directly to consumers are carefully designed to encourage consumer acceptance and increase purchases. The handler contends that the Federal-State lot stamp, varietal name and size count markings, required under the program, detract from the aesthetically pleasing appearance of the gift packs and interferes with the promotional program of the gift pack shipper. Because these gift packs are smaller, less space is available for the markings. As a result, gift packs appear cluttered when all of the required markings appear on the gift packs.

The handler also contends that the marking requirements are unnecessary and burdensome for the gift pack shipper to meet. The handler contends that lot stamp numbering is required to keep track of the commodity which may change ownership several times in regular trade channels. At any point in the course of shipment a question regarding the quality or condition of the fruit may arise, and the lot stamp number on the package allows the prospective buyer to verify the quality of the fruit. However, gift packs are mailed directly to consumers, and are not intended for resale. Therefore, consumers can contact the shipper directly if the consumer is not satisfied with the gift pack. In addition, most consumers are not knowledgeable about the lot stamp numbering system, and of how the numbers may be used to obtain additional information about the shipment of the commodity. Therefore, deletion of the lot stamp on gift packs would not affect the purchasers of this fruit.

Likewise, the handler also requested that the gift packs be exempt from the varietal name and size count marking requirements, because the requirements are burdensome for the packing houses to meet. The handler explained that each year a gift pack shipper contracts with a number of different packing houses to pack fruit under contract. Packing houses may pack different varieties and size counts of fruit at different times during the harvest season. Because container markings must be stamped at the time of packing, the imposition of such markings on individual gift boxes results in an additional expense for packing houses.

After debate the stone fruit committees unanimously recommended that gift packs be exempt from inspection lot stamp, varietal name and size count marking requirements. Committee members concluded the stone fruit quality assurance programs would not be affected by the marking exemptions because the direct sales market is distinct from regular market channels.

Therefore, to relieve gift pack handlers of unnecessary container marking requirements and to enhance the marketing opportunity for gift pack shippers, this proposed rule would exempt direct mail consumer gift packs from certain marking requirements by revising §§ 916.115 and 917.150 and paragraphs (a) of §§ 916.350 and 917.442.

The revision of weight equivalents for three sizes of peaches utilizing tray-pack designations and the exemption of certain container marking requirements for gift packs are expected to increase efficiency of handling the fruit in the marketplace and improve the marketing of the fruit. These changes are not expected to result in additional marketing costs to the industries.

Maturity Requirements

The maturity requirements established under these marketing orders are intended to provide fruit that better meet customer preferences. Over the years, consumers have indicated that they prefer fruit that is sweet and flavorful. To help ensure that fruit reaching the marketplace is well-matured, the maturity subcommittees of the nectarine and peach committees and the inspection service inspectors meet after each harvest season to review surface color of varieties observed during the last season against the designated maturity guides established for those varieties. Other tests used during the previous season to determine well-maturity are also reviewed. Appropriate changes are recommended for the following season. Changes in maturity guides are recommended to the respective committees. The determination of which color chip will apply to each variety is based upon careful analysis, usually over several seasons, by the inspection service and the maturity subcommittees. In certain instances, a color chip designation for any particular nectarine and peach variety may be changed during the course of a season through the maturity variance process. Then it must be determined which chip to use in the new season. This year the nectarine and peach committees recommended that the maturity assignments for their respective fruit varieties, in place at the beginning of the 1990 season, be carried over to the 1991 season, except that Babcock variety peaches be set at supervisor discretion.

This proposed rule would assign maturity guides to new varieties for which guides have not been previously specified. On the basis of inspection service advice, the nectarine committee unanimously recommended that the

following two varieties and color chip maturity guides be added to Table I in paragraph (a) of § 916.356: Summer Star—G Color and Tasty Gold—H Color. On the basis of inspection service advice, the peach committee unanimously recommended that the following four varieties and color chip maturity guides be added to Table I in paragraph (a) of § 917.459: Amber Crest—G Color, June Sun—H Color, 50–178—G Color, and Snow Flame—Supervisor discretion.

Finally, the committees submitted accompanying material to help handlers verify the proposed changes in the nectarine and peach maturity requirements. The information from each committee included a revised NOTE: which offers advice for obtaining color standards or other maturity requirements applicable to any varieties not included in the table of maturity requirements. Table I of each commodity's "Subpart—Grade and Size Regulation" (§ 916.356(a)(1) for nectarines and § 917.459(a)(6) for peaches) would include the proposed explanations.

Although the committees did not formally vote on these revised explanations, the Department proposes for industry comment the revised explanatory notes to the nectarine and peach maturity tables. The Department proposes changing the wording of these notes to assist growers and handlers in determining the well-maturity of nectarines and peaches. The existing explanatory notes for nectarines and peaches read as follows:

Note: Consult with the Federal or Federal-State Inspection Service Supervisor for the maturity guides applicable to the varieties not listed above.

The revised explanatory notes for nectarines and peaches are proposed to read as follows:

Note: Consult with the Federal or Federal-State Inspection Service Supervisor for the color standard applicable to varieties not listed above. Maturity determinations are to be made at time of picking. Consultation of the Inspection Supervisor regarding the established color standard is therefore advised prior to commencing harvest of any variety. Regular confirmation of the requirements in effect also is recommended.

The proposed actions assigning maturity guides to new varieties of the two fruits, the continuance in 1991 of 1990 maturity guides with a change for one peach variety, and the changes in the explanatory note following the maturity assignment tables would be expected to aid in improving the quality of the fruit marketed and would not be detrimental to small entities in the two industries.

Based on the above, the Administrator of the AMS has determined that the changes proposed above would not have a significant economic impact on a substantial number of small entities.

A comment period of less than 30 days is appropriate for this proposal. Shipment of the 1991 nectarine and peach crops is expected to begin before the end of April 1991. Growers and handlers should be given as much notice of regulatory changes as possible. Also, a shortened comment period will help implement the uniform application of the proposed regulations over the entire nectarine and peach marketing seasons.

The committee's recommendations, other information, and all written comments timely received will be considered before determinations are made on the proposed changes covered in this document. Commenters are urged to submit their reasons in support of or in opposition to this proposd rule.

List of Subjects in 7 CFR Parts 916 and 917

California, Marketing agreements and orders, Nectarines, Plums, Peaches, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR parts 916 and 917 be amended as follows:

1. The authority citation for 7 CFR parts 916 and 917 continues to read as follows:

Authority: Sections 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

PART 916—NECTARINES GROWN IN CALIFORNIA

2. Section 916.115 is revised to read as follows:

§ 916.115 Lot Stamping.

Except when loaded directly into railway cars, exempted under § 916.110, or mailed directly to consumers in consumer packages, cotainers of nectarines shall be plainly stamped, prior to shipment, with a Federal-State Inspection Service lot stamp number, assigned by such Service, showing that such nectarines have been inspected in accordance with § 916.55.

3. The introductory text of paragraph (a) and paragraphs (a) (2) and (3) of § 916.350 are revised to read as follows:

§ 916.350 Nectarine Regulation 8.

(a) During the period beginning April 15 and ending October 31, no handler shall ship any package or container of any variety of nectarines except in accordance with the following terms and conditions:

* * * * *

(2) Each package or container of nectarines shall bear, on one outside and in plain sight and in plain letters, the name "nectarines" and, except for consumer packages in master containers and consumer packages mailed directly to consumers, the name of the variety, if known or, when the variety is not known, the words "unknown variety."

(3) Each package or container of nectarines, except consumer packages mailed directly to consumers, shall bear, on one outside end in plain sight and in plain letters, the following count and/or size discription of the nectarines as applicable.

* * * * *

4. The introductory text of paragraph (a) of § 916.356 is amended to read as follows:

§ 916.356 Nectarine Regulation 14.

(a) During the period beginning April 15 and ending October 31, no handler shall ship:

* * * * *

5. Table I of paragraph (a)(1)(i) of § 916.356 is amended by adding in alphabetical order the following nectarine varieties to Column A and their corresponding maturity guides to Column B:

(a) * * *
(1) * * *
(i) * * *

Summer Star	G
* * * * *	
Tasty Gold	H
* * * * *	

6. The explanatory note following Table I of paragraph (a)(1)(i) of § 916.356 is revised to read as follows:

Note: Consult with the Federal or Federal-State Inspection Service Supervisor for the color standard applicable to varieties not listed above. Maturity determination are to be made at time of picking. Consultation of the Inspection Supervisor regarding the established color standard is therefore advised prior to commencing harvest of any variety. Regular confirmation of the requirements in effect also is recommended.

§ 916.356 [Amended]

7. Paragraph (a)(3) of § 916.356 is amended by removing the nectarine variety Mayfair.

§ 916.356 [Amended]

8. Paragraph (a)(2)(i) of § 916.356 is revised to read as follows:

(a) * * *

* * * * *

(2) * * *

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22 D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box; or

* * * * *

§ 916.356 [Amended]

9. Paragraphs (a)(3)(i) and (a)(3)(ii) of § 916.356 are revised to read as follows:

(a) * * *

* * * * *

(3) * * *

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22 D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines, when packed other than as specified in paragraph (a)(3)(i) of this section, are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 87 nectarines.

§ 916.356 [Amended]

10. Paragraph (a)(4)(i) and (a)(4)(ii) of § 916.356 are revised to read as follows:

(a) * * *

* * * * *

(4) * * *

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22 D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the lug box; or

(ii) Such nectarines, when packed other than as specified in paragraph (a)(4)(i) of this section, are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 78 nectarines.

§ 916.356 [Amended]

11. Paragraph (a)(5) of § 916.356 is amended by adding in alphabetical order the nectarine varieties Alta Red, Del Rio Rey, Mid Glo, Super Red and Zee Glo and by removing the nectarine varieties Late Tina Red, Nect-5 and 32–79–22.

§ 916.356 [Amended]

12. Paragraphs (a)(5)(i) and (a)(5)(ii) of § 916.356 are revised to read as follows:

(a) * * *

* * * * *

(5) * * *

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22 D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 80 nectarines in the lug box; or

(ii) Such nectarines, when packed other than as specified in paragraph (a)(5)(i) of this section, are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 67 nectarines.

§ 916.356 [Amended]

13. The introductory text of paragraph (a)(6) of § 916.356 is revised to read as follows:

(a) * * *

(6) During April 15 through May 31 of each fiscal period, no handler shall handle any package or container of any variety of nectarines not specifically named in paragraphs (a) (2), (3), (4), or (5) of this section unless:

* * * * *

§ 916.356 [Amended]

14. Paragraph (a)(6)(i) and (a)(6)(ii) of § 916.356 are revised to read as follows:

(a) * * *

* * * * *

(6) * * *

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22 D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines, when packed other than as specified in paragraph (a)(6)(i) of this section, are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 87 nectarines.

§ 916.356 [Amended]

15. Paragraph (a)(7)(i) and (a)(7)(ii) of § 916.356 are revised to read as follows:

(a) * * *

* * * * *

(7) * * *

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22 D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the lug box; or

(ii) Such nectarines, when packed other than as specified in paragraph (a)(7)(i) of this section, are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 78 nectarines.

§ 916.356 [Amended]

16. The introductory text of paragraph (a)(8) of § 916.356 is revised to read as follows:

(a) * * *

(8) During July 1 through October 31 of each fiscal period, no handler shall handle any package or container of any variety of nectarines not specifically named in paragraph (a) (2), (3), (4), or (5) of this section unless:

* * * * *

§ 916.356 [Amended]

17. Paragraphs (a)(8)(i) and (a)(8)(ii) of § 916.356 are revised to read as follows:

(a) * * *

* * * * *

(8) * * *

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22 D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 80 nectarines in the lug box; or

(ii) Such nectarines, when packed other than as specified in paragraph (a)(8)(i) of this section, are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 67 nectarines.

PART 917—FRESH PEARS, PLUMS AND PEACHES GROWN IN CALIFORNIA

18. Section 917.150 is revised to read as follows:

§ 917.150 Lot stamping.

Except when loaded directly into railway cars, exempted under § 917.143, or for peaches mailed directly to consumers in consumer packages, containers of fruit shall be plainly stamped, prior to shipment, with a Federal-State Inspection Service lot stamp number, assigned by such Service, showing that such fruit has been inspected in accordance with § 917.45.

19. The introductory text of paragraph (a) and paragraphs (a) (2) and (3) of § 917.442 are revised to read as follows:

§ 917.442 Peach Regulation 8.

(a) During the period beginning April 15 and ending October 31, no handler shall ship any package or container of any variety of peaches except in accordance with the following terms and conditions:

* * * * *

(2) Each package or container of peaches shall bear, on one outside end in plain sight and in plain letters, the name "peaches" and, except for consumer packages in master containers and consumer packages mailed directly to consumers, the name of the variety, if known or, when the variety is not known, the words "unknown variety."

(3) Each package or container of peaches, except consumer packages

mailed directly to consumers, shall bear on one outside end in plain sight and in plain letters, the following count and/or size description of the peaches as applicable:

* * * * *

§ 917.442 [Amended]

20. Paragraph (a)(3)(iv) of § 917.442 is revised to read as follows:

(a) * * *

* * * * *

(3) * * *

* * * * *

(iv) The size of peaches, when packed in loose-filled or tight-filled containers, shall be marked in accordance with the following table which specifies in Column A the number of peaches in a 16-pound sample of each size of the fruit listed in Column B:

TABLE I.—WEIGHT-COUNT STANDARDS FOR ALL VARIETIES OF PEACHES PACKED IN LOOSE OR TIGHT-FILLED CONTAINERS

Column A	Column B
Tray pack size designation	Number of peaches in 16-pound sample
96	84–96
88	78–83
84	74–79
80	65–73
72	60–64
70	54–59
64	47–53
60	46
56	44–45
54	40–43
50	35–39
48	31–35
42	27–30
40	26
36	25

* * * * *

21. The introductory text of paragraph (a) of § 917.459 is revised to read as follows:

§ 917.459 Peach Regulation 14.

(a) During the period beginning April 15 and ending October 31, no handler shall ship:

* * * * *

§ 917.459 [Amended]

22. Paragraph (a)(4) of § 917.459 is amended by removing the peach varieties June Crest and Prima Fire.

§ 917.459 [Amended]

23. Paragraph (a)(5) of § 917.459 is amended by adding in alphabetical order the peach varieties Rich Lady and Sierra Lady and by removing the peach variety Jefferson Sun.

§ 917.459 [Amended]

24. paragraph (a)(6) of § 917.459 is amended by adding in alphabetical order the peach variety Topcrest.

§ 917.459 [Amended]

25. Table I of paragraph (a) of § 917.459 is amended by adding in alphabetical order the following varieties of peaches to Column A and corresponding maturity guides to Column B:

* * * * *

Ambercrest..... G

* * * *

June Sun..... H

* * * * *

Snow Flame..... Supervisor discretion

* * * * *

50–178..... G

* * * * *

§ 917.459 [Amended]

26. Table I of paragraph (a) of § 917.459 is amended by removing the maturity guide from Column B of the following peach variety under Column A and inserting the revised maturity guide for that variety in Column B:

Babcock Type..... Supervisor discretion

§ 917.459 [Amended]

27. The explanatory note following Table I of paragraph (a) of § 917.459 is revised to read as follows:

Note: Consult with the Federal or Federal-State Inspection Service Supervisor for the color standard applicable to varieties not listed above. Maturity determinations are to be made at time of picking. Consultation of the Inspection Supervisor regarding the established color standard is therefore advised prior to commencing harvest of any variety. Regular confirmation of the requirements in effect also is recommended.

§ 917.459 [Amended]

28. The introductory text of paragraph (b) of § 917.459 is revised to read as follows:

(b) During the period April 15 through July 2 of each fiscal period, no handler shall handle any package or container of any variety of peaches not specifically named in paragraph (a) (2), (3), (4), or (5) of this section unless:

* * * * *

Dated: May 15, 1991.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91–11897 Filed 5–20–91; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 1212

[FV–90–155]

RIN 0581–AA48

Lime Research, Promotion and Consumer Information Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: The Department proposes to issue on order establishing a national industry-funded lime research and promotion program. A lime industry organization requested the issuance of such an order and submitted a proposed order in response to an invitation to submit proposals. The proposed order would require lime producers and importers to pay an assessment, which would be used in a national program of lime research, promotion, and consumer information. No interest was expressed in holding a public meeting to discuss the proposal, so none will be held.

DATES: Comments must be received by June 20, 1991.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal to: Docket Clerk, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, P.O. Box 96456, Room 2525–S, Washington, DC. 20090–6456. Three copies of all written material should be submitted, and they will be made available for public inspection at the Office of the Docket Clerk during regular business hours. All comments should reference the docket number and the date and page number of this issue of the **Federal Register.** Comments concerning the information collection requirements contained in this action should also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for the Agricultural Marketing Service, USDA.

FOR FURTHER INFORMATION CONTACT: Jim Wendland, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456, telephone (202) 475–3916.

SUPPLEMENTARY INFORMATION: This proposed order is authorized under the Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6201–6212) hereinafter referred to as the Act.

This proposal has been reviewed by the Department in accordance with

Executive Order 12291 and U.S. Department of Agriculture (USDA) Regulation 1512–1 and has been determined to be a "non-major" rule under the criteria contained in the Executive Order.

Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed action on small entities.

The most recent available census of agricultural producers indicates that there are 985 farms producing limes in the United States, an estimated 325 of whom would be subject to the proposed order. Of the latter number, the majority would be classified as small businesses. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000, and small agricultural service firms, which include lime handlers and importers, have been defined as those having annual receipts of less than $3,500,000. There are approximately 25 handlers and 5 importers of limes who would be subject to the provisions of this proposed order, the majority of whom would also be classified as small entities. The proposed order would require each lime producer and importer who produces or imports 35,000 pounds or more of fresh limes per year to pay an assessment not to exceed $0.01 per pound of limes. In addition, an estimated 25 first handlers of limes, virtually all of whom would be classified as small firms, would be required to collect and remit the assessments. Although the maximum assessment collection is expected to total about $2 million annually, the economic impact of a one cent or less assessment per pound on each non-exempt producer or importer woud not be significant. The proposed order would also impose a reporting and recordkeeping burden on first handlers and importers. It is estimated that this burden would average approximately six hours per year, so its economic impact would not be significant. In addition, the research and promotion program to be funded by the assessments should benefit lime producers, handlers, and importers by expanding and maintaining new and existing domestic and foreign markets and promoting new uses for limes. Such benefits are expected to outweigh any costs. Accordingly, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction

In accordance with the Paperwork Reduction Act of 1980, the information collection requirements contained in this action have been approved by the Office of Management and Budget (OMB). This action sets forth the provisions of a proposed order to establish a nation-wide program for lime research and promotion to be funded by lime producers and importers. Information collection requirements that are included in this proposal include:

(1) A monthly report by each first handler and importer who handles or imports at least 35,000 pounds of fresh limes per year. The estimated number of respondents is 30, each submitting a maximum of 12 responses per year, with an estimated average reporting burden of one-half hour per response. However, these persons may alternatively prepay assessments annually, requiring only an initial report of anticipated assessment and a final annual report of actual handling;

(2) A refund application form for persons who desire a refund of their assessments. The estimated number of respondents is 35, each submitting 10 responses per year, with an estimated average reporting burden of .25 hours per response;

(3) An exemption application for producers, handlers and importers of less than 35,000 pounds of limes annually to be exempt from assessments and recordkeepinig requirements. The estimated number of respondents for this form is 35, each submitting one response per year, with an estimated average burden of .25 hours per response;

(4) A referendum ballot to be used in 1993 and periodically thereafter to indicate whether producers and importers favor continuance of the order. The estimated maximum number of respondents for this form is 350 each submitting one response approximately every five years, with an estimated average reporting burden of .10 hours per response;

(5) A nominee background statement form for Board member and alternate member nominees. The estimated number of respondents for this form is 44 during the first year of order operations and approximately 16 annually thereafter. Each respondent would submit one response per year, with an estimated average reporting burden of .10 hours per response; and

(6) A requirement to maintain records sufficient to verify reports submitted under the order. The estimated number of recordkeepers necessary to comply with this requirement is 350, each of whom would have an estimated annual bruden of .12 hours.

Comments concerning the information collection requirements contained in this action should also be sent to the Office of Information and Regulatory Affairs; Office of Management and Budget; Washington, DC 20503. Attention: Desk Officer for Agricultural Marketing Service, USDA.

Background

The Lime Research, Promotion, and Consumer Information Act of 1990 (Subtitle D of Title XIX of the Food, Agricultural, Conservation, and Trade Act of 1990; Pub. L. 101–624) approved November 28, 1990, hereinafter referred to as the Act, authorizes the Secretary of Agriculture to establish a national lime research and promotion program. The program would be funded by an assessment on producers and importers not to exceed one cent per pound of fresh limes.

The Act provides for the submission of proposals for a lime research and promotion order by industry organizations or any interested person. The Act requires that such order provide for the establishment of a Lime Board. The Board would be composed of eleven members, including seven producers, three importers and one public member, with an alternate for each member.

The Department issued an invitation to submit proposals for an initial order in the January 30, 1991, issue of the **Federal Register** (56 FR 3425).

In response to the invitation to submit proposals, one proposal was received from Harold W. Furman II on behalf of the proponent industry group for a lime industry research and promotion program. The Department is publishing this proposed order, with some modification of proposed provisions. The Department will consider all comments received by the deadline, before issuing a final order.

Sections 1212.1–1212.20 of the proposed order define certain terms which are used in the order. Sections 1212.30–1212.40 include provisions relating to the establishment, membership, nomination, appointment, term of office, procedure, reimbursement, powers and duties of the Lime Board, which would be the body organized to administer the order subject to the oversight of the Secretary of Agriculture. Sections 1212.50–1212.51 concern research, promotion and consumer education. Section 1212.60 would authorize the Board to incur expenses necessary for the performance

of its duties and recommend an annual budget. The proponent's proposal included a provision to permanently limit the Department's expenses for administering the order and conducting referenda to not exceed $50,000 per annum. This provision is not included in the proposed order set forth herein because it is not consistent with the Act. Sections 1212.62–1212.68 would authorize the collection of assessments, specify who pays them and how, and set forth procedures for the handling of a one-time refund. The maximum assessment rate would be one cent per pound of non-exempt fresh limes produced domestically or imported into the United States. The assessment sections also outline the procedures to be followed by first handlers and importers for remitting assessments; establish a 10 percent late payment charge and also a one and one-half percent per month interest charge; and provide for refunds of assessments paid if the initial continuance referendum fails.

Sections 1212.70–1212.75 concern reporting and recordkeeping requirements for persons subject to the order, and provide that all information obtained by the Board or the Department from records and reports required by the order would be kept confidential. The proponent's proposal regarding reports would have required much more information than has been typically deemed necessary for Boards to operate in similar research and promotion programs. The proponent's proposal included a complete breakdown by varieties when reporting the quantity received, the quantity disposed of and the quantity still on hand. It would also have required the identification of the carrier transporting such limes and the identification of an inspection certificate for each lot. Therefore, the applicable provisions have been modified to eliminate these specific reporting requirements. At a later time if additional information were deemed necessary, further consideration would be given to such requirements.

Sections 1212.80–1212.88 are miscellaneous provisions including the right of the Secretary; personal liability of Board members and employees; influencing governmental actions; termination of the order; separability of order provisions; handling of intellectual property arising from funds collected by the Board; and amendments to the order.

Miscellaneous changes also have been made to the proponent's propsal to eliminate dupicate provisions and to clarify language.

List of Subjects in 7 CFR Part 1212

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Limes, Reporting and recordkeeping requirements.

The proposal, set forth below, has not received the approval of the Secretary of Agriculture.

It is hereby proposed that title 7 of the Code of Federal Regulations be amended by adding part 1212 to read as follows:

PART 1212—LIME RESEARCH, PROMOTION, AND CONSUMER INFORMATION

Subpart A—Lime Research, Promotion, and Consumer Information Order

Definitions

Secs.

1212.1 Secretary.
1212.2 Act.
1212.3 Order.
1212.4 Board.
1212.5 Lime.
1212.6 Fresh market.
1212.7 Producer.
1212.8 Handle.
1212.9 Handler.
1212.10 Importer.
1212.11 Producer-Handler.
1212.12 Person.
1212.13 Promotion.
1212.14 Research.
1212.15 Marketing.
1212.16 Consumer information.
1212.17 State and United States.
1212.18 District.
1212.19 Fiscal period and marketing year.
1212.20 Programs and projects.

Lime Board

1212.30 Establishment and membership.
1212.31 Nomination.
1212.32 Appointment of producer and importer members.
1212.33 Public member nominations and selection.
1212.34 Term of office.
1212.35 Acceptance.
1212.36 Vacancies.
1212.37 Procedure.
1212.38 Compensation and reimbursement.
1212.39 Powers.
1212.40 Duties.

Research, Promotion, and Consumer Information

1212.50 Policy and objective.
1212.51 Programs and projects.

Expenses and Assessments

1212.60 Budget and expenses.
1212.61 Operating reserve.
1212.62 Determination of handler.
1212.63 Importer.
1212.64 Assessments.
1212.65 Payment of assessments.
1212.66 Failure to report and remit.
1212.67 Refunds.
1212.68 Exemption from assessment.
1212.69 Reports of disposition of exempted limes.

Reports, Books, and Records

1212.70 Reports.
1212.71 Books and records.
1212.72 Retention period for records.
1212.73 Availability of records.
1212.74 Confidential treatment.
1212.75 Confidential books, records, and reports.

Miscellaneous

1212.80 Right of the Secretary.
1212.81 Personal liability.
1212.82 Influencing governmental actions.
1212.83 Suspension or termination.
1212.84 Proceedings after termination.
1212.85 Effect of termination or amendment.
1212.86 Separability.
1212.87 Patents, copyrights, inventions, product formulations, and publications.
1212.88 Amendments.
1212.89 OMB control numbers.

Authority: The Lime Research, Promotion, and Consumer Information Act of 1990; 7 U.S.C. 6201 et seq.

SUBPART A—LIME RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER

Definitions

§ 1212.1 Secretary.

Secretary means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

§ 1212.2 Act.

Act means the Lime Research, Promotion, and Consumer Information Act of 1990. (Title XIX, Subtitle D of Pub. L. 101–624; 7 U.S.C. 6201 *et seq.*; 104 Stat. 3870–3881) and any amendments thereto.

§ 1212.3 Order.

Order means this Lime Research, Promotion, and Consumer Information Order issued by the Secretary pursuant to the Act.

§ 1212.4 Board.

Board means the administrative body referred to as the Lime Board, hereinafter established pursuant to § 1212.30.

§ 1212.5 Lime.

Lime means the fruit of a *Citrus aurantifolia* tree for the fresh market.

§ 1212.6 Fresh market.

Fresh market means the demand for whole limes not preserved by any recognized commercial process

including canning, freezing, dehydration or fermentation, or converted into juice. It does not include the by-products of limes or products made with the by-products of limes.

§ 1212.7 Producer.

Producer means any person who produces limes in the United States for sale in commerce.

§ 1212.8 Handle.

Handle means to grade, pack, process, sell, transport, purchase, or in any other way to place or cause limes to which one has title or possession to be placed in the current of commerce. Such term shall not include the transportation or delivery of limes by the producer thereof to a handler for grading, sizing, packaging or processing.

§ 1212.9 Handler.

Handler means any person (except a common or contract carrier of limes owned by another person) who handles limes, including a producer-handler who handles limes of producer-handler's own production. For the purposes of this subpart, the term "handler" means the "first" person who performs the handling functions.

§ 1212.10 Importer.

Importer means any person who imports limes into the United States.

§ 1212.11 Producer-Handler.

Producer-Handler means any person who is both a producer and handler of limes.

§ 1212.12 Person.

Person means any individual, group of individuals, partnership, corporation, association, cooperative, or other legal entity.

§ 1212.13 Promotion.

Promotion means any action taken by the Board, pursuant to the Act, to present a favorable image for limes to the public with the express intent of improving the competitive position of limes in the marketplace and stimulating sales of limes, and shall include, but not be limited to, paid advertising.

§ 1212.14 Research.

Research means any type of systematic study or investigation, and/or the evaluation of any study or investigation relating to the use and nutritional value of limes, and designed to advance the image, desirability, marketability, production, or quality of limes.

§ 1212.15 Marketing.

Marketing means the sale or other disposition of limes in commerce.

§ 1212.16 Consumer information.

Consumer information means any action taken to provide information to, and broaden the understanding of, the general public on the usage, nutritional attributes, and care of limes.

§ 1212.17 State and United States.

State and **United States** means any or all of the fifty States of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

§ 1212.18 District.

District means the applicable one of the following described subdivisions of the production area, or other subdivisions as may be prescribed pursuant to § 1212.40(o):

(a) *District 1* shall include the States east of the Mississippi River, including Puerto Rico and the District of Columbia.

(b) *District 2* shall include the States west of the Mississippi River.

§ 1212.19 Fiscal period and marketing year.

Fiscal period and *marketing year* mean the 12 month period from April 1 to the following March 31 or such other period which may be recommended by the Board and approved by the Secretary.

§ 1212.20 Programs and projects.

Programs and *projects* mean those research, development, advertising, or promotion programs or projects developed by the Board pursuant to § 1212.51.

Lime Board

§ 1212.30 Establishment and membership.

(a) There is hereby established a Lime Board, hereinafter called the "Board". The Board shall be composed of eleven members to administer the terms and provisions of this part. Seven of the members shall be producers not exempt from paying assessments under the Act, three of the members shall be importers not exempt from paying assessments under the Act, and one shall be a public member. Each member shall have an alternate who shall have the same qualifications as the member for whom such person is an alternate.

(b) Membership on the Board shall be determined according to production and import volumes as set forth in the USDA Crop Production Annual Summary Reports and data on imports as reported by the Bureau of the Census. Therefore, initially six of the seven producer members shall be producers of limes in District 1, and one producer member shall be a producer of limes in District 2. One of the three importer members shall be an importer of limes in District 1, and two importer members shall be importers of limes in District 2. The public member shall be selected at large.

(c) After two years, the Board shall review the districts to determine whether realignment of the districts or reapportionments of members among the districts is necessary and at least every five years thereafter the Board shall make such a review. In making such review, it shall give consideration to:

(1) The most recent three years USDA production and import reports or Board assessment reports if USDA production reports are unavailable;

(2) Shifts and trends in quantities of limes produced and imported, and

(3) Other relevant factors.

As a result of this review, the Board may recommend realigning the districts or reapportion membership subject to the approval of the Secretary. Any such realignment or reapportionment shall be recommended by the Board to the Secretary at least six months prior to the date of the call for nominations and shall become effective at least 30 days prior to such date.

§ 1212.31 Nomination.

The Secretary shall appoint the members of the Board from nominations to be made in the following manner:

(a) Except for the member and alternate member who represent the general public, nominations of members to the Board shall be submitted to the Secretary for selection as soon as practicable after the effective date of this subpart. In subsequent years, nominations of members to the Board shall be submitted to the Secretary by the Board by August 1. Nominations may be made by means of group meetings of producers and importers: *Provided*, That nominations of producers and importers may be conducted by mail ballot.

(b) There shall be two individuals nominated for each vacant position who shall meet the qualifications as set forth in § 1212.30.

(c) In the event nominations for members and alternate members of the Board are not filed pursuant to, and within the time specified in this section, the Secretary may select such members and alternate members without regard to nominations, but selection shall be on the basis of the representation provided for in § 1212.30.

(d) Any producer or importer who desires to be represented at a particular nomination meeting may authorize an agent and participate through such agent in the nomination and election of nominees for producer or importer members and alternate members to fill positions on the Board as provided in § 1212.30(a), shall submit to the Board, prior to such meeting but not later than seven days preceding the meeting, a written statement containing the following:

(1) Name of producer or importer;

(2) Mailing address;

(3) Place or location of business;

(4) Volume of business (how many pounds of limes produced or imported); and

(5) Authorization, including the name and address, of the person who is to represent said producer or importer at the nomination meeting.

(e) Producers or importers who have not filed a statement as prescribed in paragraph (d) of this section must be present at the nomination meeting and cast their own votes for them to be counted in connection with the nomination and election of nominees.

(f) Notwithstanding that a producer or importer has authorized an agent to cast his or her vote as specified in paragraph (d) of this section, such producer or importer may appear at the nomination meeting and cast his or her vote in person to the exclusion of such agent.

(g) Only producers may participate in the nomination and election of nominees for producer members and their alternates. Each producer shall be entitled to cast only one vote for each producer nominee. No producer shall participate in the election of nominees in more than one district in any one fiscal period.

(h) Only importers may participate in the nomination and election of nominees for importer members and their alternates. Each importer shall be entitled to cast only one vote for each importer nominee. No importer shall participate in the election of nominees in more than one district in any one fiscal period. If a person both produces and imports limes, such person shall elect the one group—either producer or importer—that he/she will participate in for nominating purposes.

(i) A chairperson of each nomination meeting shall be elected by a majority vote of the eligible voters in attendance.

(j) A typed copy of the minutes of each nomination meeting shall be provided by the Board to the Secretary in a manner that will ensure receipt within 14 calendar days of such meeting's completion.

(k) In the event of a mail ballot, all qualified persons interested in serving on the Board or who are interested in nominating another person to serve on the Board shall submit to the Board in writing such information as name, mailing address, number of pounds produced, marketed, handled, or imported, or other information as may be required, in order to place that person on the ballot: *Provided*, That in the case of nominating the initial Board, the Secretary shall mail out the ballots and cause press releases concerning the distribution of ballots and pertinent information on balloting to be distributed to the media in the lime producing and importing areas. These nominations shall be sent directly to the Secretary.

Subsequently, nominations for Board positions must be received by the Board at least three months before the ballot is issued. The Board shall mail ballots to all producers and importers of record. Distribution of ballots shall be announced by press releases furnishing pertinent information on balloting, issued by the Board through the media, including newspapers and other publications having general circulation in the lime producing and importing areas.

§ 1212.32 Appointment of producer and importer members.

From the nominations made pursuant to § 1212.31, or from other qualified persons, the Secretary shall appoint the seven producer members of the Board, the three importer members of the Board, and an alternate for each such member.

§ 1212.33 Public member nominations and selection.

The public member shall be nominated by the producer members and importer members of the Board and appointed by the Secretary. In the event the Board fails to nominate a public representative, the Secretary may appoint such a member. The public member shall have no direct financial interest in the commercial production or marketing of limes except as a consumer and shall not be a director, stockholder, officer or employee of any firm so engaged. The Board shall nominate two individuals for the public member position. Voting for public member nominees shall require a quorum of the Board and shall be on the basis of one vote per Board member. Election of nominees shall be on the basis of a simple majority of those present and voting.

§ 1212.34 Term of office.

(a) The members of the Board and their respective alternates shall serve concurrent terms of office and for terms of three years, except the members and their respective alternate members of the initial Board shall be designated for, and shall serve terms as follows: Two producer members from District 1 and one importer member from District 2 shall be appointed for a term of one year; two producer members from District 1, and one importer member from District 1, and the public member shall be appointed for a term of two years; and two producer members from District 1, one producer member from District 2, and an importer member from District 2 shall be appointed for a term of three years.

(b) The term of office for the initial Board shall begin immediately following appointment by the Secretary. Time in the interim period, from appointment until the term begins pursuant to this section, shall not count toward the initial "term of office". In subsequent years, the term of office shall begin on January 1 or such other period which may be approved by the Secretary.

(c) Board members and alternates shall serve during the term of office for which they are selected and have qualified, and until their successors are selected and have qualified.

(d) No member shall serve more than two successive terms: *Provided*, That those members serving initial terms of one year may serve two additional consecutive three-year terms.

§ 1212.35 Acceptance.

Each person nominated to serve on the Board shall, prior to selection as a member or alternate member of the Board, qualify by filing with the Secretary a written acceptance indicating that person's willingness to serve.

§ 1212.36 Vacancies.

(a) In the event any member or alternate member of the Board ceases to be a member of the category of members from which the member was appointed to the Board, such position shall automatically become vacant.

(b) If a member of the Board consistently refuses to perform the duties of a member of the Board, or if a member of the Board engages in acts of dishonesty or willful misconduct, the Board may recommend to the Secretary that the member be removed from office. If the Secretary finds the recommendation of the Board shows adequate cause, the Secretary shall remove such member from office.

Further, without recommendation of the Board, a member may be removed by the Secretary upon showing of adequate cause, if the Secretary determines that the person's continued service would be detrimental to the purposes of the Act.

(c) To fill any vacancy caused by the failure of producers and importers to nominate individuals for appointment, or if any person selected as a member of the Board fails to qualify, or in the event of the death, removal, resignation, or disqualification of any member, a successor shall be nominated and selected in the manner specified in § 1212.31 except that said nomination and replacement shall not be required if the unexpired term of office is less than six months. In the event of failure by the Board to provide nominees for such vacancies, the Secretary may appoint other eligible persons.

(d) Should any member position become vacant, the alternate of that member shall automatically assume the position of said member until a successor for such member is selected and has qualified.

§ 1212.37 Procedure.

(a) Six members, including alternates acting in place of members of the Board, shall constitute a quorum: *Provided*, That such alternates shall serve only whenever the member is absent from a meeting or is disqualified. Any action of the Board shall require the concurring votes of a majority of those present and voting. At assembled meetings, all votes shall be cast in person.

(b) In matters of an emergency nature when there is not enough time to call an assembled meeting of the Board, the Board may act upon the concurring votes of a majority of its members by mail, telephone, or by other means of communication: *Provided*, That each proposition is explained accurately, fully, and substantially identically to each member. All telephone votes shall be promptly confirmed in writing and recorded in the Board minutes.

(c) The organization of the Board and the procedures for conducting meetings of the Board shall be in accordance with the By-Laws, when established by the Board.

§ 1212.38 Compensation and reimbursement.

Board members shall serve without compensation but shall be reimbursed for travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code, which are incurred by them in the performance of their duties as Board members.

§ 1212.39 Powers.

The Board shall have the following powers subject to § 1212.83:

(a) To administer the provisions of this Order in accordance with its terms and conditions.

(b) To recommend to the Secretary rules and regulations to effectuate the terms and conditions of this Order.

(c) To require its employees to receive, investigate, and report to the Secretary complaints of violations of this Order; and

(d) To recommend to the Secretary amendments to this Order.

(e) To invest, pending disbursement under a program, plan, or project, funds collected only in: Obligations of the United States or any agency thereof; any interest-bearing account or certificate of deposit of any bank that is a member of the Federal Reserve System; or obligations fully guaranteed as to principal and interest by the United States.

(1) All obligations must be fully guaranteed by the United States and must be less than one year.

(2) All interest-bearing accounts or Certificates of Deposit (CD) must be risk-free and short-term. "Risk-free" requires all accounts and CDs to be fully insured or collateralized with Federal Government securities. "Short-term" requires that all accounts and CDs be less than one year.

(3) In the absence of collateral, accounts and CDs shall be established at financial institutions insured by the Federal Deposit Insurance Corporation, and each account, in the aggregate, must be less than $100,000.

(4) Accounts and CDs exceeding the $100,000 insurance coverage level must be fully collateralized by the financial institution. Collateral must be pledged before funds are sent to the institution. Only those securities specified in Treasury Department Circular No. 176 are acceptable as collateral. Collateral must be pledged at face value. Collateral must be segregated in the Board's name to assure that collateral is not double pledged. Collateral may be held at the local Federal Reserve Bank or at another depository.

§ 1212.40 Duties.

The Board shall, among other things, have the following duties:

(a) To meet, organize, and select from among its members a president and such other officers as may be necessary; to select committees and subcommittees of board members; to adopt such rules for the conduct of its business as it may deem advisable; and it may establish working committees of persons other than Board members;

(b) To employ such persons as it may deem necessary and to determine the compensation and define the duties of each; and to protect the handling of Board funds through fidelity bonds;

(c) To prepare and submit for the Secretary's approval, prior to the beginning of each fiscal period, a recommended rate of assessment and a fiscal period budget of the anticipated expenses in the administration of this Plan, including the probable costs of all programs and projects;

(d) To develop programs and projects, which must be approved by the Secretary before becoming effective, and enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of programs or projects of research, development, advertising or promotion, and the payment of the costs thereof with funds collected pursuant to this Order;

(e) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the Board. Minutes of each Board meeting shall be promptly reported to the Secretary;

(f) To prepare and submit to the Secretary such reports from time to time as may be presribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to the Board;

(g) To cause the books of the Board to be audited by a certified public accountant at least once each fiscal period, and at such other time as the Board may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. Two copies of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the Board for inspection by producers and importers;

(h) To investigate violations of the Order and report the results of such investigations to the Secretary for appropriate action to enforce the provisions of the Order;

(i) To periodically prepare, make public and make available to producers and importers reports of its activities;

(j) To give the Secretary the same notice of meetings of the Board and its subcommittees as is given to its members;

(k) To act as intermediary between the Secretary and any producer or importer;

(l) To furnish the Secretary such information as the Secretary may request;

(m) To notify lime producers, producer-handlers, and importers of all Board meetings through press releases or other means;

(n) To appoint and convene, from time to time, working committees drawn from producers, handlers, producer-handlers, importers, exporters and the public to assist in the development of research and promotion programs for limes;

(o) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in lime production and/or importation within the districts and the production area;

(p) To develop and recommend such rules and regulations to the Secretary for approval as may be necessary for the development and execution of programs or projects to effectuate the declared purpose of the Act;

(q) To provide the Secretary with the same notification, written or oral, as provided to Board members concerning all conference calls and meetings, including executive, advisory, subcommittee, and other meetings related to Board matters, and grant access to all such calls and meetings;

(r) To prepare and make public, monthly, a report of its activities conducted, and an accounting for funds received and expended. Financial statements for each month shall be submitted to the Secretary and shall include at least (1) a balance sheet and (2) an expense budget showing expenditures during the accounting period, year to date expenditures, and an unexpended budget. Upon request, a summary of checks issued by the Board is to be made available. Such financial statements should be submitted within 30 days after the end of each month. An annual report should be submitted within 90 days after the end of fiscal year;

(s) To cause its books to be audited by an independent certified public accountant (CPA) at the end of each fiscal period and at such other times as the Secretary may request; and

(t) To follow the Department's equal opportunity and civil rights policies.

Research, Promotion, and Consumer Education

§ 1212.50 Policy and objective.

It shall be the policy of the Board to carry out an effective and coordinated program of research, development, advertising, and promotion in order to:

(a) Strengthen the competitive position of limes in the markeplace,

(b) Maintain and expand existing domestic and foreign markets,

(c) Develop new or improved markets,

(d) Educate the general public, and

(e) Insure equitable treatment of domestically produced and imported limes.

It shall be the objective of the Board to carry out programs and projects which will provide maximum benefit to the lime industry.

§ 1212.51 Programs and projects.

The Board shall develop and submit to the Secretary for approval any programs or projects authorized in this section. Such programs or projects shall provide for:

(a) The establishment, issuance, effectuation and administration of appropriate programs or projects for consumer education, advertising and other sales promotion of limes designed to strengthen the position of limes in the marketplace and to maintain, develop, and expand markets for limes;

(b) The establishment and conduct of research and development projects and studies to the end that the acquisition of knowledge pertaining to limes or their consumption and use may be encouraged or expanded, or to the end that marketing or other utilization of limes may be encouraged, expanded, improved, or made more efficient: *Provided*, That quality control, grade standards, supply management programs or other programs that would limit the right of the individual lime producer to produce limes shall not be conducted under, or as a part of, this Order;

(c) The development and expansion of lime sales in foreign markets;

(d) A prohibition on advertising or other pomotion programs that make any reference to private brand names or use false or unwarranted claims on behalf of limes or false or unwarranted statements with respect to the attributes or use of any competing product;

(e) Periodic evaluation by the Board of each program or project authorized under this Order to insure that each program or project contributes to an effective and coordinated program of research and promotion and submission of such evaluation to the Secretary. If the Board or the Secretary finds that a program or project does not further the purposes of the Act, then the Board or the Secretary shall terminate such program or project; and

(f) The Board may, with the approval of the Secretary, enter into contracts or make agreements for the development and carrying out of research and promotion and pay for the costs of such contracts or agreements with funds collected pursuant to § 1212.64. Contractors and subcontractors who receive funds allocated by the Board shall be subject to the provisions of this part. All records of such contractors and subcontractors applicable to contracts entered into by the Board are subject to audit by the Secretary.

Expenses and Assessments

§ 1212.60 Budget and expenses.

(a) Prior to the beginning of each fiscal period, or as may be necessary thereafter, the Board shall prepare and recommend a budget on a fiscal period basis of its anticipated expenses and disbursements in the administration of this Order. Each budget shall include a plan which shall include the probable costs of research, development, advertising, consumer information, and promotion of limes. The Board shall also recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures and to provide for a reserve as set forth in § 1212.61. The budget shall take effect on approval by the Secretary.

(b) Each budget shall include (1) a statement of objectives and strategy for each program, plan, and project, including reasons for significant changes from the preceding budget period, (2) a summary of anticipated revenue, with comparative data for at least one preceding year, (3) a summary of proposed expenditures by each program, plan, and project, with comparative data for at least one preceding year, and (4) staff and administrative expense breakdown, with comparative data for at least one preceding year. Comparative data reporting will not apply to the initial budget.

(c) The Board is authorized to incur such expenses for research, development, advertising, or promotion of limes, such other expenses for the administration, maintenance, and functioning of the Board as may be authorized by the Secretary, and any referendum and administrative costs incurred by the Department of Agriculture. The funds to cover such expenses shall be paid from assessments collected pursuant to § 1212.64 and from other funds available to the Board under this Order.

(d) The Board is hereby authorized to borrow money for the payment of administrative expenses subject to the same fiscal, budget, and audit controls as other funds of the Board.

(e) The Board shall reimburse the Department of Agriculture for referenda and administrative costs incurred by the Department with respect to the Order: *Provided,* That in the case of referenda, expenses shall not include the salaries of Government employees. The Board shall pay those costs incurred by the Department for the conduct of Departmental duties under the Order as determined periodically by the Secretary. The Department will bill the Board quarterly and payment shall be due promptly after the billing of such costs. Funds to cover such expenses shall be paid from assessments collected pursuant to § 1212.64 and from other funds available to the Board under this Order.

(f) The Board may accept voluntary contributions from any person not subject to assessments under this Order. Furthermore, such contributions shall be free from any encumbrances by the donor and the Board shall retain complete control of their use. Such contributions shall be subject to the same fiscal, budget and audit controls as other funds of the Board.

(g) Any amendment to an approved budget shall be subject to approval by the Secretary, including shifting of funds from one program, plan, or project to another, except such shifts that are consistent with governing by-laws need not have prior approval by the Secretary.

§ 1212.61 Operating reserve.

The Board may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in any reserve so established: *Provided,* That the funds in the reserve shall not exceed approximately one fiscal period's expenses. Such reserve funds may be used to defray any expenses authorized under this subpart.

§ 1212.62 Determination of handler.

Unless otherwise provided in this section, the assessments on domestic fresh market limes shall be paid by first handlers. The first handler is the person who initially performs a handling function as heretofore defined. Such person may be a fresh shipper, processor, or other person who first places the limes in the current of commerce.

(a) The following examples are provided to aid in the identification of first handlers:

(1) Producer grades, packs, and sells limes of own production to a handler. In this instance, it is the handler, not the producer, who places the limes in the current of commerce. The handler is responsible for payment of the assessments.

(2) Producer packs and sells limes of that producer's own production from the orchard, or storage, to a trucker, retail or wholesale outlet, or other buyer who is not a handler of limes. The producer places the limes in the current of commerce and is the first handler.

(3) Producer delivers orchard-run limes of own production to a handler for preparation for market and entry into the current of commerce. The handler, in this instance, is the first handler, regardless of whether the handler subsequently handles such limes for the account of the handler or for the account of the producer.

(4) Producer delivers orchard-run limes of own production to a handler for preparation for market and return to the producer for sale. The producer in this instance, is the first handler, except when the producer subsequently sells such limes directly to a handler.

(5) Producer delivers orchard-run limes of own production to a handler who takes title to limes. The handler who purchases such limes from the producer is the first handler.

(6) Producer supplies limes to a cooperative marketing association which sells or markets the limes and makes an accounting to the producer, or pays the proceeds of the sales to the producer. In this instance, the cooperative marketing association becomes the first handler upon physical delivery of the limes to such cooperative.

(7) Handler purchases limes from a producer's orchard for the purpose of preparing such limes for market or for transporting such limes to storage for subsequent handling. The handler who purchases such limes from the producer is the first handler.

(8) Broker receives limes from a producer and sells such limes in the Broker's company name. In this instance, the Broker is the first handler, regardless of whether the Broker took title to such limes.

(9) Broker, without taking title or possession of limes, sells such limes in the name of the producer. In this instance, the producer is the first handler.

(10) Processor purchases limes from the producer thereof, but sells them in the fresh market. In this instance, the processor is the first handler even though the producer may have graded, packed, or otherwise handled such limes.

(b) In the event of a handler's death, bankruptcy, receivership, or incapacity to act, the representative of the handler or the handler's estate shall be considered the first handler of the limes for the purpose of this subpart.

(c) In no event shall a handler who first handles fresh limes going to the processed market be considered a first handler.

§ 1212.63 Importer.

Each shipment of limes imported into the United States for the fresh market is subject to assessment under this Order. Such assessment shall be paid by the importer of such limes at the time of entry into the United States. Any person who imports limes into the United States as principal, agent, broker, or consignee for limes produced outside the United States and imported into the United States shall be the importer.

§ 1212.64 Assessments.

(a) Each first handler and importer shall pay to the Board, upon demand, such assessments on fresh market limes as may be approved by the Secretary pursuant to § 1212.60. Such assessments shall be the amount established by the Secretary pursuant to paragraph (c) of this section.

(b) Except as provided in § 1212.68 and in paragraphs (d) and (e) of this section, the first handler shall be responsible for the collection of such assessment from the producer and payment thereof to the Board. The first handler shall maintain separate records for each producer's limes handled, including those limes produced by such handler.

(c) The assessment on fresh market limes shall be levied at a rate recommended by the Board and fixed by the Secretary: *Provided,* That the assessment shall not exceed $0.01 per pound of limes.

(d) The importer of imported limes for the fresh market shall pay the assessment to the Board at the time of entry of such limes into the United States.

(e) Producer-handlers shall pay to the Board the assessment on the limes for which they act as first handler.

(f) Assessments shall be paid to the Board as provided in § 1212.65(c).

(g) The Board is authorized to accept advance payments of assessments by handlers, importers, or producer-handlers that shall be credited toward any amount for which the handlers, importers or producer-handlers may become liable. The Board shall not be obligated to pay interest on such advance payments.

(h) The Board may authorize other organizations to collect assessments in its behalf with the approval of the Secretary. Any reimbursement by the

Board for such services shall be based on reasonable charges for services rendered.

(i) The U.S. Customs Service (USCS) will collect assessments on all limes at the time of entry and forward such assessments as per an agreement between the USCS and the USDA. Any importer or agent who is exempt from payment of assessments pursuant to § 1212.68 (a) and (b) of the Order may apply to the Board for reimbursement of such assessments paid.

§ 1212.65 Payment of assessments.

(a) *Time of payment.* The assessment shall become due at the time the first handler handles the limes for non-exempt purposes.

(b) *Responsibility for payment.* (1) First handlers and importers are responsible for the prompt payment of assessments. A handler may collect a producer's assessment from the producer, or deduct such producer's assessment from the proceeds paid to the producer on whose limes the producer assessment is made. Any such collection or deduction of producer assessments shall be made not later than the time when the first handler handles the limes.

(2) Importers shall be responsible for prompt payment of any assessment amount not collected by the U.S. Customs Service at the time of entry into the United States.

(c) *Payment direct to the Board.* (1) Except as provided in paragraph (e) of this section, each handler shall remit the required assessments, pursuant to § 1212.64 of this part, directly to the Board not later than 20 days after the end of the month such assessments are due. Remittance shall be by check, draft, or money order payable to the Lime Board, and shall be accompanied by a report, preferably on Board forms, pursuant to § 1212.70. To avoid late payment charges, the assessments must be mailed to the Board and postmarked within 20 days after the end of the month such assessments are due.

(2) Each handler shall file with the Board a report pursuant to § 1212.70 for each month that assessable limes were handled. All handler reports shall contain at least the following information:

(i) The handler's name, address, and telephone number;

(ii) Date of report (which is also the date of payment to the Board);

(iii) Period covered by the report;

(iv) Total quantity of limes handled during the reporting period;

(v) Date of last report remitting assessments to the Board; and

(vi) Listing of all persons for whom the handler handled limes, their addresses, pounds handled, and total assessments remitted for each producer. In lieu of such a list, the handler may substitute copies of settlement sheets given to each person or computer generated reports, provided such settlement sheets or computer reports contain all the information listed above.

(vii) Name, address, and pounds handled for each person claiming exemption from assessment.

(viii) If the handler handled limes for persons engaged in the production of less than 35,000 pounds of limes, the report shall indicate the name and address of such person and the quantity of limes handled for each person.

(3) Each importer shall file with the Board a monthly report containing at least the following information:

(i) The importer's name, address, and telephone or facsimile number.

(ii) The quantity of limes entered or withdrawn for consumption into the United States.

(iii) The amount of assessments paid on limes entered or withdrawn for consumption into the United States to the U.S. Customs Service at the time of entry or withdrawal for consumption.

(iv) The amount of any limes on which the assessment was not paid to the U.S. Customs Service at the time of entry or withdrawal for consumption into the United States.

(4) The words "final report" shall be shown on the last report at the end of each fiscal period.

(5) Prepayment of assessments. (i) In lieu of the monthly assessment and reporting requirements of paragraph (b) of this section, the Board may permit producer-handlers or handlers to make advance payments of their estimated assessments for the season to the Board prior to their actual determination of assessable limes. Producers-handlers or handlers shall provide an initial report estimating assessable limes. If any such estimate appears unreasonably low, the Board may request additional information to justify such estimate. If, after reviewing any additional information, the Board concludes that such estimate is not reasonable, it shall notify the producer-handler or handler that he/she may not prepay such assessments. The Board shall not be obligated to pay interest on any advance payment.

(ii) Producer-handlers or handlers using such procedures shall provide a final annual report of actual handling and remit any unpaid assessments not later than 20 days after the end of the last month of the designated handler's or importer's fiscal period.

(iii) Producer-handlers or handlers using such procedures shall, after filing a final report, receive a reimbursement of any overpayment of assessment.

(iv) Producer-handlers or handlers using such procedures shall, at the request of the Board to verify a producer's claim under § 1212.67, provide the Board with a handling report on any and all producers for whom the handler has provided handling services but has not yet filed a handling report with the Board.

(v) Specific requirements, instructions, and forms for making such advance payments shall be provided by the Board on request.

(d) *Late payment charges and interest.* (1) A late payment charge shall be imposed on any importer who fails to make timely remittance of assessments due or any handler who fails to make timely remittance to the Board of the total producer and producer-handler assessments for which any such handler is liable. Such late payment charge shall be imposed on any assessments not received before the thirtieth day after the end of the month such assessments are due. This one-time late payment charge shall be 10 percent of the assessments due before interest charges have accrued. The late payment charge will not be applied to any late payments postmarked within 20 days after the end of the month such assessments are due.

(2) In addition to the late payment charge, one and one-half percent per month interest on the outstanding balance, including the late payment charge and any accrued interest, will be added to any accounts delinquent beyond 30 days after the twentieth day after the end of the month such assessments are due. Such interest will continue monthly until the outstanding balance is paid to the Board.

(e) *Payment through cooperative agency.* The Board may enter into agreements, subject to approval of the Secretary, authorizing other organizations to collect assessments in its behalf. In any State or area in which the Board has entered into such an agreement, the designated handler shall pay the assessment to such agency in the time and manner, and with such identifying information as specified in such agreement. Such agreement shall not provide any cooperating agency with authority to collect confidential information from handlers, importers, or producers. To qualify, the cooperating agency must on its own accord have access to all information required by the Board for collection purposes. If the Board requires further evidences of payment than provided by the

cooperating agency, it may acquire such evidence from individual handlers. All such agreements are subject to the requirements of the Act, Order, all applicable rules and regulations under the Act and the Order, and the approval of the Secretary.

§ 1212.66 Failure to report and remit.

Any producer-handler, handler, or importer who fails to submit reports and remittances according to the provisions of § 1212.65 shall be subject to appropriate action by the Board which may include one or more of the following actions:

(a) Audit of the producer-handler's, handler's, or importer's books and records to determine the amount owed the Board.

(b) Establishment of an escrow account for the deposit of assessments collected. Frequency and schedule of deposits and withdrawals from the escrow account shall be determined by the Board with the approval of the Secretary.

(c) Referral to the Secretary for appropriate enforcement action, which may include assessing a civil penalty for each violation as specified in section 1958(c)(1) of the Act.

§ 1212.67 Refunds.

(a) Subject to the provisions of this section any producer, producer-handler, or importer shall have the right to personally demand and receive from the Board a refund of assessments paid by or on behalf of such producer, producer-handler, or importer for any calendar month during the period beginning on the effective date of this Order and ending on the effective date of the referendum mandated by § 1960(a) of the Act; *Provided,* That:

(1) Such producer, producer-handler, or importer makes application and provides proof of payment as required in paragraphs (b)(1), (2), and (3) of this section;

(2) This Order is not approved pursuant to the referendum conducted under § 1960(a) of the Act.

(b) Refunds from escrow account. A portion of the assessments collected from producers, producer-handlers, and importers prior to announcement of the results of the initial referendum provided for in this section shall be held in an escrow account established only until the results of the referendum are published by the Secretary. The amount in the escrow account shall be equal to the product obtained by multiplying the total amount of assessments collected during such period by 10 percent. Each lime producer, producer-handler, or importer against whose limes an assessment became payable and was paid pursuant to this subpart may obtain a refund of the assessment amount in an escrow account if the plan is not approved pursuant to the initial referendum, conducted to determine if a plan should be issued, by following the procedures prescribed in this section

(1) *Application form.* A producer, producer-handler, or importer shall obtain a refund application form from the Board by written request which shall bear the producer's, producer-handler's, or importer's signature. For partnerships, corporations, associations, or other business entities, a partner or officer of the entity must sign the request and indicate his or her title.

(2) *Submission of refund application to the Board.* Any producer, producer-handler, or importer requesting a refund shall mail an application on the prescribed form to the Board not later than 90 days after the date of publication of the results of the initial referendum. The refund application shall show the following:

(i) Producer's, producer-handler's, or importer's name and address;

(ii) Handler's or Handlers' name(s) and address(es);

(iii) Number of pounds of limes on which refund is requested;

(iv) Total amount to be refunded;

(v) Proof of payment as described below; and

(vi) Producer's, producer-handler's, or importer's signature.

Where more than one producer, producer-handler, or importer shared in the assessment payment, the refund application shall show, in addition to other required information, the names, addresses and proportionate shares of such producers, producer-handlers, or importers and the signature of each. Request for refund of assessments paid may be in part.

(3) *Proof of payment of assessment.* Evidence of payment of assessments satisfactory to the Board, such as the receipt or a copy of the receipt given to the producer by the handler, or a copy of the handler's report, shall accompany the producer's, producer-handler's, or importer's refund application. Evidence submitted with refund applications shall not be returned to the applicant.

(4) *Payment of refund.* (i) If the Order is disapproved in the initial referendum, the Board shall make remittance to the applicant based on the amount in an escrow account, and as necessary, prorated among all eligible producers, producer-handlers, or importers who demand such refund. For joint applications, the remittance shall be made payable jointly.

(ii) If the referendum required by section 1960(a) of the Act shows that a majority of those voting do not favor continuation of this Order the Board shall pay refund requests within the time specified by the Secretary. Should the amount in the escrow account required by § 1212.60(e) be insufficient to refund the total amount of assessments demanded by eligible producers, producer-handlers, or importers the Board shall prorate the amount of such refunds among all eligible producers, producer-handlers, and importers who demand such refund. Names of individuals obtaining refunds shall be kept confidential and made available only to the Secretary and the Board employees essential to refund processing.

(iii) No refunds shall be paid to any producer, producer-handler, or importer making demand for such refund if this Order is approved by a majority of those voting in the referendum required by § 1960(a) of the Act, and all funds in the escrow account shall be returned to the Board for use by the Board in funding approved programs and projects.

§ 1212.68 Exemption from assessment.

(a) A producer who produces less than 35,000 pounds of limes per year, or a producer-handler who produces and handles less than 35,000 pounds of limes per year, or an importer who imports less than 35,000 pounds of limes per year shall be exempt from the assessment;

(b) To claim an exemption, a producer, producer-handler, or importer shall submit an application to the board stating the basis on which the exemption is claimed, and certify that each person will not exceed the limitation required for such exemption in such year.

(c) The Board may recommend to the Secretary that limes exported from the United States be exempted from the provisions of this Order, and procedures shall be established providing for the refund of assessments on such limes and for such safeguards as may be necessary to prevent improper use of this exemption.

§ 1212.69 Reports of disposition of exempted limes.

The Board may require reports by handlers on the handling and disposition of exempted limes and/or on the handling of limes for persons engaged in producing less than 35,000 pounds of limes. Authorized employees of the Board or the Secretary may inspect such books and records as are appropriate and necessary to verify the reports on such disposition.

Reports, Books, and Records

§ 1212.70 Reports.

Each handler, producer-handler, and importer who is subject to this part shall be required to report to the authorized employees of the Board, at such times and in such manner as it may prescribe, such information as may be necessary for the Board to perform its duties. Such reports shall include, but shall not be limited to, the following:

(a) For handlers and producer-handlers: Total quantity of limes acquired during the reporting period; total quantity handled during such period; amount of limes acquired from each producer, giving name and address of each producer, including those producers who claim exemption from assessment; copy of statements claiming exemption from those who claim such exemption; assessments collected or collectible during the reporting period; quantity of limes processed for sale from producer-handler's own production; and record of each transaction for limes on which assessment had already been paid, including statements from sellers that assessments had been paid.

(b) For importers: Total quantity of limes imported during the reporting period and a record of each importation of limes during such period, giving quantity, date, and port of entry.

§ 1212.71 Books and records.

Each handler, producer-handler, and importer shall maintain and during normal business hours make available for inspection by employees of the Board or the Secretary, such books and records as are necessary to carry out the provisions of this Order and the regulations issued thereunder, including such records as are necessary to verify any required reports.

§ 1212.72 Retention period for records.

Each handler, producer-handler, and importer required to make reports pursuant to this subpart shall maintain and retain for at least 2 years beyond the marketing year of their applicability:

(a) One copy of each report made to the Board; and

(b) Such records as are necessary to verify reports.

§ 1212.73 Availability of records.

Each handler, producer-handler, and importer required to make reports pursuant to this subpart shall make available for inspection by authorizing employees of the Board or the Secretary during regular business hours, such records as are appropriate and necessary to verify reports requird under this subpart.

§ 1212.74 Confidential treatment.

All information obtained from the books, records, or reports required to be maintained under §§ 1212.70 and 1212.71 shall be kept confidential and shall not be disclosed to the public by any person. Any disclosure of any confidential information by any employee of the Board, except as required by the law, shall be considered willful misconduct. Only such information as the Secretary deems relevant shall be disclosed to the public and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and invovling this subpart: Except that nothing in this subpart shall be deemed to prohibit:

(a) The issuance of general statements based upon the reports of a number of handlers, producer-handlers, or importers subject to this Order if such statements do not identify the information furnished by any one person;

(b) The publication by direction of the Secretary of the name of any person violating this Order, together with a statement of the particular provisions of this Order violated by such person.

§ 1212.75 Confidential books, records, and reports.

All information obtained from the books, records, and reports of handlers, producer-handlers, or importers and all information with respet to refunds of assessments made to individual producers, handlers, and importers shall be kept confidential in the manner and to the extent provided for in § 1212.74.

Miscellaneous

§ 1212.80 Right of the Secretary.

All fiscal matters, programs or projects, rules or regulations, reports, or other substantive actions proposed and prepared by the Board shall be submitted to the Secretary for approval.

§ 1212.81 Personal liability.

No member or employee of the Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgement, mistakes, or other acts, either of commission or omission, as such member or employee, except for acts of dishonesty or willful misconduct.

§ 1212.82 Influencing governmental actions.

No funds collected by the Board under this order shall in any manner be used for the purpose of influencing governmental policy or action, except for making recommendations to the Secretary as provided for in this subpart.

§ 1212.83 Suspension or termination.

(a) Whenever the Secretary finds that this Order or any provision thereof obstructs or does not tend to effectuate the declared policy of the Act, the Secretary shall terminate or suspend the operation of this Order or such provision thereof.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request if the Board or if 10 percent or more of the lime producers, producer-handlers, and importers subject to assessment under this Order submit a petition requesting such a referendum to determine if lime producers, producer-handlers, and importers favor termination or suspension of this Order. The Secretary shall suspend or terminate this Order at the end of the marketing year whenever the Secretary determines that suspension or termination is favored by a majority of the lime producers, producer-handlers, and importers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in producing or importing limes and who produced or imported more than 50 percent of the volume of limes produced or imported by those producers, producer-handlers, and importers voting in the referendum.

§ 1212.84 Proceedings after termination.

(a) Upon the termination of this Order, the Board shall recommend not more than five of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees for all funds and property then in possession or under control of the Board, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) Carry out the obligations of the Board under any contracts or aggreements entered into by it pursuant to § 1212.40;

(3) From time-to-time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to person or persons as the Secretary may direct; and

(4) Upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to

invest in such person or persons full title and right to all the funds, property, and claims vested in the Board or the trustees pursuant to this section.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the Board and upon the trustees.

(d) A reasonable effort shall be made by the Board or its trustees to return to producers, producer-handlers, and importers any residual funds not required to defray the necessary expenses of liquidation. If it is found impractical to return such remaining funds to producers, producer-handlers, and importers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

§ 1212.85 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this Order or any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this order or any regulation issued thereunder, or

(b) Release or extinguish any violation of this Order or any regulation issued thereunder, or

(c) Affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person with respect to any such violation.

§ 1212.86 Separability.

If any provision of this Order is declared invalid or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this Order or applicability thereof to other persons or circumstances shall not be affected thereby.

§ 1212.87 Patents, copyrights, inventions, product formulations and publications.

Any patents, copyrights, inventions, product formulations, or publications developed through the use of funds collected under the provisions of this Order shall be the property of the United States government as represented by the Board. Funds generated by such patents, copyrights, inventions, product formulations, or publications shall be considered income subject to the same fiscal, budget, and audit controls as other funds of the Board. Upon termination of this part, § 1212.84 shall apply to determine the disposition of all such property.

§ 1212.88 Amendments.

The Secretary may from time to time amend provisions of this part. Any interested person or organization affected by the provisions of the Act may propose amendments to the Secretary.

§ 1212.89 OMB Control numbers.

The control number assigned to the information collection requirements by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, Public Law 96–511, is OMB number 0581–0093, except Board member nominee information sheets are assigned OMB number 0505–0001.

Dated: May 16, 1991.

Robert C. Keeney,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 91–12043 Filed 5–20–91; 8:45 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1403

Debt Settlement Policies and Procedures

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Proposed rule.

SUMMARY: The regulations at 7 CFR part 1403 set forth the debt settlement policies and procedures of CCC. These regulations are currently applicable to debts by and against CCC arising out of domestic transactions. This proposed rule would amend the regulations to provide that such provisions would be applicable to all debts by and against CCC, whether or not they arise from domestic transactions. This proposed rule would also amend other existing provisions for clarity and make technical changes.

DATES: Comments must be received by June 20, 1991.

ADDRESSES: Comments concerning this rule should be addressed to: Director, Financial Management Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013. All comments submitted in response to this proposed rule will be available for public inspection, in room 6094, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC, between 8:30 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Paula Roney, Debt Management and Contract Procedures Branch, Financial Management Division, ASCS, (202) 447–4061.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed in conformance with Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major" because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs and prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under Departmental Regulation 1512–1. No sunset review date has been set for this regulation because review is ongoing.

This action will not increase the Federal paperwork burden for individuals, small businesses, and others and will not have a significant impact on a substantial number of small entities. Therefore this action is exempt from the provision of the Regulatory Flexibility Act and no Regulatory Flexibility Analysis was prepared.

This action will not have a significant impact specifically upon area and community development; therefore, review as established by Executive Order 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

Background

The Federal Claims Collection Act of 1966, as amended by the Debt Collection Act of 1982 (the Act), (31 U.S.C. 3711, *et seq.*), and the joint regulations promulgated thereunder by the Comptroller General and the Attorney General (4 CFR parts 101–105) provide minimum standards for the administrative collection of claims by the United States. The Act also provides that nothing therein shall diminish the existing authority of the head of an agency to settle, compromise, or close claims. The CCC Charter Act, as amended (15 U.S.C. 714, *et seq.*), provides that CCC shall have authority to make final and conclusive settlement and adjustment of any claims by or against it irrespective of the amount at issue. CCC is, therefore, not subject to the provisions of the Federal Claims Collection Act or its implementing regulations. However, it has been CCC

policy to follow the Federal Claims Collection Standards (FCCS) to the maximum practical extent. The FCCS require each federal agency to take aggressive action to collect debts owed it, and to cooperate with other federal agencies in their debt collection activities. Federal agencies are required to promulgate regulations consistent with the standards.

The regulations at 7 CFR 1403 currently has set forth the regulations which are applicable to debts by and against CCC arising out of domestic transactions. These transactions include, among other types of claims, cargo losses and damage claims arising under title II of Public Law 480 or other export relief programs and section 416 of the Agricultural Act of 1949, as amended. Since CCC may, on occasion, enter into transactions outside of the United States, CCC is proposing to amend these regulations to provide that such provisions will be applicable to all CCC transactions. This action would ensure a uniform debt settlement policy for all CCC debts. In addition, this proposed rule would amend 7 CFR part 1403 to clarify the manner in which administrative offset will be taken with respect to unsettled loans. Generally, the proposed rule would provide that in order to adequately protect the rights of CCC debtors, similar to the procedure for other delinquent debts, administrative offset would not be taken until after a CCC loan has been delinquent for at least 30 days and the borrower has been timely notified that offset may be taken.

This proposed rule would also amend 7 CFR part 1403 to revise the definitions of "carrier" and "shipment" in order to include all CCC related transactios by all carriers, whether or not CCC actually owned the commodity being transported since, in many foreign transactions, CCC does not own the commodity but has provided significant financial assistance concerning the sale or shipment of the commodity.

In addition, this proposed rule would amend 7 CFR part 1403 to provide that, with respect to debts resulting from price support loans, late payment interest shall begin to accrue from the date on which a claim is established, rather than from the date on which notice of the debt is first mailed or hand-delivered to the debtor. This change is necessary to prevent the charging of both loan interest and late payment interest during the period between the date of the demand letter and the date of claim establishment. As a result of this amendment, in order to maintain conformity, it is also necessary to change the date on which additional interest will be assessed on debts arising from price support loans to sixty days after the late payment interest start date rather than ninety days after the late payment interest start date. Furthermore, since no late payment interest is being charged on debts arising from price support loans during the period between the date of the demand letter and the date of claim establishment, there is no need for late payment interest to be waived during that period. Therefore, the provision providing for the waiver of late payment interest on a debt which is paid within 30 days after the date of which late payment interest began to accrue is being amended to exclude debts arising from price support loans.

Finally, this proposed rule makes minor technical changes to more closely conform with current procedures.

List of Subjects in 7 CFR Part 1403

Debt Settlement Policies and Procedures of Commodity Credit Corporation.

PART 1403—[AMENDED]

Accordingly, this proposed rule would amend the regulations at 7 CFR part 1403 as follows:

1. The authority citation for 7 CFR part 1403 continues to read as follows:

Authority: 15 U.S.C. 714b and 714c.

§ 1403.1 [Amended]

2. Section 1403.1 is amended by removing the phrase "arising out of domestic transactions".

3. Section 1403.3 is amended by revising the definitions of "Carrier," "Deliquent debt" and "Shipment" to read as follows:

§ 1403.3 Definitions.

* * * * *

Carrier means a person or other entity, including but not limited to railroads, motor carriers, ocean carriers or piggyback enterprises, which provide transportation or other transportation related services for compensation.

* * * * *

Deliquent debt means: (1) Any debt owed to CCC that has not been paid by the date specified in the applicable statute, regulation, contract, or agreement; or (2) Any debt that has not been paid by the date of an initial notification of indebtedness mailed or hand-delivered pursuant to § 1403.4.

* * * * *

Shipment means a carload, truckload, containerload, or other conveyance load of freight shipped from one location by one shipper for delivery. Such shipment must be moved in accordance with the terms of a commercial or ocean bill of lading, or other similar agreement between the carrier and CCC. In the case of export shipments, the agreement may also be between the carrier and a private voluntary organization, foreign government, or the Agency for International Development.

* * * * *

4. Section 1403.4 is amended by revising paragraph (a)(4) and (5)(i) to read as follows:

§ 1403.4 Demand for payment of debts.

(a) When a debt is due CCC, an initial written demand for payment of such amount shall be mailed or hand-delivered to the debtor. If the debt is not paid in full by the date specified in the initial demand letter, or if a repayment schedule acceptable to CCC has not been arranged with the debtor, the initial demand may be followed by two subsequent written demands at approximately 30-day intervals. The initial or subseqent demand letters shall specify the following:

* * * * *

(4) CCC's intent, if applicable, to collect the debt 30 days from the date of the initial demand letter, or other applicable period of time, by administrative offset from any CCC or ASCS payments due or to become due to the debtor, and that the claim may be reported to other agencies of the Federal government for offset from any amounts due or to become due to the debtor;

(5) * * *

(i) Existence or amount of the debt, it must be made within 15 days from the date of the letter, unless a different time period is specified in the contract, agreement or program regulation;

* * * * *

5. Section 1403.7 is amended by revising paragraph (b)(3) and adding paragraph (t) to read as follows:

§ 1403.7 Collection by administrative offset.

* * * * *

(b) * * *

(3) The debtor has been notified in writing that the debt may be collected by administrative offset if not paid; and

* * * * *

(t)(1) Notwithstanding the provisions of paragraph (b) of this section and § 1403.4, with respect to debts which are based upon an unsettled CCC loan, offset action may be taken when the debtor has been:

(i) Provided written notification of the maturity date of the loan and the debtor has not repaid the loan by the maturity

date, or in the case of a nonrecourse price support loan, has not repaid the loan or forfeited the loan collateral to CCC by the date specified by CCC;

(ii) Notified of CCC's intent to establish an account on a debt record 30 days after the maturity date, or other applicable period of time, if the loan is not settled in accordance with the loan agreement.

(iii) Notified of the right to pursue an administrative appeal in accordance with part 780 of this title if such an opportunity has not been previously provided;

(iv) Provided an opportunity to inspect and copy CCC records related to the debt; and

(v) Notified in writing that the debt may be collected by administrative offset if the loan is not repaid or, with respect to nonrecourse loans only, settled through forfeiture of the loan collateral.

(2) After a claim has been established by CCC with respect to a loan which has not been settled by the date specified in the loan agreement:

(i) In the event CCC takes possession of the collateral which is security for a nonrecourse or recourse loan made in accordance with parts 1421, 1427, 1434, or 1435 of this chapter, the value of such loan collateral shall be determined by CCC in accordance with the provisions of such parts which are used to determine the settlement value of the collateral. The value of such collateral shall be applied to the claim. Any amount remaining due on the claim must be paid by the debtor.

(ii) In the event CCC takes possession of the collateral which is the security for any other loan, the value of such collateral as determined by CCC, less any costs incurred by CCC in taking possession and disposing of the collateral, shall be applied to the claim. Any amount remaining due on the claim must be paid by the debtor.

6. Section 1403.9 is amended by revising paragraphs (d)(2), (e) and (g) to read as follows:

§ 1403.9 Late payment interest and administrative charges.

* * * * *

(d) * * *

(2) With respect to debts not resulting from a statute, regulation, contract or agreement containing specific provisions for late payment interest and payment due date, late payment interest shall begin to accrue from the date on which notice of the debt is first mailed or hand-delivered to the debtor, except that with respect to debts resulting from price support loans, late payment interest shall begin to accrue from the date on which a claim is established.

* * * * *

(e)(1) Except as specified in paragraphs (a)(2) and (e)(2) of this section, an additional interest rate of three (3) percent per annum will be assessed on any portion of a debt which remains unpaid 90 days after the date described in paragraphs (d)(1) or (d)(2) of this section, if no repayment schedule satisfactory to CCC has been agreed upon. Such rate will be assessed retroactively from the date late payment interest began to accure and apply on a daily basis. Such rate shall continue to accure until the delinquent debt has been paid.

(2) With respect to debts resulting from price support loans, an additional interest rate of three (3) percent per annum will be assessed on any portion of a debt which remains unpaid 60 days after the date on which a claim was established. Such rate will be assessed retroactively from the date of claim establishment and apply on a daily basis. Such rate shall continue to accure until the delinquent debt has been paid.

* * * * *

(g) When a debt is paid in partial or installment payments, payments will be applied first to administrative charges, second to additional interest assessed in accordance with paragraph (e) of this section and late payment interest, and third to outstanding principal.

7. Section 1403.10 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1403.10 Waiver of late payment interest, additional interest and administrative charges.

(a) Except for debts resulting from price support loans, CCC shall waive the collection of late payment interest and administrative charges on a debt or any portion of a debt which is paid within 30 days after the date on which late payment interst began to accrue.

(b) CCC shall waive the assessment and collection of additional interest on debts which are appealed in accordance with 7 CFR part 780 or other applicable appeal procedures from either the date of the appeal or the date such interest began to accrue, whichever is later, until the date a final administrative determination is issued. Such waiver shall not apply for any delay due to:

* * * * *

8. Section 1403.11 is revised to read as follows:

§ 1403.11 Administrative appeal.

If the opportunity to appeal the determination has not previously been provided under parts 24 or 780 of this title or any other appeal procedure. a debtor may obtain an administrative review under part 780 of this title or other applicable appeal procedures of CCC's determintion concerning the existence or amount of a debt, if a request is filed with the authority who made the determination within 15 days of the date of CCC's initial demand letter.

9. Section 1403.12 is revised to read as follows:

* * * * *

§ 1403.12 Additional administrative collection action.

Nothing contained in this part shall preclude the use of any other administrative or contractual remedy which may be available to CCC to collect debts owed to the Government.

10. Section 1403.16 is amended by revising paragraph (a) and adding paragraph (l) to read as follows:

§ 1403.16 Referral of delinquent debts to credit reporting agencies.

(a) This section specifies the procedures that will be followed by CCC and the rights that will be afforded to farm producers when CCC reports delinquent debts to credit reporting agencies.

* * * * *

(l) notwithstanding the provisions of paragraphs (a) through (k) of this section, all commercial debts owed by debtors other than farm producers may be reported to credit reporting agencies.

* * * * *

Signed at Washington, DC, on May 15, 1991.

John A. Stevenson,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 91-11991 Filed 5-20-91; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207 and 221

[Docket No. R-0730]

RIN 7100-AA99

Securities Credit Transactions; Regulations G and U; Transfers of Credit

May 16, 1991.

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is proposing for public comment amendments to

Regulations G and U (12 CFR parts 207 and 221) to permit transfers of loans between lenders subject to Regulation G and lenders subject to Regulation U on the same basis as transfers between two lenders subject to the same regulation. Adoption of these amendments would partially reverse a 1936 amendment to Regulation U and further the Board's goal of reducing unnecessary distinctions between lenders subject to Regulation G and lenders subject to Regulation U.

DATES: Comments should be received on or before June 24, 1991.

ADDRESSES: Comments, which should refer to Docket R–0730, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street & Constitution Avenue, NW., Washington, DC 20551, or delivered at the C Street Entrance between 8:45 a.m. and 5:15 p.m. weekdays to room B–2223. Comments may be inspected in room B–1122 between 8:45 a.m. and 5:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer, or Scott Holz, Attorney, Division of Banking Supervision and Regulation (202) 452–2781. For the hearing impaired only, Dorothea Thompson, Telecommunications Device for the Deaf (TDD) (202) 452–3544.

SUPPLEMENTARY INFORMATION: Regulations G and U each permit the transfer of a validly-made, regulated loan between lenders even if the amount of the loan outstanding exceeds the maximum loan value of the collateral securing the credit at the time of transfer. This treatment is currently limited to transfers of credit between Regulation U lenders (banks) or between Regulation G lenders. If a Regulation G lender wants to transfer a regulated loan that is currently undersecured to a bank, the bank must treat the loan as a new loan, and the customer would be required to bring in additional collateral or pay down part of the loan to bring it into conformity with the initial margin requirements of Regulation U.

The Transfer Provision in Regulation U

When Regulation U first became effective on May 1, 1936, a bank was permitted to "accept the transfer of a loan from another lender * * * without following the requirements of this regulation as to the making of a loan, provided the loan is not increased and the collateral for the loan is not changed." However, a subsequent amendment to Regulation U, effective shortly thereafter, changed the phrase "from another lender" to "from another bank."

The Transfer Provision in Regulation G

In 1968, Regulation G was adopted by the Board to regulate lenders other than banks, brokers, or dealers. Unlike Regulations T and U, Regulation G did not originally have a provision on transfers of credit. An undermargined loan by a Regulation G lender could not be transferred to another Regulation G lender without bringing the loan into compliance as if it were a new extension of credit. This lack of parallel treatment among margin regulations was eliminated on December 6, 1973, when Regulation G was amended to permit transfers from one Regulation G lender to another on the same basis as transfers from one bank to another or from one broker to another.

One of the goals of the comprehensive revision of Regulations G and U in 1983 was to eliminate unnecessary differences between the regulations and make them as similar as possible. Allowing transfers between banks and Regulation G lenders would further this goal by reducing unnecessary distinctions between the two types of lenders.

List of Subjects

12 CFR Part 207

Banks, Banking, Credit, Federal Reserve System, Insurance companies, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Savings and loan associations, Securities.

12 CFR part 221

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the Board's authority under sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), the Board proposes to amend 12 CFR parts 207 and 221 (Regulations G and U) as follows:

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

1. The authority citation for part 207 continues to read as follows:

Authority: Secs. 3, 7, 8, 17, and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c, 78g, 78h, 78q, and 78w).

2. In § 207.3, paragraphs (l)(1)(i), (ii) and (3) are revised to read as follows:

§ 207.3 General requirements.

* * * * *

(l) *Transfers of credit.* (1) A transfer of a credit between customers or lenders or between a lender and a bank shall not be considered a new extension of credit if:

(i) The original credit was extended by a lender in compliance with this part or was extended by a bank in a manner that would have complied with this part;

(ii) The transfer is not made to evade this part or part 221 of this chapter;

* * * * *

(3) When a transfer is made between lenders or between a lender and a bank, the transferee shall obtain a copy of the Form FR G–3 or Form FR U–1 originally filed with the transferor lender and retain the copy with its records of the transferee account. If no form was originally filed with the transferor, the transferee may accept in good faith a statement from the transferor describing the purpose of the loan and the collateral securing it.

* * * * *

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

1. The authority citation for part 221 continues to read as follows:

Authority: Secs. 3, 7, 8, and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c, 78g, 78h and 78w).

2. In § 221.3, paragraphs (i)(1)(i), (ii) and (3) are revised to read as follows:

§ 221.3 General requirements.

* * * * *

(i) *Transfers of credit.* (1) A transfer of a credit between customers or banks or between a bank and a lender subject to part 207 of this chapter shall not be considered a new extension of credit if:

(i) The original credit was extended by a bank in compliance with this part or by a lender subject to part 207 of this chapter in a manner that would have complied with this part;

(ii) The transfer is not made to evade this part or part 207 of this chapter;

* * * * *

(3) When a transfer is made between banks or between a bank and a lender subject to part 207 of this chapter, the transferee shall obtain a copy of the Form FR U–1 or Form FR G–3 originally filed with the transferor and retain the copy with its records of the transferee account. If no form was originally filed with the transferor, the transferee may accept in good faith a statement from the transferor describing the purpose of the loan and the collateral securing it.

By order of the Board of Governors of the Federal Reserve System, May 16, 1991.

William W. Wiles,

Secretary of the Board.

[FR Doc. 91–11990 Filed 5–20–91; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 91–AEA–07]

Proposed Revocation of Transition Area; Riverhead, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FAA is proposing to revoke the 1,200 foot Transition Area established in the vicinity of Riverhead, NY. It was discovered that during the course of an airspace review, this area is contained within the New York State 1,200 foot Transition Area. This action would simplify airspace descriptions.

DATES: Comments must be received on or before June 19, 1991.

ADDRESSES: Send comments on the rule in triplicate to: Edward R. Trudeau, Manager, System Management Branch, AEA–530, Docket No. 91–AEA–07, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, AEA–7, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamacia, New York 11430.

An informal docket may also be examined during normal business hours in the System Management Branch, AEA–530, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, NY 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis L. Brewington, Airspace Specialist, System Management Branch, AEA–530, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 917–0657.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91–AEA–07". The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA–7, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of part 71 of the Federal Aviation Regulations (14 CFR part 71) to revoke the 1,200 foot Transition Area established in the vicinity of Riverhead, NY. This Transition Area is contained within the description for the New York State 1,200 foot Transition Area. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation Safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Riverhead, NY [Removed]

Issued in Jamaica, New York, on April 26, 1991.

Gary W. Tucker,

Manager, Air Traffic Division.

[FR Doc. 91–11967 Filed 5–20–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 91–ASO–14]

Proposed Revocation of Transition Area, Union, SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke the Union, SC Transition Area. The 700-foot transition was established several years ago in order to provide controlled airspace protection for instrument flight rules (IFR) aircraft while executing a standard instrument approach procedure (SIAP) planned for

the Union County Airport. The SIAP was never implemented, nor are instrument aeronautical operations planned for the airport, consequently the additional controlled airspace is not required.

DATES: Comments must be received on or before: July 5, 1991.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket 91–ASO–14, Manager, System Management Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344; telephone (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91–ASO–14." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, System Management Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must indentify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of part 71 of the Federal Aviation Regulations (14 CFR part 71) to revoke the Union, SC Transition Area. The 700-foot transition area was designed to afford additional controlled airspace protection of IFR aircraft executing a non-directional radio beacon (NDB) SIAP being planned for the Union County Airport. The SIAP was never implemented nor is an instrument approach procedure planned to serve the airport. Hence, there is no requirement for the transition area. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6G dated September 4, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation Safety, Transition Area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Public Law 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Union, SC [Removed]

Issued in East Point, Georgia, on May 10, 1991.

Don Cass,

Acting Manager, Air Traffic Division Southern Region.

[FR Doc. 91–11968 Filed 5–20–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Parts 71 and 73

[Airspace Docket No. 90–ASO–5]

Proposed Establishment of Restricted Area R–2938 Horseshoe Beach, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Restricted Area R–2938 located in the vicinity of Horseshoe Beach, FL. The U.S. Customs Service proposes to install an aerostat-borne radar system in R–2938. The aerostat-borne radar system would provide surveillance to detect suspected illegal drug transportation into the United States. The aerostat balloon is proposed to fly up to 15,000 feet mean sea level (MSL). This action would support the Drug Interdiction Program. Also, the Continental Control Area would be amended to reflect the 15,000-foot MSL altitude of R–2938.

DATES: Comments must be received on or before July 1, 1991.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO–500 Docket No. 90–ASO–5, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours

at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 90-ASO-5." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposals

The FAA is considering amendments to parts 71 and 73 of the Federal Aviation Regulations (14 CFR parts 71 and 73) to establish Restricted Area R-2938 located in the vicinity of Horseshoe Beach, FL. The restricted area would provide airspace for the operation of a tethered aerostat-borne radar system. This system would provide surveillance of airspace to detect low-flying aircraft attempting to penetrate U.S. airspace undetected. The restricted area encompasses a 3-statute-mile radius of geographical lat. 29°29'59" N., long. 83°16'16" W., from the surface up to and including 15,000 feet MSL. The system would increase the probability of the interception and interdiction of suspect aircraft and provide low-altitude radar coverage for the Customs Service. The Continental Control Area would be amended to reflect R-2938. Section 71.151 of part 71 and 73.29 of part 73 of the Federal Aviation Regulations were republished in Handbook 7400.6G dated September 4, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 73

Aviation safety, Continental control area, Restricted areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.151 [Amended]

2. Section 71.151 is amended as follows:

R-2938 Horseshoe Beach, FL [New]

PART 73—SPECIAL USE AIRSPACE

3. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 73.29 [Amended]

4. Section 73.29 is amended as follows.

R-2938 Horseshoe Beach, FL [New]

Boundaries. That airspace within a 3-mile circle, centered at lat. 29°29'59" N., long. 83°16'16" W.

Designated altitudes. Surface to and including 15,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Jacksonville ARTCC.

Using agency. United States Customs Service.

Issued in Washington, DC, on May 10, 1991.

Richard Huff,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 91-11969 Filed 5-20-91; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. I

[Docket Nos. RM91-11-000, RM91-3-000, and RM90-15-000]

In Re Pipeline Service Obligations; Revisions to Regulations Governing Self-Implementing Transportation Under Part 284 of the Commission's Regulations and Revisions to the Purchased Gas Adjustment Regulations

May 14, 1991.

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Notice setting deadline for the filing of supplemental comments.

SUMMARY: On May 10, 1991, the Commission held a public conference to afford interested persons an opportunity to discuss with the Commission the role of interstate natural gas pipelines in today's natural gas markets. (56 FR 15532, April 17, 1991). On May 14, 1991, the Commission issued a notice providing the opportunity for the filing of supplemental comments in response to the public conference held May 10, 1991.

DATES: The time for filing supplemental comments is extended to May 24, 1991.

ADDRESSES: Office of the Secretary, Federal Energy Regulatory Commission, 825 N. Capitol St., NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Jeffrey A. Braunstein, (202) 208–2114.

Lois D. Cashell,

Secretary.

[FR Doc. 91–11938 Filed 5–20–91; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL–3957–6]

Advance Notice of Possible Meeting of Class II Underground Injection Control Program Advisory Committee

AGENCY: Environmental Protection Agency.

ACTION: Possible advisory committee formation and meeting.

SUMMARY: Based on the results of months of convening efforts conducted to date, shortly EPA expects to Charter an Advisory Committee to explore recommendations for revising the Class II Underground Injection Control Program. Assuming this Committee is indeed formed, this is intended to serve as advance notice of the first Committee Meeting so parties can arrange their schedules in order to attend.

DATES: The first Committee meeting will take place on June 11 and 12, 1991. The June 11th meeting will begin at 10:00 a.m. and end at 5 p.m. The June 12th meeting will begin at 9 a.m. and end at 4 p.m.

ADDRESSES: The meeting will take place at the Quality Hotel Capitol Hill, 415 New Jersey Avenue NW., Washington, DC, 20001, (202) 638–1616.

FOR FURTHER INFORMATION CONTACT: If you need further information on substantive issues about the Underground Injection Control Program or the Advisory Committee's work please contact Jeffrey Smith, EPA, Office of Water at (202) 382–5586. If you need information on administrative matters such as Committee arrangements or procedures contact Angela Suber, EPA, Regulatory Development Branch at (202) 382–7205, or the Committee's independent co-convener, John Lingelbach at (202) 887–1037.

Dated: May 16, 1991.

Paul Lapsley,

Director, Regulatory Management Division, Office of Policy, Planning and Evaluation.

[FR Doc. 91–12006 Filed 5–20–91; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 721

[OPTS–50585B; FRL–3880–4]

RIN 2070–AB27

Sulfurized Alkylphenols; Proposed Significant New Use Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for the chemical substances described generically as sulfurized alkylphenols, which were the subject of premanufacture notice (PMN) P–89–708, and which are subject to a TSCA section 5(e) consent order issued by EPA. This proposal would require certain persons who intend to manufacture, import, or process these substances for a significant new use to notify EPA at least 90 days before commencing any manufacturing or processing activities for a use designated by this SNUR as a significant new use. The required notice would provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it can occur.

DATES: Written comments must be submitted to EPA by June 20, 1991.

ADDRESSES: Since some comments may contain confidential business information (CBI), all comments must be sent in triplicate to: TSCA Document Receipt Office (TS–790), Office of Toxic Substances, Environmental Protection Agency, room E–105, 401 M St., SW., Washington, DC 20460. Comments should include the docket control number. The docket control number for the chemical substances covered in this SNUR is OPTS–50585B. Nonconfidential versions of comments on this proposed rule will be placed in the rulemaking record and will be available for public inspection. Unit VII. of this preamble contains additional information on submitting comments containing CBI.

FOR FURTHER INFORMATION CONTACT: David J. Kling, Acting Director, Environmental Assistance Division (TS–799), Office of Toxic Substances, Environmental Protection Agency, rm. EB–543–B, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: This proposed SNUR would require persons to notify EPA at least 90 days before commencing that manufacture, import, or processing of P–89–708 for the significant new uses designated herein. The required notice would provide EPA with information with which to evaluate an intended use and associated activities.

I. Authority

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a "significant new use." EPA must make this determination by rule after considering all relevant factors, including those listed in section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, section 5(a)(1)(B) of TSCA requires persons to submit a notice to EPA at least 90 days before they manufacture, import, or process the chemical substance for that use. Section 26(c) of TSCA authorizes EPA to take action under section 5(a)(2) with respect to a category of chemical substances.

Persons subject to this SNUR would comply with the same notice requirements and EPA regulatory procedures as submitters of premanufacture notices under section 5(a)(1) of TSCA. In particular, these requirements include the information submission requirements of section 5(b) and (d)(1), the exemptions authorized by section 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUR notice, EPA may take regulatory action under section 5(e), 5(f), 6, or 7 to control the activities for which it has received a SNUR notice. If EPA does not take action, section 5(g) of TSCA requires EPA to explain in the **Federal Register** its reasons for not taking action.

Persons who intend to export a substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret section 12(b) appear at 40 CFR part 707.

II. Applicability of General Provisions

General regulatory provisions applicable to SNURs are codified at 40 CFR part 721, subpart A. On July 27, 1988 (53 FR 28354) and July 27, 1989 (54 FR 31298), EPA promulgated amendments to the general provision which apply to this SNUR. In the **Federal Register** of August 17, 1988 (53 FR 31252), EPA promulgated a "User Fee Rule" (40 CFR part 700) under the authority of TSCA section 26(b). Provisions requiring persons submitting significant new use notices to submit certain fees to EPA are discussed in detail in that **Federal Register** document. Interested persons should refer to these documents for further information.

III. Background

EPA published a direct final SNUR for the chemical substances which were the subject of PMN P–89–708 in the **Federal Register** of September 28, 1990, at 55 FR 39892. EPA received notice of intent to submit adverse comments during the 30 days following publication. Therefore, according to § 721.160, the final SNUR for P–89–708 is being withdrawn elsewhere in this issue of the **Federal Register** and this proposed rule on the substance is being issued. Based on statements which accompanied the notice of intent, EPA's understanding is that the commenter is taking issue with, or requesting clarification of, the applicability of § 721.1541(b) (Specific Requirements) as they relate to recordkeeping requirements imposed under § 721.125. EPA further anticipates that distinctions between entities defined as "processors" and "users" may also come under consideration. In particular, the commenter questioned whether the recordkeeping requirements described in § 721.125 and specified in § 721.1541(b) would apply to all manufacturers, importers, and processors of P–89–708, or only to persons who are manufacturing, importing, or processing P–89–708 for a significant new use. For the commenter's information, EPA interprets its regulations to provide that the requirements of § 721.125 apply to all manufacturers, importers, and processors of a substance when referenced in a specific SNUR such as the SNUR for P–89–708.

EPA is not soliciting and will not respond to comment on any of the other SNURs that were published in the September 28, 1990, **Federal Register** because those rules became final without comment effective October 28, 1990. The supporting rationale and background to this proposal are more fully set out in the preamble to the final SNUR for these substances and in the preamble to EPA's first direct final SNURs published in the **Federal Register** of April 24, 1990, at 55 FR 17376. Consult that preamble for further information on the objectives, rationale, and procedures for the proposal and on the basis for significant new use designations including provisions for developing test data.

IV. Substances Subject to This Rule

EPA is proposing significant new use and recordkeeping requirements for the following chemical substances under part 721 subpart E.

PMN number: P–89–708

Chemical name: (generic) Sulfurized alkylphenols.
CAS number: Not available.
Effective date of section 5(e) consent order: January 23, 1990.
Basis for action: The Order was issued under section 5(e)(1)(A)(i) and (ii)(I) of TSCA based on a finding that these substances are expected to be produced in substantial quantities and there may be significant or substantial human exposure.
Recommended testing: A 28–day oral assay (OECD Guideline No. 407) including neurotox battery (40 CFR 798.6050), and, for the highest dose group, extending histopathological examination to include testes, ovaries, and lungs, plus neuropathology (40 CFR 798.6400); an acute oral test (40 CFR 798.1175); an Ames assay (40 CFR 798.5265); and a mouse micronucleus test with substance administered intraperitoneally (40 CFR 798.5395). The PMN submitter has agreed not to exceed the production limit without completing these studies.
CFR citation: 40 CFR 721.1541.

V. Applicability of SNUR to Uses Occurring Before Effective Date of the Final SNUR

EPA has decided that the intent of section 5(a)(1)(B) is best served by designating a use as a significant new use as of the date of proposal rather than as of the effective date of the rule. Because this SNUR was first published on September 28, 1990, as a direct final rule, that date will serve as the date after which uses will be considered to be new uses. If uses which had commenced between that date and the effective date of this rulemaking were considered ongoing, rather than new, any person could defeat the SNUR by initiating a significant new use before the effective date. This would make it difficult for EPA to establish SNUR notice requirements. Thus, persons who begin commercial manufacture, import, or processing of the substances for uses regulated through this SNUR after September 28, 1990, will have to cease any such activity before the effective date of this rule. To resume their activities, such persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires. EPA, not wishing to unnecessarily disrupt the activities of persons who begin commercial manufacture, import, or processing for a proposed significant new use before the effective date of the SNUR, has promulgated provisions to allow such persons to comply with this proposed SNUR before it is promulgated. If a person were to meet the conditions of advance compliance as codified at § 721.45(h) (53 FR 28354, July 17, 1988), the person will be considered to have met the requirements of the final SNUR for those activities. If persons who begin commercial manufacture, import, or processing of the substances between proposal and the effective date of the SNUR do not meet the conditions of advance compliance, they must cease that activity before the effective date of the rule. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires.

VI. Economic Analysis

EPA has evaluated the potential costs of establishing significant new use notice requirements for potential manufacturers, importers, and processors of the chemical substances at the time of the direct final rule. The analysis is unchanged for the substances in this proposed rule. The Agency's complete economic analysis is available in the public record for this proposed rule (OPTS–50585B).

VII. Comments Containing Confidential Business Information

Any person who submits comments claimed as confidential business information must mark the comments as "confidential," "trade secret," or other appropriate designation. Comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with the procedures in 40 CFR part 2. Any party submitting comments claimed to be confidential must prepare and submit a public version of the comments that EPA can place in the public file.

VIII. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPTS–50585B). The record includes basic information considered by the Agency in developing this proposed rule. EPA will supplement the record with additional information as it is received.

EPA will accept additional materials for inclusion in the record at any time between this proposal and designation of the complete record. EPA will identify the complete rulemaking record by the date of promulgation. A public version of the record, without any CBI, is available in the TSCA Public Docket Office from 8 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays. The TSCA Public Docket Office is located in rm. NE–G004, 401 M St., SW., Washington, DC.

IX. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this proposed rule would not be a "major" rule because it would not have an effect on the economy of $100 million or more, and it would not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the total annual cost of compliance with this rule, EPA estimates that the cost for submitting a significant new use notice would be approximately $4,500 to $11,000, including a $2,500 user fee payable to EPA to offset EPA costs in processing the notice. EPA believes that, because of the nature of the rule and the substance involved, there would be few significant new use notices submitted. Furthermore, while the expense of a notice and the uncertainty of possible EPA regulation may discourage certain innovation, that impact would be limited because such factors are unlikely to discourage an innovation that has high potential value.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), EPA has determined that this rule would not have a significant impact on a substantial number of small businesses. EPA has not determined whether parties affected by this rule would likely be small businesses. However, EPA expects to receive few SNUR notices for the substance. Therefore, EPA believes that the number of small businesses affected by this rule would not be substantial, even if all of the SNUR notice submitters were small firms.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and has assigned OMB control number 2070–0012.

Public reporting burden for this collection of information is estimated to vary from 30 to 170 hours per response, with an average of 100 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information requirements contained in this proposal.

List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: May 14, 1991.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 would continue to read as follows:

Authority: 15 U.S.C. 2604 and 2607.

2. By adding new § 721.1541 to subpart E to read as follows:

§ 721.1541 Sulfurized alkylphenols.

(a) *Chemical substances and significant new uses subject to reporting.* (1) The chemical substances described generically as sulfurized alkylphenols (PMN P–89–708) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Hazard communication program.* A significant new use of these substances is any manner or method of manufacture, import, or processing associated with any use of these substances without providing risk notification as follows:

(A) If as a result of the test data required under the section 5(e) Consent Order for these substances, the employer becomes aware that these substances may present a risk of injury to human health, the employer must incorporate this new information, and any information on methods for protecting against such risk, into a Material Safety Data Sheet (MSDS) as described in § 721.72(c) within 90 days from the time the employer becomes aware of the new information. If these substances are not being manufactured, imported, processed, or used in the employer's workplace, the employer must add the new information to an MSDS before the substances are reintroduced into the workplace.

(B) The employer must ensure that persons who have received, or will receive, these substances from the employer are provided an MSDS as described in § 721.72(c) containing the information required under paragraph (2)(i)(A) within 90 days from the time the employer becomes aware of the new information.

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(q).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* The following recordkeeping requirements are applicable to manufacturers, importers, and processors of these substances, as specified in § 721.125 (a) through (c), (h), and (i).

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.575(b)(1) apply to this section.

(Approved by the Office of Management and Budget under OMB control number 2070–0012)

[FR Doc. 91–12010 Filed 5–20–91; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-188, RM-6936]

Radio Broadcasting Services; Santa Rosa and Tucumcari, New Mexico

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: The Commission dismisses the proceeding, initiated on the Commission's own motion, proposing to substitute Channel 240C3 for Channel 240A at Santa Rosa, New Mexico, and modify Don R. Davis' construction permit for Station KHWY to specify operation on the higher powered channel. See 54 FR 26220, June 22, 1989. By letter of February 8, 1991, the Commission cancelled Davis' construction permit for Station KHWY because of his failure to construct within the required time period. This action also dismisses Davis' counterproposal to substitute Channel 241C1 for Channel 240A at Santa Rosa, to reallot Channel 241C1 from Santa Rosa to Tucumcari, New Mexico, and modify Station KHWY's construction permit to specify Tucumcari as the community of license.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-188, adopted May 1, 1991, and released May 15, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this deciison may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-11912 Filed 5-20-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-173, RM-7494]

Radio Broadcasting Services; Saltville, Virginia and Jefferson, North Carolina

AGENCY: Federal Communications Commission.

ACTION: Proposal rule.

SUMMARY: The Commission comments on a petiton by 106.1, Inc., permittee of Channel 291A, Saltville, Virginia, seeking the reallotment of its channel to Jefferson, North Carolina, as a Class C3 channel and modification of its authorization to specify Jefferson as its community of license. The allotment of Channel 291C3 to Jefferson could provide that community with its first local aural transmission service. Channel 291C3 can be allotted to Jefferson in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.1 kilometers (1.9 miles) north of the community to accommodate the petitioner's desired site. The coordinates for Channel 291C3 at Jefferson are North Latitute 36-27-00 and West Longitude 81-29-00. In accordance with § 420(i) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 291C3 at Jefferson or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before July 5, 1991, and reply comments on or before July 22, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its channel or consultant, as follows: Dale Hendrix, 902 Kirkwood, Aurora, Missouri 65605 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91-137, adopted May 1, 1991, and released May 15, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-11911 Filed 5-20-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 73 and 76

[MM Docket No. 91-122; FCC 91-126]

Broadcast and Cable Services; Spousal Attribution

AGENCY: Federal Communications Commission.

ACTION: Proposed rule: Proposed policy statement.

SUMMARY: This action solicits comment on the application of the Commission's spousal attribution policy, which provides that the media interests of one spouse are presumptively attributed to the other spouse in applying the Agency's multiple ownership and cross-ownership rules (ownership rules). The proceeding is needed to clarify the circumstances in which a spouse's media interests will be attributed to the other spouse.

DATES: Comments are due by July 2, 1991, and reply comments are due by August 2, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: David E. Horowitz, Mass Media Bureau, Policy and Rules Division, (202) 632-7792.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Inquiry (Notice) in MM Docket No. 91-122, FCC 91-126, adopted April 12, 1991, and released May 8, 1991.

The complete text of this Notice is available for inspection and copying during normal business hours in the FCC

Dockets Branch (room 230), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1919 M Street, NW., Washington, DC 20037.

Synopsis of Notice of Inquiry

1. This Notice seeks comment on application of the Commission's spousal attribution policy, which provides that the media interests of one spouse are presumptively attributed to the other spouse in applying the Agency's ownership rules. In view of the steady increase in the number of married couples with dual careers and recent cases raising the spousal attribution issue, the Commission intends to develop a policy statement clarifying the circumstances in which a spouse's media interests will be attributed to the other spouse.

2. Specifically, the Commission proposes that, for the purposes of applying the Commission's ownership rules, a presumption of no spousal attribution operate when the spouses demonstrate a history of separate business interests and independent careers, and expressly represent that this past independence will continue. Indicia of such independence might include, but are not limited to, a showing that neither spouse holds a financial interest in his or her spouse's employer or its communications subsidiary; that neither is involved in providing services for, or on behalf of the other spouse's media company; and neither is involved in the management, operation, or finances of the other spouse's media company. The Commission would expect, at a minimum, that any such representation would clearly state whether and what financial interest or relationship exists between each spouse and the other spouse's employer.

3. The Commission also requests comment on whether application of these criteria should include consideration of the particular type of ownership interest at issue and the circumstances of the specific markets involved.

4. The party seeking to avoid attribution would bear the initial burden of submitting the representation. The facts set forth in the statement would be subject to review by the Commission and challenge by other interested parties. Any challenger would have the burden of showing either that the submitting party does not meet the policy's requirements or that, even if the party satisfies the requirements, the spousal interests still should be attributed for other specific reasons. In contrast to the current situation in which the petitioner or applicant bears the burden of rebutting the presumption of attribution, the Commission's proposal would place on the challenger the burden of rebutting a presumption of no attribution when the requirements are met. If a sufficient showing is not made, or is successfully challenged, spousal interests would be presumptively attributed. Under these circumstances, the parties would be free, as they are under the current policy, to seek waiver of the ownership rules or to rebut the presumption, but they would bear the burden of persuasion.

5. The Commission believes that once these requirements are satisfied, the Agency can regard each spouse's media interests as sufficiently independent that attribution of media interests between spouses is unnecessary for purposes of the ownershiup rules. Given these indicia of independence, the purposes of the spousal attribution policy in the context of the ownership rules—ensuring continued economic competition among stations and promoting diversity of program viewpoint—will be preserved. Thus, the proposed guidelines will serve the dual public interest goals of not unduly restricting married couples from pursuing independent careers in media industries, yet continue to ensure the integrity of the ownership rules. The Commission also believes that the proposed burden shifting procedure and more clearly articulated guidelines will promote administrative certainty and efficiency.

6. Finally, the Commission seeks comment generally on the sufficiency and efficacy of the proposed requirements in establishing a presumption of no spousal attribution for purposes of the ownership rules and on whether the circumstances under which the Commission will presume no spousal attribution should be either limited or broader in scope than proposed. Commenters should keep in mind the Agency's objective of presuming attribution only under those circumstances in which it is unlikely that our policies favoring economic competition and diversity of viewpoint will be impaired.

Procedural Matters

7. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before July 2, 1991, and reply comments on or before August 2, 1991. To file formally in this proceeding, you must file an original plus five copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room of the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

List of Subjects

47 CFR Part 73

Radio broadcasting, Television broadcasting.

47 CFR Part 76

Cable television.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91–12039 Filed 5–20–91; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 100

[MM Docket No. 89–355; FCC 91–140]

Direct Broadcast Satellite Service; Potential Uses of Certain Orbital Allocations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; termination of proceeding.

SUMMARY: The Commission terminates its proceeding regarding (1) the policies and requirements that will govern the permissible uses which can be made of Direct Broadcast Satellite (DBS) spectrum at certain satellite orbital positions; and (2) the need for minimum geographic service requirements for DBS operators. Based on the record in this proceeding, the Commission declines, at this time, to determine that western DBS orbital locations should be made permanently available for the provision of non-DBS service. Similarly, the Commission finds that a specific determination as to the nature and extent of minimum service levels for Alaska and Hawaii cannot be made at this time and can be made only after the long-term characteristics of DBS system configurations and operations are demonstrated or can be confidently predicted. The action taken, termination, is needed to conclude this proceeding.

EFFECTIVE DATE: May 21, 1991.

FOR FURTHER INFORMATION CONTACT: Gina Harrison, Mass Media Bureau, Policy and Rules Division, (202) 632–7792, or Bruce Romano, Mass Media Bureau, Policy and Rules Division, (202) 632–5414.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order in MM Docket No. 89–355, adopted April 24, 1991, and released May 14, 1991.

The complete text of this Report and Order is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, Downtown Copy Center, at (202) 452–1422, 1919 M Street, NW., room 246, Washington, DC 20554.

Synopsis of Report and Order

1. The Notice of Proposed Rule Making (Notice) initiating this proceeding (54 FR 35009, August 23, 1989) sought comment on the policies that should govern the uses of DBS frequencies at western orbital locations when full-CONUS service was provided from corresponding eastern locations.[1] Specifically, the Notice asked whether non-DBS uses should be permitted at such western orbital locations, and if so, whether delivery of such non-DBS services could or should be restricted to the DBS licensees assigned such channels for DBS service. The Notice also recognized the possibility that use of full-CONUS signals could eliminate or reduce the origination of DBS service from western orbital locations, which could, in turn, also reduce service to Alaska and Hawaii. Accordingly, the Commission sought comment on whether DBS operators should be required to provide some level of service to Alaska and Hawaii or other specific geographically or politically defined regions of the United States.

2. The Commission in this Report and Order recognized that permitting alternative uses of western orbital DBS frequencies, depending on technological developments, could lessen some uncertainties, especially those related to venture risk, by providing additional sources of service, and could encourage DBS licensees to provide full services with the smallest amount of spectrum possible, thus encouraging spectrum efficiency. However, our existing policy with respect to non-conforming uses, which permits unrestricted non-conforming uses during the first license term and thereafter up to half of the use of each transponder, provides DBS operators with significant flexibility to ease their entry into service and minimize their risk. Moreover, neither this Commission nor the parties themselves can predict the future configurations of DBS systems, including the nature and extent of use of full-CONUS signals. Consequently, any present actions would carry a substantial risk that they could foreclose or prejudice future developments in the provision of DBS service. Moreover, the nature and feasibility of possible alternative services that DBS operators would provide at western locations, and upon which any regulatory regimen would be premised, is unclear at this time. For these reasons, the Commission will not formulate new policies for uses of western orbital locations at this point.

3. The Commission found that a specific determination as to the nature and extent of minimum service levels for Alaska and Hawaii cannot be made at this point. It stated that such a determination can be made only after the long-term characteristics of DBS system configurations and operations are demonstrated or can be confidently predicted. The Agency believes that it would be premature to now establish specific service requirements for Alaska and Hawaii, when it is unclear that full-CONUS delivery will be either exclusive or permanent, and in light of the Commission's decision not to provide for non-DBS services at western orbital positions at this time. The Commission also found the record inconclusive with respect to the ability of eastern orbital positions and the 148° W and 151° W western orbital positions to serve Alaska and Hawaii using conventionally modulated transmissions. In addition, the effect of digital modulation and compression techniques on harmful interference from satellite transmissions has not yet been assessed. Deferring decision on this matter should enable the Commission to take into account the effects, if any, of digital modulation and compression on the Agency's analysis of the interference issues arising from attempts to serve Alaska and Hawaii from orbital locations other than 166° W and 175° W. The Commission nevertheless is determined to ensure that DBS service is provided throughout the country, including Alaska and Hawaii. Although it appears likely that service to Alaska and Hawaii will evolve on its own, should it appear, as DBS develops, that these states will not be adequately served, the Commission will not hesitate to revisit this issue, and consider for example, conditioning any non-conforming uses from western DBS orbital locations on service to Alaska and Hawaii.

4. The policy issues in this proceeding can be considered again at a later time, of course, if and when such consideration becomes appropriate. In the interim, the Commission points out that the current DBS permittees all filed applications with the express expectation of providing DBS service, and the Agency has done nothing to alter or diminish the bases upon which such expectations presumably were founded. The Commission remains committed to its conviction that DBS has a significant role in serving this nation's future telecommunications needs. While the Agency has consistently followed a flexible regulatory approach for DBS, it has not changed the primary allocations of the spectrum. The Commission stated that DBS entities can thus be certain that this allocation will remain until they are given full reasonable opportunity to establish DBS service, but if demand for such service is so limited that it cannot ultimately stand on its own, the Agency may need to reconsider that spectrum allocation.

Final Regulatory Flexibility Statement

5. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, it is certified that this proceeding will not have a significant impact on a substantial number of small entities because the Commission did not adopt any new rules and thus did not change a Commission rule or policy.

Ordering Clause

6. *It is ordered that,* pursuant to the authority contained in sections 4 and 303 of the Communications Act of 1934, as amended, this proceeding is terminated.

List of Subjects in 47 CFR Part 100

Satellites.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91–12040 Filed 5–20–91; 8:45 am]

BILLING CODE 6712–01–M

[1] Signals covering half of the continental United States (CONUS) are referred to as "half-CONUS" signals, and those covering the entire continental United States are referred to as "full-CONUS" signals.

Notices

Federal Register
Vol. 56, No. 98
Tuesday, May 21, 1991

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Privacy Act of 1974; Amendment of Existing Systems of Records and Addition of a New System of Records

AGENCY: Office of the Secretary, USDA.

ACTION: Notice is hereby given that USDA proposes to amend three existing systems of records and create a new system of records, USDA/OP–4, entitled "Leave Transfer Records, USDA/OP-4."

EFFECTIVE DATE: This notice will be adopted without further publication in the **Federal Register** on July 22, 1991, unless modified by a subsequent notice to incorporate comments received from the public. Although the Privacy Act requires only that the portion of the system which describes the "routine uses" of the system be published for comment, USDA invites comment on all portions of this notice. Comments must be received by the contact person listed below on or before June 20, 1991.

FOR FURTHER INFORMATION CONTACT: Carolyn Wright, Security, Employee and Labor Relations Staff, Office of Personnel, Department of Agriculture, Room 16–W, Administration Building, Washington, DC 20250.

SUPPLEMENTARY INFORMATION: Public Law 100–577, the Federal Employees Leave Sharing Act of 1988, provides for an experimental program for employees to donate annual leave to employees who are experiencing medical emergencies. The Office of Personnel Management (OPM) pubished implementing regulations for use of all Federal Agencies at 5 CFR 630.901–915.

Pursuant to the Privacy Act, 5 U.S.C. 552a, the Office of Personnel, USDA, is creating a new system of records to document its participation in the leave sharing program. The purpose of this notice is to announce the creation and character of this system of records. This new system, USDA/OP–4, contains information on recipients of donated leave, leave donors, and the number of hours donated.

In addition, three existing systems of records are being revised as follows:

USDA/OP–1, Personnel and Payroll System for USDA Employees, is being revised to change the addresses where employees may access their records. This system of records was last published in its entirety in 1984. Since that time, a number of the locations where personnel records are maintained have changed. This publication reflects the most current addresses. The Department is also amending one routine use to clarify that release may be made to a court, magistrate, or administrative tribunal, or to opposing counsel in the course of certain proceedings, or in response to a discovery request only when the Department has determined that the records are relevant to the proceedings. In addition, the Department is deleting as a routine use the referral of records to the Department of Commerce for distribution of Federal payrolls.

USDA/OP–2, Security Records for USDA Employees, is being revised to incorporate as a new routine use the referral of information to security officers of other Federal agencies who are conducting pre-employment investigations.

USDA/OP–3, Committee Management Records, is being revised to reflect that the records are now maintained on a data base rather than on keypunched cards; to redefine the reports produced from the records; to change the method of storing the records; and to add routine uses for disclosure to the General Services Administration in annual reports and to members of the public requesting a list of committee membership.

Reports required by 5 U.S.C. 552a(r), as implemented by OMB Circular A–130, were sent to the Chairman, Senate Committee on Governmental Affairs, the Chairman, House Committee on Government Operations, and to the Administrator, Office of Information and Regulatory Affairs, of the Office of Management and Budget on May 10, 1991.

Signed at Washington, DC on May 10, 1991.
Edward Madigan,
Secretary of Agriculture

USDA/OP–1

SYSTEM NAME:

Personnel and Payroll System for USDA Employees, USDA/OP–1

SYSTEM LOCATION:

Office of Personnel, USDA, Washington, DC.; the National Finance Center, New Orleans, Louisiana; and personnel offices at the following locations:

ALABAMA—Soil Conservation Service State Office, Soil Conservation Building, 665 Opelika Road, Auburn, Alabama 36830; Farmers Home Administration State Office, Aronov Building, Room 717, 474 S. Court Street, Montgomery, Alabama 36104; Forest Service, National Forests in Alabama, 1765 Highland Avenue, Montgomery, Alabama 36107.

ALASKA—Forest Service, Chugach National Forest, 201 E. 9th Avenue, Suite 206, Anchorage, Alaska 99501; Soil Conservation Service State Office, 201 E. 9th Avenue, Suite 300, Anchorage, Alaska 99501–3687; Forest Service Regional Office, Federal Office Building, P.O. Box 1628, Juneau, Alaksa 99802; Forest Service, Tongass National Forest, Ketchikan Area, Federal Building, Ketchikan, Alaska 99901; Farmers Home Administration State Office, 634 S. Bailey, suite 103, Palmer, Alaska 99645; Forest Service, Tongass National Forest, Stikine Area, Box 309, Petersburg, Alaska 99833; Forest Service, Tongass National Forest, Chatham Area, 204 Siginaka Way, Sitka, Alaska 99835.

ARIZONA—Forest Service, Coconino National Forest, 2323 E. Greenlaw Lane, Flagstaff, Arizona 86004; Forestry Sciences Laboratory, Northern Arizona University, Flagstaff, Arizona 86001; Agricultural Marketing Service Milk Market Office, 1121 E. Missouri Street, Phoenix, Arizona 85014; Farmers Home Administration State Office, 201 E. Indianola, suite 275, Phoenix, Arizona 85012; Soil Conservation Service State Office, 201 E. Indianola, suite 200, Phoenix, Arizona 85012; Forest Service, Tonto National Forest, 2324 E. McDowell Road, P.O. Box 5348, Phoenix, Arizona 85010; Forest Service, Prescott National Forest, 344 S. Cortez, Prescott, Arizona 86303; Forest Service, Apache-

Sitgreaves National Forest, Federal Building, P.O. Box 640, Springerville, Arizona 85938; Forest Service, Coronado National Forest, 300 W. Congress, Tucson, Arizona 85701; Forest Service, Kaibab National Forest, 800 S. 6th Street, Williams Arizona 86046.

ARKANSAS—Forest Service, Quachita National Forest, Federal Building, Reserve and Broadway Streets, P.O. Box 1270, Hot Springs National Park, Arkansas 71902; Farmers Home Administration State Office, 5529 Federal Office Building, P.O. Box 2778, 700 W. Capital, Little Rock, Arkansas 72203; Forest Service, Ozark-St. Francis National Forest, 605 W. Main, P.O. Box 1008, Russellville, Arkansas 72801; Soil Conservation Service State Office, Federal Office Building, 7800 W. Capitol Avenue, Little Rock, Arkansas 72201.

CALIFORNIA—Forest Service, Modoc National Forest, 441 N. Main Street, Alturas, California 96101; Forest Service Pacific Southwest Forest and Range Experiment Station, 1960 Addison Street, P.O. Box 245, Berkeley, California 94701; Forest Service, Inyo National Forest, 873 N. Main Street, Bishop, California 93514; Soil Conservation Service State Office, 2121–C 2nd Street, Davis, California 95616; Forest Service, Six Rivers National Forest, 507 F Street, Eureka, California 95501; Forest Service, Sierra National Forest, 1600 Tollhouse Road, Clovis, California 93612; Forest Service, Los Padres National Forest, 6144 Calle Real, Goleta, California 93117; Forest Service, Tahoe National Forest, Highway 49, Nevada City, California 95969; Forest Service, Angeles National Forest, 701 N. Santa Anita Avenue, Arcadia, California 91006; Forest Service, Eldorado National Forest, 100 Forni Road, Placerville, California 95667; Forest Service, Sequoia National Forest, 900 W. Grand Avenue, Porterville, California 93257–2035; Forest Service, Plumas National Forest, 159 Lawrence Street, P.O. Box 11500, Quincy, California 95971–6025; Forest Service, Shasta-Trinity National Forest, 2400 Washington Avenue, Redding, California 96001; Forest Service, San Bernardino National Forest, 1824 S. Commercenter Circle, San Bernardino, California 92408–3430; Forest Service, Cleveland National Forest, 800 Front Street, room 5–N–14, San Diego, California 92188; Forest Service, Equipment Development Center, 444 E. Bonita Avenue, San Dimas, California 91773; Food and Nutrition Service Western Regional Office, 550 Kearny Street, room 400, San Francisco, California 94108; Forest Service Regional Office, 630 Sansome Street, San Francisco, California 94111; Forest Service, Stanislaus National Forest, 19777 Greenley Road, Sonora, California 95370; Forest Service, Lake Tahoe Basin Management Unit, 870 Emerald Bay Road, P.O. Box 731002, South Lake Tahoe, California 95731; Forest Service, Lassen National Forest, 55 S. Sacramento Street, Susanville, California 96130; Forest Service, Mendocino National Forest, 420 E. Laurel Street, Willows, California 95988; Farmers Home Administration State Office, 459 Cleveland Street, Woodland, California 95695; Forest Service, Klamath National Forest, 1312 Fairlane Road, Yreka, California 96097.

COLORADO—Agricultural Marketing Service Milk Marker Office, 2600 S. Parker Road, P.O. Box 440860, Aurora, Colorado 80044; Forest Service, Grand Mesa-Uncompahgre-Gunnison National Forests, 2250 Highway 50, Delta, Colorado 81416; Farmers Home Administration State Office, 2490 W. 26th Avenue, Room 231, Denver, Colorado 80211; Food and Nutrition Service, Mountain Plains Regional Office, 1244 Speer Boulevard, Denver, Colorado 80204; Soil Conservation Service, State Office, 655 Parfet Street, room E200C, Lakewood, Colorado 80215–5517; Forest Service, San Juan National Forest, Federal Building, 701 Camino Del Rio, room 301, Durango, Colorado 81301; Forest Service, Rocky Mountain Forest and Range Experiment Station, 240 W. Prospect Street, Fort Collins, Colorado 80526–2098; Forest Service, Arapaho-Roosevelt National Forest, 240 W. Prospect Street, Ft. Collins, Colorado 80526–2098; Forest Service, White River National Forest, Old Federal Building, Box 948, Glenwood Springs, Colorado 81602; Forest Service Regional Office, 11177 W. 8th Avenue, P.O. Box 25127, Lakewood, Colorado 80225; Forest Service, Rio Grande National Forest, 1803 W. Highway 160, Monte Vista, Colorado 81144; Forest Service, Pike-San Isabel National Forests, 1920 Valley Drive, Pueblo, Colorado 81008; Forest Service, Routt National Forest, 29587 W. U.S. 40, Suite 20, Steamboat Springs, Colorado 80487.

CONNECTICUT—Soil Conservation Service, State Office, 16 Professional Park Road, Storrs, Connecticut 06268.

DELAWARE—Farmers Home Administration State Office, 2319 S. DuPont Highway, Dover, Delaware 19901.

FLORIDA—Farmers Home Administration State Office, Federal Building, room 214, 4011 SE. 1st Avenue, Gainesville, Florida 32602; Soil Conservation Service, State Office, Federal Building, 401 SE. 1st Avenue, room 248, Gainesville, Florida 32601; Forest Service, National Forests in Florida, City Center Building, 227 N. Bronough Street, suite 4061, Tallahassee, Florida 32301; Agricultural Marketing Service Milk Market Office, 1205 S. Semoran Boulevard, P.O. Box 4790, Winter Park, Florida 32793.

GEORGIA—Agricultural Marketing Service Milk Market Office, 3610 Interstate 85, NE., Suite 109, P.O. Box 49025, Atlanta, Georgia 30359; Forest Service Regional Office, 1720 Peachtree Road, NW., Atlanta, Georgia 30367; Farmers Home Administration State Office, 355 E. Hancock Avenue, Stephens Federal Building, Athens, Georgia 30601; Soil Conservation Service State Office, Federal Building, Box 13, 355 E. Hancock Avenue, Athens, Georgia 30601; Forest Service, Chattahoochee-Oconee National Forest, 508 Oak Street, SE., Gainesville, Georgia 30501; Food and Nutrition Service, Southeast Regional Office, M. L. King Federal Annex Building, 77 Forsyth Street, Room 107, Atlanta, Georgia 30303.

HAWAII—Farmers Home Administration State Office, Federal Building, 154 Waianuenue Avenue, Room 311, Hilo, Hawaii 96720; Soil Conservation Service State Office, 300 Ala Moana Boulevard, Room 4316, Honolulu, Hawaii 96850.

IDAHO—Farmers Home Administration State Office, 3232 Elder Street, Boise, Idaho 83705; Forest Service, Boise National Forest, 1750 Front Street, Boise, Idaho 83702; Soil Conservation Service State Office, 3244 Elder Street, Room 124, Boise, Idaho 83705; Forest Service, Challis National Forest, Forest Service Building, Highway 93, P.O. Box 404, Challis, Idaho 83226; Forest Service, Idaho Panhandle National Forests, 1201 Ironwood Drive, Coeur d'Alene, Idaho 83814; Forest Service, Nez Perce National Forest, Route 2, Box 475, Grangeville, Idaho 83530; Forest Service, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638; Forest Service, Clearwater National Forest, 12730 Highway 12, Orofino, Idaho 83544; Forest Service, Caribou National Forest, 250 S. 4th Avenue, Suite 294, Pocatello, Idaho 83201; Forest Service, Targhee National Forest, 420 N. Bridge Street, P.O. Box 208, St. Anthony, Idaho 83445; Forest Service, Salmon National Forest, P.O. Box 729, Salmon, Idaho 83467; Forest Service, Sawtooth National Forest, 2647 Kimberly Road, E., Twin Falls, Idaho 83301.

ILLINOIS—Farmers Home Administration State Office, Illini Plaza, 1817 S. Neil Street, Suite 103,

Champaign, Illinois 61820; Soil Conservation Service State Office, 1902 Fox Drive, Champaign, Illinois 61820; Agricultural Marketing Service Milk Market Office, 800 Roosevelt Road, Building A, Suite 200, Glen Ellyn, Illinois 60137; Food and Nutrition Service Midwest Regional Office, 50 E. Washington Street, Chicago, Illinois 60602; Forest Service, Shawnee National Forest, 901 S. Commercial Street, Harrisburg, Illinois 62946.

INDIANA—Forest Service, Wayne-Hoosier National Forest, 811 Constitution Avenue, Bedford, Indiana 47421; Farmers Home Administration State Office, Suite 1700, 5610 Crawfordsville Road, Indianapolis, Indiana 46224; Soil Conservation Service State Office, 6013 Lakeside Boulevard, Indianapolis, Indiana 46278.

IOWA—Farmers Home Administration State Office, Federal Building, Room 873, 210 Walnut Street, Des Moines, Iowa 50309; Soil Conservation Service State Office, Federal Building, Room 693, 210 Walnut Street, Des Moines, Iowa 50309.

KANSAS—Agricultural Marketing Service Milk Market Office, 7819 Conser Place, P.O. Box 4606, Overland Park, Kansas 66204; Soil Conservation Service State Office, 760 S. Broadway, Salina, Kansas 67401; Farmers Home Administration State Office, 444 SE. Quincy Street, Topeka, Kansas 66683.

KENTUCKY—Farmers Home Administration State Office, 333 Waller Avenue, Lexington, Kentucky 40504; Soil Conservation Service State Office, 333 Waller Avenue, Lexington, Kentucky 40504; Agricultural Marketing Service Milk Market Office, 3920 Bardstown Road, P.O. Box 18030, Louisville, Kentucky 40218; Forest Service, Daniel Boone National Forest, 100 Vaught Road, Winchester, Kentucky 40391.

LOUISIANA—Farmers Home Administration State Office, 3727 Government Street, Alexandria, Louisiana 71301; Soil Conservation Service State Office, 3737 Government Street, Alexandria, Louisiana 71302; Agricultural Marketing Service Milk Market Office, 630 Village Lane, North, P.O. Box 99, Mandeville, Louisiana 70448; Forest Service Southern Forest Experiment Station, T–10210 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, Louisiana 70113; Office of Finance and Management, National Finance Center, Administrative Management Staff, P.O. Box 60,000, New Orleans, Louisiana 70160; Forest Service, Kisatchie National Forest, P.O. Box 5500, 2500 Shreveport Highway, Pineville, Louisiana 71360.

MAINE—Farmers Home Administration State Office, 444 Stillwater Avenue, Suite 2, P.O. Box 405, Bangor, Maine 04401–0405; Soil Conservation Service State Office, USDA Building, University of Maine, Orono, Maine 04473.

MARYLAND—Soil Conservation Service State Office, John Hanson Business Center, 339 Revell Highway, Suite 301, Annapolis, Maryland 21401.

MASSACHUSETTS—Farmers Home Administration State Office, 451 West Street, Amherst, Massachusetts 01002; Soil Conservation Service State Office, 451 West Street, Amherst, Massachusetts 01002; Agricultural Marketing Service Milk Market Office, 90 Canal Street, P.O. Box 1478, Boston, Massachusetts 02205; Food and Nutrition Service, Northeast Regional Office, 10 Causeway Street, Room 501, Boston, Massachusetts 02222–1062.

MICHIGAN—Agricultural Marketing Service Milk Market Office, 2684 W. 11 Mile Road, Barkley, Michigan 48072; Forest Service, Huron-Manistee National Forest, 421 S. Mitchell Street, Cadillac, Michigan 49601; Farmers Home Administration State Office, 1405 S. Harrison Road, Room 209, East Lansing, Michigan 48823; Soil Conservation Service State Office, 101 Manly Miles Building, 1405 S. Harrison Road, East Lansing, Michigan 48823–5202; Forest Service, Hiawatha National Forest, 2727 N. Lincoln Road, Escanaba, Michigan 49829; Forest Service, Ottawa National Forest, 2100 E. Cloverland Drive, Ironwood, Michigan 49938.

MINNESOTA—Forest Service, Chippewa National Forest, Cass Lake, Minnesota 56633; Forest Service, Superior National Forest, Box 338, Duluth, Minnesota 55801; Agricultural Marketing Service Milk Market Office, 4570 W. 77th Street, Suite 210, Minneapolis, Minnesota 55435; Animal and Plant Health Inspection Service Field Servicing Office, Butler Square, W., 5th Floor, 100 N. 6th street, Minneapolis, Minnesota 55403; Farmers Home Administration State Office, 252 Federal Office Building and U.S. Court House, St. Paul, Minnesota 55101; Food Safety and Inspection Service, Personnel Operations Branch, Butler Square, W., 4th Floor, 100 N. 6th Street, Minneapolis, Minnesota 55403; Forest Service North Central Forest Experiment Station, 1992 Folwell Avenue, St. Paul, Minnesota 55108; Soil Conservation Service State Office, 600 Farm Credit Building, 375 Jackson Street, St. Paul, Minnesota 55101–1854; Forest Service, Northeastern Area State and Private Forestry, 1992 Folwell Avenue, St. Paul, Minnesota 55108.

MISSISSIPPI—Farmers Home Administration State Office, Federal Building, Room 831, Jackson, Mississippi 39269; Soil Conservation Service State Office, Federal Building, Suite 1321, 100 W. Capitol Street, Jackson, Mississippi 39269; Forest Service, National Forest in Mississippi, 100 W. Capitol Street, Suite 1141, Jackson, Mississippi 39269.

MISSOURI—Farmers Home Administration State Office, 555 Vandiver Drive, Columbia, Missouri 65201; Soil Conservation Service State Office, 555 Vandiver Drive, Columbia, Missouri 65202; Agricultural Stabilization and Conservation Service, Kansas City Management Office, 8930 Ward Parkway, Kansas City Missouri 64114; Federal Crop Insurance Corporation, 9435 Holmes, Kansas City Missouri 64131; Forest Service, Mark Twain National Forest, 401 Fairgrounds Road, Rolla, Missouri 65401; Agricultural Marketing Service Milk Market Office, 2550 Schuetz Road, P.O. Box 1485, Maryland Heights, Missouri, 63043; Farmers Home Administration Finance Office, 1520 Market Street, St. Louis, Missouri 63103.

MONTANA—Forest Service, Custer National Forest, P.O. Box 2556, Billings, Montana 59103; Farmers Home Administration State Office, Federal Building, P.O. Box 850, Bozeman, Montana 59715; Forest Service, Gallatin National Forest, Federal Building, P.O. Box 130, Bozeman, Montana 59771; Soil Conservation Service State Office, Federal Building, 10 E. Babock, Room 443, Bozeman, Montana 59715; Forest Service, Deerlodge National Forest, Federal Building, P.O. Box 400, Butte, Montana 59703; Forest Service, Beaverhead National Forest, 610 N. Montana Street, Dillon, Montana 59725; Forest Service, Lewis and Clark National Forest, 1101 15th Street, N., P.O. Box 871, Great Falls, Montana 59403; Forest Service, Bitterroot National Forest, 316 N. Third Street, Hamilton, Montana 59840; Forest Service, Helena National Forest, Federal Office Building, 301 S. Park, Drawer 10014, Helena, Montana 59626; Forest Service, Flathead National Forest, 1935 3rd Avenue, E., P.O. Box 147, Kalispell, Montana 59901; Forest Service, Kootenai National Forest, 506 W. Highway 2, Libby, Montana 59923; Forest Service Regional Office, Federal Building, P.O. Box 7669, Missoula, Montana 59807; Forest Service, Lolo National Forest, Building 24, Ft. Missoula, Montana 59801; Forest Service, International Forest and Range Experiment Station, Forestry Sciences and Northern Forest Fire Laboratories, Drawer G. Missoula, Montana 59806, Forest Service, Aerial Fire Depot, Box 6, Airport Terminal, Missoula, Montana 59801.

NEBRASKA—Forest Service, Nebraska National Forest, 270 Pine Street, Chadron, Nebraska 69337; Farmers Home Administration State Office, Federal Building, Room 308, 100 Centennial Mall North, Lincoln, Nebraska 68508; Soil Conservation Service State Office, Federal Building, Room 345, 100 Centennial Mall, N., Lincoln, Nebraska 68508.

NEVADA—Forest Service, Humboldt National Forest, 976 Mountain City Highway, Elko, Nevada 89801; Forest Service, Toiyabe National Forest, 1200 Franklin Way, Sparks Way, Nevada 89431; Soil Conservation Service State Office, 1201 Terminal Way, Room 219, Reno, Nevada 89502.

NEW HAMPSHIRE—Soil Conservation Service State Office, Federal Building, Durham, New Hampshire 03824; Forest Service, White Mountain National Forest, 719 Main Street, Federal Building, P.O. Box 638, Laconia, New Hampshire 03247.

NEW JERSEY—Farmers Home Administration State Office, 100 High Street, Suite 100, Mt. Holly, New Jersey 08691; Soil Conservation Service State Office, 1370 Hamilton Street, Somerset, New Jersey 08873; Food and Nutrition Service, Mid-Atlantic Regional Office, Mercer Corporate Park, CN 02150, Trenton, New Jersey 08650.

NEW MEXICO—Forest Service, Lincoln National Forest, Federal Building, 11th and New York Avenue, Alamogordo, New Mexico 88310; Farmers Home Administration State Office, Federal Building, Room 3414, 517 Gold Avenue, SW., Albuquerque, New Mexico 87102; Forest Service Regional Office, 517 Gold Avenue, SW., Albuquerque, New Mexico 87102; Forest Service, Cibola National Forest, 10308 Candelaria, NE., Albuquerque, New Mexico 87112; Soil Conservation Service State Office, 517 Gold Avenue, SW., Room 3301, Albuquerque, New Mexico 87102; Forest Service, Santa Fee National Forest, 1220 St. Francis Drive, P.O. Box 1689, Santa Fe, New Mexico 87504; Forest Service, Gila National Forest, 2610 N. Silver Street, Silver City, New Mexico 88061; Forest Service, Carson National Forest, Federal Building, 208 Cruz Alta Road, P.O. Box 558, Taos, New Mexico 87571.

NEW YORK—Agricultural Marketing Service Milk Market Office, 708 Third Avenue, 6th Floor, New York, New York 10017; Farmers Home Administration State Office, U.S. Courthouse and Federal Building, Room 871, 100 S. Clinton Street, Syracuse, New York 13202; Soil Conservation Service State Office, James M. Hanley Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260.

NORTH CAROLINA—Forest Service, Southeastern Forest Experiment Station, 200 Weaver Boulevard, P.O. Box 2680, Asheville, North Carolina 28802; Forest Service, National Forests in North Carolina, Post & Otis Streets, P.O. Box 2750, Asheville, North Carolina 28802; Farmers Home Administration State Office, Room 514, 310 New Bern Avenue, Raleigh, North Carolina 27601; Soil Conservation Service State Office, 4405 Bland Road, Raleigh, North Carolina 27609.

NORTH DAKOTA—Farmers Home Administration State Office, Federal Building, Room 208, 3rd and Rosser Avenue, Bismarck, North Dakota 58501; Soil Conservation Service State Office, Federal Building, 220 E. Rosser Avenue, Room 278, Bismarck, North Dakota 58502.

OHIO—Agricultural Marketing Service Milk Market Office, 7851 Freeway Circle, Middleburg Heights, P.O. Box 30128, Cleveland, Ohio 44130; Agricultural Marketing Service Milk Market Office, 5950 Sharon Woods Boulevard, P.O. Box 29226, Columbus, Ohio 42339; Farmers Home Administration State Office, Federal Building, Room 507, 200 N. High Street, Columbus, Ohio 43215; Soil Conservation Service State Office, 200 N. High Street, Room 522, Columbus, Ohio 43215.

OKLAHOMA—Farmers Home Administration State Office, Agricultural Center Office Building, Stillwater, Oklahoma 75074; Soil Conservation Service State Office, Agricultural Center Building, Stillwater, Oklahoma 74074; Agricultural Marketing Service Milk Market Office, 4325 E. 51st Street, P.O. Box 470563, Tulsa, Oklahoma 74147.

OREGON—Forest Service, Wallowa-Whitman National Forest, Federal Building, Main and Auburn, Box 907, Baker, Oregon 97814; Forest Service, Deschutes National Forest, 1645 Highway 20 East, Bend, Oregon 97701; Forest Service, Siuslaw National Forest, P.O. Box 1148, Corvallis, Oregon 97339; Forest Service, Willamette National Forest, Box 10607, Eugene, Oregon 97440; Forest Service, Siskiyou National Forest, Box 440, Grants Pass, Oregon 97526; Forest Service, Mt. Hood National Forest, 2955 NW. Division Street, Gresham, Oregon 97030; Forest Service, Malheur National Forest, 139 N.E. Dayton Street, John Day, Oregon 97845; Forest Service, Winema National Forest, 2819 Dahlia, Klamath Falls, Oregon 97601; Forest Service, Fremont National Forest, 524 N. G Street, Lakeview, Oregon 97630; Forest Service, Rogue River National Forest, Federal Building, 333 W. 8th Street, P.O. Box 520, Medford, Oregon 97501; Forest Service, Umatilla National Forest, 2517 SW. Hailey Avenue, Pendleton, Oregon 97801; Farmers Home Administration State Office, Federal Building, Room 1590, 1220 SW. 3rd Avenue, Portland, Oregon 97204; Forest Service, Pacific Northwest Forest and Range Experiment Station, 319 SW. Pine Street, P.O. Box 3890, Portland, Oregon 97208; Forest Service Regional Office, 319 SW. Pine Street, P.O. Box 3623, Portland, Oregon 97208; Soil Conservation Service State Office, Federal Building, 1220 SW. 3rd Avenue, 16th Floor, Portland, Oregon 97204; Soil Conservation Service Technical Center, 511 NW. Broadway, Room 248, Portland, Oregon 97209; Agricultural Marketing Service Milk Market Office, Tarbell Building; 9735 SW. Shady Lane, Tigard, P.O. Box 23606, Portland, Oregon 97223; Forest Service, Ochoco National Forest, Federal Building, P.O. Box 490, Prineville, Oregon 97754; Forest Service, Umpqua National Forest, Box 1008, Roseburg, Oregon 97470.

PENNSYLVANIA—Farmers Home Administration State Office, 1 Credit Union Place, Suite 330, Harrisburg, Pennsylvania 17110–2996; Soil Conservation Service State Office, 1 Credit Union Drive, Suite 340, Harrisburg, Pennsylvania 17110–2993; Forest Service, Northeastern Area State and Private Forestry, 370 Reed Road, Broomall, Pennsylvania 19008; Forest Service Northeastern Forest Experiment Station, 370 Reed Road, Broomall, Pennsylvania 19008; Soil Conservation Service Technical Service Center, 160 E. 7th Street, Chester, Pennsylvania 19013; Forest Service, Allegheny National Forest, 222 Liberty Street, P.O. Box 847, Warren, Pennsylvania 16365.

SOUTH CAROLINA—Farmers Home Administration State Office, Strom Thurmond Federal Building, Room 1007, 1835 Assembly Street, Columbia, South Carolina 29201; Forest Service, Francis Marion-Sumter National Forests, 1835 Assembly Street, P.O. Box 2227, Columbia, South Carolina 29202; Soil Conservation Service State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Room 950, Columbia, South Carolina 29201.

SOUTH DAKOTA—Forest Service, Black Hills National Forest, Forest Service Office Building, R.R. 2, Box 200, Custer, South Dakota 57730–9504; Farmers Home Administration State Office, Huron Federal Building, Room 208, 200 4th Street, SW., Huron, South Dakota 57350; Soil Conservation Service State Office, Federal Building, 200 4th Street, SW., Huron, South Dakota 57350.

TENNESSEE—Forest Service, Cherokee National Forest, 2800 N. Ocoee Street, NW., Box 2010, Cleveland, Tennessee 37311; Farmers Home Administration State Office, 538 U.S. Courthouse Building, 801 Broadway Street, Nashville, Tennessee 37203; Soil Conservation Service State Office, 675 Estes Kefauver Federal Building-U.S. Courthouse, 801 Broadway Street, Nashville, Tennessee 37203.

TEXAS—Agricultural Marketing Service Milk Market Office, 11117 Shady Trail, P.O. Box 29529, Dallas, Texas 75229; Food and Nutrition Service Southwest Regional Office, 1100 Commerce Street, Room 5 D 22, Dallas, Texas 75242; Forest Service National Forests, National Forests in Texas, Homer Garrison Federal Building, 701 N. 1st Street, Lufkin, Texas 75901; Farmers Home Administration State Office, W. R. Poage Federal Building, 101 S. Main Street, Temple, Texas 76501; Soil Conservation Service Technical Service Center, Ft. Worth Federal Center Building 23, Room 60, Felix and Hemphill Street, Ft. Worth, Texas 76116.

UTAH—Forest Service, Dixie National Forest, 82 North 100th, E., P.O. Box 580, Cedar City, Utah 84720; Forest Service Intermountion Forest and Range Experiment Station, Federal Building, 324 25th Street, Ogden, Utah 84401; Forest Service Regional Office, Federal Office Building, 324 25th Street, Ogden, Utah 84401; Forest Service, Manti-LaSal National Forest, 599 W. Price River Drive, Price, Utah 84501; Forest Service, Uinta National Forest, 88 W. 100th, N., Provo, Utah 84601; Forest Service, Fishlake National Forest, 115 E. 900th, N., Richfield, Utah 84701; Farmers Home Administration State Office, 18 Federal Building, Room 5438, 125 S. State Street, Salt Lake City, Utah 84138; Forest Service, Wasatch-Cache National Forest, 8226 Federal Building, 125 S. State Street, Salt Lake City, Utah 84138; Forest Service Geometronics Service Center, 8226 Federal Building, 125 S. State Street, Salt Lake City, Utah 84138; Soil Conservation Service State Office, Wallace F. Bennett Federal Building, 125 S. State Street, Room 4402, Salt Lake City, Utah 84138; Forest Service, Ashley National Forest, 355 N. Vernal Avenue, Vernal, Utah 84078.

VERMONT—Farmers Home Administration State Office, 141 W. Main Street, P.O. Box 588, Montpelier, Vermont 05602; Forest Service, Green Mountain National Forest, Federal Building, 151 West Street, P.O. Box 519, Rutland, Vermont 05701–0519; Soil Conservation Service State Office, 69 Union Street, Winooski, Vermont 05404.

VIRGINIA—Agricultural Marketing Service Milk Market Office, 300 N. Lee Street, Room 320, P.O. Box 710, Alexandria, Virginia 22313; Forest Service, George Washington National Forest, P.O. Box 233, Harrison Plaza, Harrisonburg, Virginia 22801; Farmers Home Administration State Office, Federal Building, Room 8213, 400 N. 8th Street, P.O. Box 10106, Richmond, Virginia 23240; Soil Conservation Service State Office, Federal Building, 400 N. 8th Street, Room 9201, Richmond, Virginia 23240; Forest Service, Jefferson National Forest, 210 Franklin Road, SW., Room 954, Caller Service 2900, Roanoke, Virginia 24001.

WASHINGTON—Forest Service, Colville National Forest, 695 S. Main, Colville, Washington 99114; Forest Service, Okanogan National Forest, 1240 S. 2nd Avenue, Okanogan, Washington 98840; Forest Service, Olympia National Forest, Federal Building, P.O. Box 2288, Olympia, Washington 98507; Forest Service, Mt. Baker-Snoqualmie National Forests, 1022 1st Avenue, Seattle, Washington 98104; Soil Conservation Service State Office, 360 U.S. Courthouse, 920 W. Riverside Avenue, Room 360, Spokane, Washington 99201–1080; Forest Service, Gifford Pinchot National Forest, 6926 E. 4th Plain Blvd., Vancouver, Washington 98660; Farmers Home Administration State Office, Federal Office Building, Room 319, P.O. Box 2427, Wenatchee, Washington 98801; Forest Service, Wenatchee National Forest, Box 811, Wenatchee, Washington 98801.

WEST VIRGINA—Forest Service, Monongahela National Forest, USDA Building, 200 Sycamore Street, Elkins, West Virginia 26241–3962; Farmers Home Administration State Office, Federal Building, Room 320, 75 High Street, Room 301, Morgantown, West Virginia 26505; Soil Conservation Service State Office, 75 High Street, Morgantown, West Virginia 26505.

WISCONSIN—Forest Service, Forest Service Products Laboratory, Gifford Pinchot Drive, P.O. Box 5130, Madison, Wisconsin 53705; Soil Conservation Service State Office, 6515 Watts Road, Suite 200, Madison, Wisconsin 53719–2726; Forest Service Regional Office, Eastern Region, Henry S. Reuss Federal Plaza, Suite 500, 310 W. Wisconsin Avenue, Milwaukee, Wisconsin 53203; Forest Service, Chequamegon National Forest, 1170 4th Avenue, S., Park Falls, Wisconsin 54552; Forest Service, Nicolet National Forest, Federal Building, 68 S. Stevens, Rhinelander, Wisconsin 54501; Farmers Home Administration State Office, 1257 Main Street, Stevens Point, Wisconsin 54481.

WYOMING—Farmers Home Administration State Office, Federal Building, Room 1005, 100 E. B Street, Casper, Wyoming 82601; Soil Conservation Service State Office, Federal Office Building, 100 E. B Street, Room 3124, Casper, Wyoming 82601, Forest Service, Shoshone National Forest, 225 W. Yellowstone Highway, PO Box 2140, Cody, Wyoming 82414; Forest Service, Bridger-Teton National Forest, Forest Service Building, 340 N. Cache, PO Box 1888, Jackson, Wyoming 83001; Forest Service, Medicine Bow National Forest, 605 Skyline Drive, Laramie, Wyoming 82070; Forest Service, Bighorn National Forest, 1969 S. Sheridan Avenue, Sheridan, Wyoming 82801.

PUERTO RICO—Farmers Home Administration State Office, New San Juan Center Building, Room 501, 159 Carlos E. Chardon Street, Hato Rey, San Juan, Puerto Rico 00918–5481; Soil Conservation Service Caribbean Office, Federal Office Building, Room 633–639, Chardon Avenue, Hato Rey, Puerto Rico 00918; Forest Service, Caribbean National Forest and State and Private Forestry Programs, PO Box 25000, Rio Piedras, Puerto Rico 00928–2500.

HEADQUARTERS—Agricultural Marketing Service, Personnel Division, Room 1709-S, Washington, DC 20250; Agricultural Research Service, Personnel Division, Personnel Operations Branch, 6305 Ivy Lane, Room 101, Greenbelt, Maryland 20770–1435; Agricultural Stabilization and Conservation Service, Personnel Division, Room 4752-S, PO Box 2415, Washington, DC 20013; Animal and Plant Health Inspection Service, Human Resources Division, Room 213, Federal Building, Hyattsville, MD 20782; Animal and Plant Health Inspection Service, Field Servicing Office, Customer Support Services, Room 448, Federal Building, Hyattsville, MD 20782; Animal and Plant Health Inspection Service, International Services, Resource Management Staff, Room 668, Federal Building, Hyattsville, MD 20782; Economics Management Staff, Personnel Division, Room 1422-S, Washington, DC 20250; Extension Service, Personnel Division, Room 3552-S, Washington, DC 20250; Farmers Home Administration, Personnel Division, Room 6900-S, Washington, DC 20250; Federal Crop Insurance Corporation, Personnel Division, Room 4616-S, Washington, DC 20250; Foreign Agricultural Service, Personnel Division, Room 5627-S, Washington, DC 20250; Forest Service, Personnel Management Staff, Room 910 RP-E, PO Box 2417, Washington, DC 20013; Food and Nutrition Service, Personnel Division, Park Office Center, Room 614, 3101 Park Center Drive, Alexandria, Virginia 22302; Food Safetv

and Inspection Service, Personnel Division, Room 3133-S, Washington, DC 20250; Office of Inspector General, Personnel Management Staff, Room 16-E, Washington, DC 20250; Office of International Cooperation and Development, Personnel Office, Room 0338-S, Washington, DC 20250; Office of Personnel, Personnel Operations, Room 31-W, Washington, DC 20250; Soil Conservation Service, Personnel Staff, PO Box 2890, Washington, DC 20013; Soil Conservation Service National Office, Administrative Staff, Room 5215-S, PO Box 2890, Washington, DC 20013; Rural Electrification Administration, Personnel Management Division, Room 4031-S, Washington, DC 20250.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and prior employees of USDA and applicants who were not hired, as well as its permittees, cooperators and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of personnel (Official Personnel Folders, Applicant Supply Files, performance files, retention lists, appeals, grievances, complaints, disciplinary, conflict of interest, health, suggestion and incentive awards, accident, training, time and attendance, travel voucher, and classification files) and payroll data needed to conform to all applicable laws, Government regulations and procedures, and the needs of the Department and agencies in carrying out their personnel management responsibilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral to: (1) Office of Personnel Management for required action, records and reports; (2) Department of Treasury for issuance of checks and bonds; (3) Department of Labor for Office of Workers Compensation Program and Office of Safety and Health Administration; (4) Congress for special reports, or to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (5) White House for special reports; (6) Office of Management and Budget for special reports; (7) General Accounting Office for special reports; (8) Department of Justice; (9) General Services Administration for records retirement and/or destruction; (10) State Department for passport and foreign assignments; (11) Department of Transportation, Environmental Protection Agency and cooperating state and local agencies for accident and safety records; (12) Internal Revenue Service and State and local government for matters in connection with payment of income taxes; (13) Social Security Administration for social security payment information; (14) Combined Federal Campaign for reports and records; (15) Department of Health and Human Services for scheduling physical examinations; (16) all Government agencies and potential employers concerning employment inquiries; (17) Equal Employment Opportunity Commission for handling complaints; (18) appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute or a rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statue or other particular program statute, or by rule, regulation or order issued pursuant thereto; (19) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery to the extent that USDA determines that the records are relevant to the proceedings; (20) any agency of the Federal Government which has identified USDA employees as having defaulted in the repayment of an obligation incurred under any statutory authority except the Internal Revenue Code, the Social Security Act or the U.S. tariff laws; (21) the contractor selected to conduct a matching program relating to unemployment compensation; (22) the contractor selected to verify employment for specific claims relating to workers compensation; (23) the Internal Revenue Service to enable it to offset and satisfy past due, legally enforceable debts owed to USDA against Federal income tax refunds; (24) labor organizations recognized under 5 U.S.C. Chapter 71 to provide home addresses or designated mailing addresses of bargaining unit employees; and (25) the cooperator(s) selected to evaluate personnel-related demonstration projects.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Debt Collection Act of 1982 (31 U.S.C. 3711(d)(4)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and/or computer tape and disk storage at the applicable address listed above.

RETRIEVABILITY:

Records are indexed by name of employee and/or identification number.

SAFEGUARDS:

Records are kept in locked files, locked offices and/or in secured computer tape storage rooms.

RETENTION AND DISPOSAL:

Records are maintained until employees are separated from the Department and are then retired or transferred to a new employing agency or destroyed in conformance with appropriate General Services Administration retirement and/or destruction Schedules.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Personnel, USDA, Washington, DC 20250.

NOTIFICATION PROCEDURE:

Employees may request information from this system from the appropriate personnel office having custody of his/her records. A request for information should be addressed to the Director, Personnel Division (name of appropriate Agency), USDA, at the address shown under Location and should contain the name of requestor, employing agency in USDA or agency to which information was furnished, address of agency and particular information requested.

RECORD ACCESS PROCEDURES:

Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him/her by submitting a written request to the appropriate office referred to in the preceding paragraph.

CONTESTING RECORD PROCEDURES:

Same as Record access procedures.

RECORD SOURCE CATEGORIES:

Information in this system comes from the employees, applicants, permittees, cooperators, contractors, employees' personnel offices, supervisors, references, investigative personnel,

colleges and universities and former employers.

USDA/OP-2

SYSTEM NAME:

Security Records for USDA Employees, USDA/OP-2.

SYSTEM LOCATION:

Security, Employee and Labor Relations Staff, Office of Personnel, USDA, Room 16-W, Administration Building, 14th Street and Independence Avenue, SW., Washington, DC 20250.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants for USDA employment and/or individuals investigated under the authority of Executive Order 10450.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of investigative files maintained by the Department Security Officer in fulfilling his/her responsibilities in granting security clearances under the Personal Security Program of the Department.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7312 and 7532 and Executive Order 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Referral to the Office of Personnel Management and/or the Federal Bureau of Investigation for appropriate investigation; (2) referral to the agency which conducted the investigation upon the retirement or transfer of the employee; (3) referral to the General Services Administration for retirement and/or destruction purposes; (4) certification of Security Clearances to other Government agencies; (5) referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this System when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto; (6) referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery to the extent that USDA determines that the records are relevant to the proceedings; (7) Congress for special reports, or to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual; and (8) to security officers of other Federal agencies who are conducting pre-employment investigations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a locked Lektriever 100 and/or on microfiche film located in a locked room.

RETRIEVABILITY:

Records are indexed by name of the employee or applicant.

SAFEGUARDS:

As stated above under Storage.

RETENTION AND DISPOSAL:

Records are maintained until the employee has retired or transferred to another Government agency. They are then returned to the agency that conducted the investigation or retired to the General Services Administration for destruction under the appropriate destruction schedule.

SYSTEM MANAGER AND ADDRESSES:

Department Security Officer, U.S. Department of Agriculture, Washington, DC 20250.

NOTIFICATION PROCEDURE:

Employees may request information from this System from the Department Security Officer, U.S. Department of Agriculture, under the address shown above in Location. All requests should include the name of the requestor, employing agency or agency to where application was made, address of requestor, location of employing agency, and particular information requested.

RECORD ACCESS PROCEDURES:

Any individual may obtain information as to the procedures for gaining access to and contesting a record in the System which pertains to him/her by submitting a written request to the office mentioned above.

CONTESTING RECORD PROCEDURES:

Same as Record Access Procedures.

RECORD SOURCE CATEGORIES:

Information in this system comes from the employee, his or her references, present and former supervisors, educational institutions, the Office Personnel Management, the Federal Bureau of Investigation, the investigative arms of the various agencies of the Department of Defense, the investigative arms of other Executive Departments and Agencies, and various local and state law enforcement agencies.

USDA/OP-3

SYSTEM NAME:

Committee Management Records, USDA/OP-3.

SYSTEM LOCATION:

Security, Employee and Labor Relations Staff, Office of Personnel, Room 16-W, Administration Building, 14th Street and Independence Avenue, SW., Washington, DC 20250.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of the advisory committees of the Department of Agriculture.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of information reflecting the name, position title, address, employer, organization represented, occupation, occupation or industry code, ethnic affiliation, major sources of income, date of appointment, and date of appointment expiration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. No. 92-463 and Title XVIII of Pub. L. No. 95-113.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information contained in this system may be disclosed: (1) In annual reports to the General Services Administration, and (2) to members of the public requesting a list of committee membership from the System Manager.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on computer tape and disk storage.

RETRIEVABILITY:

Records can be retrieved by the individual's name or by the name of the committee on which he/she serves.

SAFEGUARDS:

Records are kept in locked rooms. Information concerning the individual's name, address, and business are part of statutory reports and, as such, are public information. All other personal information is used solely for administrative and/or statistical

purposes and is not rel[illegible] tside the Department

RETENTION AND DISPOSAL:

With the exception of the information contained in the reports referenced in Safeguards above, records are maintained only as long as the individual is serving as a member of an advisory committee. They are then destroyed in conformance with appropriate General Services Administration retirement and/or destruction schedules. Copies of the referenced reports are kept six years.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Personnel, U.S. Department of Agriculture, Washington, DC 20250.

RECORD ACCESS PROCEDURES:

Any individual may obtain information as to the procedure for gaining access to and contesting a record in the System that pertains to him/her by submitting a written request to the System Manager. Any individual may request a listing of the membership of any advisory committee by requesting it from the address shown above.

CONTESTING RECORD PROCEDURES:

Same as Record access procedures.

RECORD SOURCE CATEGORIES:

The information contained in this system is obtained from the agency which is responsible for the support of the advisory committee.

USDA/OP-4

SYSTEM NAME: LEAVE TRANSFER RECORDS—USDA/OP-4.

SYSTEM LOCATION:

Records for each leave recipient are kept in the Personnel Office of the recipient's agency. Addresses for these offices are published in the system of records identified as USDA/OP-1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current recipient and donor employees who are participating or have participated in the Department's Voluntary Leave Transfer Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

The System consists of the recipient applications and supporting documentation, donor applications, periodic reports, as required, from the leave recipient as to the status of his/her medical emergency, and any other material associated with the individual case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 6361, *et seq.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS:

There are no routine uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in folders in the recipient's personnel office (refer to USDA/OP-1 for addresses).

RETRIEVABILITY:

Records are indexed by the name of the recipient.

SAFEGUARDS:

Records are kept in locked files in locked offices.

RETENTION AND DISPOSAL:

Records are maintained for 3 years after the medical emergency ends or 3 years after the establishment of the file, whichever is later. At that time, they will be destroyed in conformance with appropriate General Services Administration retirement and/or destruction schedules.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Personnel, U.S. Department of Agriculture, Washington, DC 20250.

NOTIFICATION PROCEDURE:

Any individual may request information about this system of records, or information as to whether the System contains records pertaining to him or her from the System Manager.

RECORD ACCESS PROCEDURE:

Any individual may obtain information as to the procedures for gaining access to and contesting a record in the System that pertains to him or her by submitting a written request to the System Manager.

CONTESTING RECORD PROCEDURES:

Same as Record access procedures.

RECORD SOURCE CATEGORIES:

All information in this system comes from employees who have applied to participate as recipients in the Voluntary Leave Transfer Program and employees who have applied to donate annual leave to those recipients.

[FR Doc. 91-11992 Filed 5-20-91; 8:45 am]
BILLING CODE 3410-96-M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of Export Administration.

Title: Statement by Foreign Consignee in Support of a Special License Application.

Form Number: Agency—EAR sections 773.2, 773.3, 773.7 OMB Control No. 0694-0050.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 821 respondents; 411 reporting hours; 27 recordkeeping hours. Average time per respondent is 30 minutes for reporting and 2 minutes for recordkeeping.

Needs and Uses: Form BXA-6052P is used as supporting documentation for 3 of BXA's special licenses: Project License, Distribution License, Service Supply License. The completed form provides BXA with end-use and reexport information to aid in controlling commodities shipped under special licensing procedures.

Affected Public: Businesses or other for-profit institutions; small business or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Marshall Mills, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Marshall Mills, OMB Desk Officer, room 3208 New Executive Office Building, Washington, DC 20503.

Dated: May 15, 1991.

Edward Michals,

Departmental Clearance Officer Office of Management and Organization.

[FR Doc. 91-12025 Filed 5-20-91; 8:45 am]
BILLING CODE 3510-CW-M

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews.

SUMMARY: The Department of Commerce has received requests to conduct an administrative review of various antidumping and countervailing duty orders and findings with April anniversary dates. In accordance with the Commerce Regulations, we are initiating these administrative reviews.

EFFECTIVE DATE: May 21, 1991.

FOR FURTHER INFORMATION CONTACT: Roland L. MacDonald, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 377–2104.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce ("the Department") has received timely requests in accordance with § 353.22(a)(1), of the Department's regulations, for an administrative review of various antidumping and countervailing duty orders and findings with April anniversary dates.

Initiation of Reviews

In accordance with §§ 353.22(c) and 355.22(c) of the Department's regulations, we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings with April anniversary dates. We intend to issue the final results of these reviews not later than April 30, 1992.

Antidumping duty proceedings	Periods to be reviewed
Japan:	
Roller Chain, Other Than Bicycle	
A-588-028	
Daido Kogyo/Daido Corp.	4/1/90–3/31/9
Enuma/Daido Corp	
Hitachi Metals	
Izumi	
Pulton Chain	
Pulton Chain/HIC	
Pulton Chain/I & OC	
Sugiyama/Hokoku	
Sugiyama/I & OC	
Sugiyama/Harima Entpz./ San Fernando (Japan)	
Takasago	
Japan:	
3.5" Microdisks and Coated Media Thereof	
A-588-802	
Fuji Photo Film Co., Ltd	4/1/90–3/31/91
Teijin Memorimedia, Co., Ltd.	
Kao Corporation	
TDK Corporation	
Japan:	
Electrolytic Manganese Dioxide	
A-588-806	
Tosoh Corporation	4/1/90–3/31/91
Korea:	
Television Receivers	4/1/90–3/31/91
A-580-008	
Cosmos Electronics Co., Ltd.	
Goldstar Co., Ltd.	
Samsung Electronics Co., Ltd.	
Quantronics Manufacturing Korea, Ltd.	
Tongkook General Electronics Co., Ltd.	
Samwon Electronics, Inc.	
Daewoo Electronics Co., Ltd.	
Mexico:	
Fresh Cut Flowers	4/1/90–3/31/91
A-201-601	
Rancho El Toro	
Rancho El Aguaje	
Rancho Guacatay	
Rancho Mision El Descanso	
Tzitzic Tareta, S.de R.L.	
Florex S.P.R.	
Visaflor	
Rancho Daisy	
Rancno El Pacifico	
Taiwan:	
Color Television Receivers	4/1/90–3/31/91
A-583-009	
Action Electronics Co., Ltd.	
AOC International, Inc.	
Funai Electronic Co., Ltd.	
Hitachi Television (Taiwan) Ltd.	
Kuang Yuan Co., Ltd.	
Nettek Corp., Ltd.	
Paramount Electronics Co., Ltd.	
Proton Electronics Industrial Co., Ltd.	
RCA Taiwan, Ltd.	
Sampo Corporation	
Sanyo Electric (Taiwan) Co., Ltd.	
Shinlee Corp.	
Tatung Company	
Teco Electric & Machinery Co., Ltd.	
Countervailing Duty Proceedings	
Argentina:	
Certain Cold-Rolled Carbon Steel Flat-Rolled Products	1/1/90–12/31/90
C-357-005	
Brazil:	
Pig Iron	1/1/90–12/31/90
Malaysia:	
Carbon Steel Wire Rod	1/1/90–12/31/90
C-557-701	
Thailand:	
Rice	1/1/90–12/31/90
C-549-503	

Interested parties must submit applications for administrative protective orders in accordance with §§ 353.34(b) and 355.4(b) of the Department's regulations.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1635(a)) and 19 CFR 353.22(c) (1989) and § 355.22(c) (1988).

Dated: May 10, 1991.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 91–12033 Filed 5–20–91; 8:45 am]

BILLING CODE 3510–DS–M

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party as defined in section 771(9) of the Tariff Act of 1930 may request, in accordance with §§ 353.22 or 355.22 of the Commerce Regulations, that the Department of Commerce ("the Department") conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity to Request a Review

Not later than May 31, 1991, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in May for the following periods:

Antidumping duty proceedings	Period
Argentina: Light-Wall Welded Rectangular Carbon Steel Tubing (A-357-802)	05/01/90-04/30/91
Brazil: Certain Carbon Steel Butt-Weld Pipe Fittings (A-351-602)	05/01/90-04/30/91
Brazil: Certain Iron Construction Castings (A-351-503)	05/01/90-04/30/91
Brazil: Certain Tubeless Steel Disc Wheels (A-351-606)	05/01/90-04/30/91
Brazil: Frozen Concentrated Orange Juice (A-351-605)	05/01/90-04/30/91
Dominican Republic: Portland Cement, Other Than White, Nonstaining Portland Cement (A-247-003)	05/01/90-04/30/91
France: Ball Bearings, Cylindrical Roller Bearings, Spherical Plain Bearings, and Parts Thereof (A-427-801)	05/01/90-04/30/91
India: Certain Welded Carbon Steel Standard Pipes and Tubes (A-533-502)	05/01/90-04/30/91
Italy: Ball Bearings, Cylindrical Roller Bearings, and Parts Thereof (A-475-801)	05/01/90-04/30/91
Japan: Ball Bearings, Cylindrical Roller Bearings, Spherical Plain Bearings, and Parts Thereof (A-588-804)	05/01/90-04/30/91
Japan: Impression Fabric (A-588-066)	05/01/90-04/30/91
Japan: Portable Electric Typewriters (A-588-087)	05/01/90-04/30/91
Romania: Ball Bearings and Parts Thereof (A-485-801)	05/01/90-04/30/91
Singapore: Ball Bearings and Parts Thereof (A-559-801)	05/01/90-04/30/91
Sweden: Ball Bearings, Cylindrical Roller Bearings, and Parts Thereof (A-401-801)	05/01/90-04/30/91
Taiwan: Certain Circular Welded Carbon Steel Pipes and Tubes (A-583-008)	05/01/90-04/30/91
Taiwan: Malleable Cast-Iron Pipe Fittings, Other Than Grooved (A-583-507)	05/01/90-04/30/91
The Federal Republic of Germany: Ball Bearings, Cylindrical Roller Bearings, Spherical Plain Bearings, and Parts Thereof (A-428-801)	05/01/90-04/30/91
The People's Republic of China: Certain Iron Construction Castings (A-570-502)	05/01/90-04/30/91
The Republic of Korea: Malleable Cast Iron Pipe Fittings, Other Than Grooved (A-580-507)	05/01/90-04/30/91
The United Kingdom: Ball Bearings, Cylindrical Roller Bearings, and Parts Thereof (A-412-801)	05/01/90-04/30/91
Thailand: Ball Bearings and Parts Thereof (A-549-801)	05/01/90-04/30/91
Turkey: Welded Carbon Steel Standard Pipe and Tube Products (A-489-501)	05/01/90-04/30/91
Countervailing Duty Proceedings	
Brazil: Certain Heavy Iron Construction Castings (C-351-504)	01/01/90-12/31/90
Canada: Fresh Whole Atlantic Groundfish (C-122-507)	01/01/90-12/31/91
Mexico: Ceramic Tile (C-201-003)	01/01/90-12/31/90
Singapore: Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof (C-559-802)	01/01/90-12/31/90
Sweden: Viscose Rayon Staple Fiber (C-401-056)	01/01/90-12/31/90
Thailand: Ball Bearings and Parts Thereof (C-549-802)	01/01/90-12/31/90

In accordance with § 353.22(a) of the Commerce regulations, an interested party may request in writing that the Secretary conduct an administrative review of specified individual producers or resellers covered by an order, if the requesting person states why the person desires the Secretary to review those particular producers or resellers. If the interested party intends for the Secretary to review sales of merchandise by a reseller (or a producer if that producer also resells merchandise from other suppliers) which was produced in more than one country of origin, and each country of origin is subject to a separate order, then the interested party must state specifically which reseller(s) and which countries of origin for each reseller the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B-099, U.S. Department of Commerce, Washington, DC 20230. Further, in accordance with § 353.31 of the Commerce Regulations, a copy of request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of "Initiation of Antidumping (Countervailing) Duty Administrative Review", for requests received by May 31, 1991.

If the Department does not receive by May 31, 1991 a request for review of entries covered by an order or finding listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect cash deposit previously ordered.

This notice is not required by statute, but is published as a service to the international trading community.

Dated: May 10, 1991.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 91-12034 Filed 5-20-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-570-601]

Amendment to Final Determination of Sales at Less Than Fair Value and Amendment of Antidumping Duty Order in Accordance with Decision Upon Remand: Brass Sheet and Strip from Italy

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On August 17, 1990, the United States Court of Appeals for the Federal Circuit (CAFC) reversed, in part, and remanded an opinion of the United States Court of International Trade (CIT) concerning the Department of Commerce's final determination of sales at less than fair value (LTFV) with respect to home market selling commissions and imputed costs of cretid. *LMI-La Metalli Industriale, S.p.A. versus United States,* 912 F.2d 455 (Fed. Cir. Aug. 17, 1990). Subsequently, the CIT on September 17,1990, ordered the Department to conduct further proceedings in accordance with the CAFC's opinion. The Department filed the required remand determination on December 7, 1990.

On April 22, 1991, the CIT affirmed the Department's remand determination in its entirety. *LMI-La Metalli Industriale, S.p.A. versus United States,* Court No. 87-03-00560, Slip Op. 91-93 (CIT Apr. 22, 1991).

Commerce will direct the U.S. Customs Service to continue the suspension of liquidation of all entries of the subject merchandise produced by La Metalli Industriale, S.p.A. (LMI), which were entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, and to require a cash deposit for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: May 21, 1991.

FOR FURTHER INFORMATION CONTACT: Joel Fischl or Bradford Ward, Office of Antidumping Investigations, Import Administration, International Trade Adminstration, U.S. Department of Commerce, 14th Street and Constitution

Avenue, NW., Washington, DC 20230; telephone (202) 377–1778 or (202) 377–5288, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 9, 1987, Commerce published a notice of "Final Determination of Sales at Less Than Fair Value" in the case of brass sheet and strip from Italy (52 FR 816). The notice stated that a margin of 12.08 percent was found for the respondent LMI. An order to that effect was published on March 6, 1987 (52 FR 6997). That margin was subsequently reduced to 9.74 percent in an amendment to the order published on April 8, 1987 (52 FR 11299).

A lawsuit was filed by LMI alleging that various aspects of the Department's LTFV determination was unlawful. On April 11, 1989, the CIT affirmed the Department's final determination. *LMI-La Metalli Industriale, S.p.A. versus United States,* 712 F. Supp. 959 (CIT Apr. 11, 1989). LMI appealed the CIT's opinion to the CAFC. The CAFC affirmed, in part, reversed, in part, and remanded the CIT's opinion, specifically with respect to home market selling commissions and imputed costs of U.S. credit. On December 5, 1990, Commerce issued remand results that amended the final determination on brass sheet and strip from Italy. Based on its recalculation of the dumping margins, Commerce determined that LMI's sales were at less than fair value during the period of investigation. These remand results were affirmed by the CIT, in their entirety, as a result of a ruling issued by it on April 22, 1991. *LMI-La Metalli Industriale, S.p.A. versus United States,* Court No. 87–03–00560, Slip Op. 91–33 (CIT Apr. 22, 1991).

Continuation of Suspension of Liquidation

We are directing the U.S. Customs Service to continue to suspend liquidation of all entries of brass sheet and strip from Italy produced by LMI, and all other companies, which were entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, and to require a cash deposit for each entry in an amount equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to the amended determination exceeds the United States price. The suspension of liquidation will remain in effect until further notice. For purposes of requesting a review pursuant to 19 CFR 353.22(a), the anniversary for LMI will be March, the anniversary of the original antidumping duty order. The weighted-average margins are as follows:

Manufacturer/producer/exporter	Weighted-average margin percentage
La Metalli Industriale, S.p.A	5.44
All Others	5.44

Dated: May 14, 1991.

Francis J. Sailer,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91–12006 Filed 5–20–91; 8:45 am]

BILLING CODE 3510–DS–M

[A–614–801]

Initiation of Antidumping Duty Investigation: Fresh Kiwifruit From New Zealand

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce (the Department), we are initiating an antidumping duty investigation to determine whether imports of fresh kiwifruit from New Zealand are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commissions (ITC) of this action so that it may determine whether there is a resonable indication that an industry in the United States is materially injured, or is threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from New Zealand of fresh kiwifruit. The ITC will make its preliminary determination on or before June 10, 1991. If that determination is affirmative, we will make a preliminary determination on or before October 1, 1991.

EFFECTIVE DATE: May 21, 1991.

FOR FURTHER INFORMATION CONTACT: V. Irene Darzenta or Louis Apple, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377–0186 or 377–1769, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On April 25, 1991, we received a petition filed in proper form by the Ad Hoc Committee for Fair Trade of the California Kiwifruit Commission (the Committee) and its members in their individual capacity. In compliance with the filing requirements of the Department's regulations (19 CFR 353.12), petitioners allege that imports of fresh kiwifruit are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from New Zealand of fresh kiwifruit. Petitioners also allege that critical circumstances, as defined under 19 CFR 353.16, exist with respect to imports of fresh kiwifruit from New Zealand.

Petitioners have stated that they have standing to file the petition because they are interested parties, as defined under section 771(9)(C) of the Act, and they have filed the petition on behalf of the U.S. industry producing the product that is subject to this investigation. If any interested party, as described under paragraph (C), (D), (E), or (F) of section 771(9) of the Act, wishes to register support for, or opposition to, this petition, please file a written notification with the Assistant Secretary for Import Administration.

Under the Department's regulations, any producer or reseller seeking exclusion from a potential antidumping duty order must submit its request for exclusion within 30 days of the date of the publication of this notice. The procedures and requirements regarding the filing of such requests are contained in 19 CFR 353.14.

United States Price and Foreign Market Value

Petitioners base their estimates of United States price on actual invoices and customer order forms obtained from regional marketing companies in the United States. Petitioners adjusted United States price for foreign inland freight, foreign brokerage and handling, ocean freight, marine insurance, U.S. Customs user fees, U.S. brokerage and handling charges, U.S. inland freight, and U.S. selling expenses such as advertising, marketing, financing costs, and other selling expenses.

Petitioners have provided evidence that less-than-fair-value margins exist whether U.S. prices are compared to home market prices, third country prices, or constructed value. However, petitioners claim that home market

prices cannot be used as a basis for estimating foreign market value because (1) the home market is not viable, (2) the majority of the kiwifruit sold in the home market is not of a comparable quality, and, as such, is not similar to that exported to the United States, and (3) home market sales of kiwifruit of a comparable quality to that exported to the United States are made at prices below their cost of production. Petitioners have also presented evidence that third country prices are below cost of production and are thus an inappropriate basis for foreign market value. (*See* "Sales Below Cost of Production" section of this notice.) Therefore, petitioners base foreign market value on constructed value pursuant to section 773(e)(1) of the Act. Constructed value consists of the cost of production, general expenses, profit and packing. Petitioners based the cost of production on (1) a study published by the New Zealand Ministry of Agriculture and Fisheries detailing grower costs for the 1990/1991 growing season (the MAF study) and (2) various 1990 publications which set forth post-harvest storage and marketing expenses of the New Zealand Kiwifrut Marketing Board (NZKMB), the sole exporter of fresh kiwifruit to the United States.

The MAF study calculates grower costs inclusive of packing, principal repayments on outstanding loans as a debt servicing expense, and certain other expenses which are more appropriately classified as general expenses. To the grower costs, petitioners added the NZKMB's expenses to arrive at the cost of production (inclusive of both grower and NZKMB costs).

To calculate constructed value, petitioners added to the cost of production the statutory minima of ten percent for selling, general, and administrative expenses (SG&A) and eight percent for profit. In accordance with the Department's methodology, we have deducted from the grower costs packing, principal repayments, and general expenses. We have added to the cost of production the general expenses from the MAF study because they exceed the statutory minimum. To this sum, we have added the statutory minimum for profit and the packing expenses deducted from grower costs.

Based on a comparison of United States price and foreign market value, petitioners have calculated a weighted-average dumping margin of 255.02 percent. Based on our recalculation of the constructed value, we found a weighted-average dumping margin of approximately 220 percent.

Sales Below Cost of Production

Petitioners allege that home market and third country sales of the subject merchandise are made at prices below cost of production. Petitioners have calculated cost of production based on the grower costs presented in the MAF study (adjusted, in accordance with the Department's methodology, to exclude principal repayments and general expenses, but not packing) and the NZKMB's costs (see the "United States Price and Foreign Market Value" section of this notice). Petitioners have compared the cost of production with NZKMB's home market and third country prices obtained from various 1990 and 1991 publications. This analysis provides reasonable grounds to believe or suspect that the NZKMB has made sales in the home market and to third countries at prices below the cost of production. Therefore, pursuant to section 773(b) of the Act, we are initiating an investigation to determine whether home market sales (or third country sales in the event that we determine that the home market is not viable) are made at prices below cost of production.

Initiation of Investigation

Pursuant to section 732(c) of the Act, the Department must determine, within 20 days after a petition is filed, whether the petition sets forth allegations necessary for the initiation of an antidumping duty investigation, and whether the petition contains information reasonably available to petitioner supporting the allegations.

We have examined the petition and found that it complies with the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether imports of fresh kiwifruit from New Zealand are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by October 1, 1991.

Scope of Investigation

The product covered by this investigation is fresh kiwifruit. Processed kiwifruit, including fruit jams, jellies, pastes, purees, mineral waters, or juices made from or containing kiwifruit, are not covered under the scope of this investigation.

Fresh kiwifruit is classified under subheading 0810.90.20.60 of the Harmonized Tariff Schedule (HTS). This HTS subheading is provided for covenience and customs purposes. The written description remains dispositive.

ITC Notification

Section 732(d) of the Act requires us to notify the International Trade Commission (ITC) of this action and to make available to it the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonproprietary information. We will allow the ITC access to all privileged and business proprietary information in the Department's files, provided the ITC confirms in writing that it will not disclose such information either publicly or under administrative protective order without the written consent of the Deputy Assistant Secretary of Investigations, Import Administration.

Preliminary Determination by ITC

The ITC will determine by June 10, 1991, whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from New Zealand of fresh kiwifruit. If its determination is negative, the investigation will be terminated; otherwise, the investigation will proceed according to statutory and regulatory time limits.

This notice is published pursuant to section 732(c)(2) of the Act and 19 CFR 353.13(b).

Dated: May 15, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-12027 Filed 5-20-91; 8:45 am]
BILLING CODE 3510-DS-M

[A-122-503]

Iron Construction Castings From Canada; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On August 13, 1990, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on iron construction castings from Canada. The review covers four manufacturers/exporters of this merchandise and the

period October 28, 1985, through February 28, 1987.

We gave interested parties an opportunity to comment on the preliminary results. We received comments from the petitioners and the respondents. Based on the comments received, we have changed the margins from those presented in the preliminary results.

EFFECTIVE DATES: May 21, 1991.

FOR FURTHER INFORMATION CONTACT: Barbara Victor or Laurie A. Lucksinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377–5253.

SUPPLEMENTARY INFORMATION:

Background

On August 13, 1990, the Department of Commerce (the Department) published in the **Federal Register** (55 FR 32939) the preliminary results of its administrative review of the antidumping duty order on iron construction castings from Canada (51 FR 17220, March 5, 1986). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by the review are shipments of certain iron construction castings, limited to manhole covers, rings and frames, catch basin grates and frames, cleanout covers and frames used for drainage or access purposes for public utility, water, and sanitary systems, classifiable as heavy castings under item number 657.0950 of the Tariff Schedules of the United States (TSUSA) and to valve, service, and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters, classifiable as light castings under TSUSA item number 657.0990. Heavy castings care currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 7325.10.00.10 and 7325.10.00.5.. Light castings are classifiable under HTS item numbers 8306.29.00.00 and 8310.00.00. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers four manufacturers/exporters, Founderie Grand'Mere (Grand'Mere) Founderie Laroche (Laroche), LaPerle Foundry (LaPerle), and Mueller Canada (Muller), of certain Canadian iron construction castings, and the period October 28, 1985, through February 28, 1987.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments from the petitioners and the respondents.

Comment 1: Petitioners argue that, although they requested that the Department verify the questionnaire responses of all respondents in this administrative review, the Department ignored the statutory requirement that it do so. Petitioners contend that verification of all responses submitted in the first administrative review of an antidumping duty order is required by law when requested by an interested party. Therefore, verification of the responses of Mueller and LaPerle should be conducted before the Department issues the final resutls of its administrative review.

Department's Position: Section 776(b)(3) of the Tariff Act states that the administering authority shall verify all information relied upon in making a review and determination under section 751(a) if verification is timely requested by an interested party and no verification was made during the two immediately preceding reviews and determination, except where good cause is shown. The instant administrative review is the first review of the antidumping duty order in this case. Thus, despite the petitioner's assertions to the contrary, the verification requirement of section 776(b)(3) of the Tariff Act does not apply because not only have there not been two administrative reviews in which the Department did not conduct a verification of Mueller and LaPerle, but there have been no preceding administrative reviews in this case.

Moreover, in support of their request for verification in the review, petitioners did not demonstrate "good cause" for verification of Mueller and LaPerle in this review, such as failed verifications in the fair value investigation. Because the conditions of section 776(b)(3) were not met, we did not verify the information which Mueller and LaPerle submitted.

Comment 2: Petitioners maintain that the Department applied the incorrect best information available rate for U.S. sales that had no contemporaneous home market product comparisons. In the preliminary results, the Department used the weighted-average margin from the matched sales in the case of Mueller and LaPerle and the "all other" rate from the original investigation for Laroche and Grand'Mere. Because Grand'Mere did not provide home market sales information on models it sold at a different level of trade than the U.S. sales, petitioners assert that the Department should apply the highest transaction margins to those sales for which the Department could not find contemporaneous matches. In addition, petitioners contend that the Department should apply the highest transaction margin or the "all other" rate from the original investigation for those sales for which all four companies in the review failed to provide complete cost information for difference in merchandise adjustments.

Department's Position: We have reviewed the record in this case and determined that the home market sales responses were complete. The inability to make matches in certain instances was due to a lack of home market sales within our usual 90/60 day contemporaneity guideline to match with certain U.S. sales, not due to respondents' failure to provide sales information.

In its response to our questionarie, Grand'Mere noted that it had not included certain sales of merchandise in its home market sales list which it concluded were not comparable to U.S. sales. We did not require Grand'Mere to report the information, and we subsequently verified Grand'Mere's response and found that it had reported all sales of comparable merchandise.

Because we lacked contemporaneous sales for certain models sold in the United States, we asked the firms to provide constructed value information for those models. Respondents informed us, however, that they were unable to provide this information. Therefore, we have applied the best information otherwise available for those sales. The best information available is the weighted-average margin from the matched sales for each firm.

Regarding petitioners' comment that respondents failed to provide cost information for difference in merchandise adjustments, we note that we make our U.S. price and foreign market value (FMV) calculations on a per pound basis and, therefore, did not require respondents to provide cost information for difference in merchandise adjustments.

Comment 3: Mueller argues that, in certain instances, the Department preliminarily based FMV on Canadian sales quantities that are trivial in comparison to the U.S. sales quantities subject to review. Some of the Canadian sales used in this review were sales of "odd lot" quantities which were not usual commercial quantities as required by the statute. Mueller contends that the Department's application of its 90/60

day contemporaneity guideline resulted in the use of these home market sales. The Department should exclude these sales of trivial quantities in the final results of review.

Department's Position: We disagree. The definition of "usual commercial quantities" in section 771(17) of the Tariff Act provides that, before resorting to the price or prices of a specific aggregate quantity for the purpose of calculating FMV, the Department must be satisfied that there is a positive correlation between different quantities and different prices. For example, if all sales were made at the same price regardless of the quantity sold, then there would be no purpose in disregarding sales in particular quantities because they are not in "ususal commercial quantities." Absent a correlation between price and quantity, the Department calculates a weighted-average FMV based on all relevant sales prices, in accordance with section 773 of the Tariff Act.

Mueller has not provided satisfactory evidence that it charged its home market customers different prices for different quantities. In fact, upon review of the U.S. sales listing, we found that many U.S. sales were made in similar quantities as those home market sales Mueller alleges to be trivial. Because information submitted to the Department indicates no specific correlation between prices and quantity, it is reasonable for the Department to use all sales of merchandise in its determination of FMV.

Comment 4: Mueller and LaPerle maintain that, in comparing U.S. and Canadian sales, the Department disregarded the different levels of trade, and, as a result, compared Canadian sales to end-users with U.S. sales to distributors. Respondents assert that the Department's 90/60 day guideline cannot preempt the regulatory requirement that comparisons should be made at the same level of trade. They state that the U.S. and Canadian sales listings submitted to the Department clearly distinguish between sales to distributors and end-users.

Department's Position: For the preliminary results of review, we neglected to differentiate between levels of trade in calculating monthly weighted-average FMVs for comparison to U.S. sales. For the final results, we have compared U.S. sales to the most similar merchandise sold contemporaneously in the home market. In those instances where respondents sold the most similar merchandise in a contemporaneous month at two levels of trade in the home market, we have calculated a weighted-average monthly FMV at the same level of trade as the sale to the United States. If the most similar merchandise was sold contemporaneously only at the other level of trade, we have made that comparison.

In choosing sales to use as the basis for FMV, the statute, our regulations, and our practice require us to consider many factors, including contemporaneity and level of trade. There is no clear hierarchy, however, of when one factor prevails over another. Respondents argue that the preference for making comparisons at the same level of trade should take precedence over the requirement of the use of contemporaneous sales of similar merchandise in the calculation of FMV. In essence, they argue that the Department should ignore the contemporaneity requirement. In this situation, however, the regulations provide a solution to the problem by allowing an adjustment to be made for differences in level of trade. In this case, the Department did not have the information needed to make such an adjustment.

Comment 5: Mueller points out that the Department's preliminary results contain a clerical error with regard to currency conversion.

Department's Position: We agree and have corrected this error in these final results of review.

Comment 6: LaPerle urges the Department to exclude from its foreign market value calculations certain Canadian sales of trivial quantities. LaPerle submits examples of FMVs based on sales of trivial quantities which were compared to U.S. sales amounting to great quantities. In addition, LaPerle notes examples of matches for which the Department did not apply its 90/60 day contemporaneity guideline.

Department's Position: LaPerle has not provided satisfactory evidence that the quantities we used in our weighted-average FMVs were not in the usual commercial quantities. In fact, upon review of the U.S. sales listing, we found that many U.S. sales were made in similar quantities as those home market sales LaPerle alleges to be trivial. See our response to Comment 3.

We note that the examples of inappropriate contemporaneity comparisons LaPerle gives in its case brief reflect computer programming errors in our preliminary results of review, which we have corrected for these final results.

Comment 7: LaPerle maintains that its list of home market sales contained an inadvertent key-punch error with respect to the price of one of its products and requests that the Department correct this error in the final results of review.

Department's Position: We agree. LaPerle submitted documentation to the Department showing that an incorrect price had been reported for the product in question. We have corrected this error in the final results of review.

Comment 8: LaPerle notes a clerical error in the Department's preliminary calculations. The Department neglected to multiply the per unit U.S. price by both the per unit weight of each casting and the quantity of each casting sold.

Department's Position: We agree and have corrected this error in these final results of review.

Comment 9: LaPerle suggests that, in certain instances, the Department should base FMV on Canadian sales that are more contemporaneous to certain U.S. sales. In the preliminary results, the Department compared U.S. sales to home market sales that were outside the Department's 90/60 day guideline for comparison purposes.

Department's Position: Due to a computer programming error, the comparisons in our calculations did not reflect our decisions regarding product comparability and contemporaneous sales. We have corrected this error for the final results.

Comment 10: Laroche and Grand'Mere disagree with the Department's use of best information available in those instances where there were no contemporaneous sales. In the preliminary results, the Department applied the "all other" rate from the original fair value investigation for U.S. sales for which there were no contemporaneous home market sales of comparable merchandise. Respondents suggest that, where there is no home market sale within the 90/60 day contemporaneity guideline, the Department should use the next closest sale date of the appropriate comparison model as best information available.

Department's Position: See our response to comment 2 for our decisions in situations where there were no contemporaneous sales of comparable merchandise.

Comment 11: Laroche argues that the Department compared certain customized home market sales with sales to the United States that were not customized. Laroche explains that the customized products require retooling which increases the price. Laroche requests that customized products not be used for model match comparisons

Department's Position: During the review, we requested information to substantiate Laroche's claim that the

customized products cost more to produce. We did not receive this information. Since we have no reason to believe that the merchandise is not comparable, we included it in our list of home market models on which to base FMV, and made no adjustments for differences in merchandise because this information was not provided.

Comment 12: Laroche maintaines that, in certain instances, the Department made model matches which were not consistent with the Department's model match and/or contemporaneity criteria, and Laroche has recommended changes.

Department's Position: We have reviewed our comparisons and made changes where appropriate.

Comment 13: Grand'Mere believes that the Department made certain clerical errors with regard to model match comparisons.

Department's Position: We have reviewed our calculations and made appropriate changes.

Finald Results of Review

As a result of our review of the comments received, we have determined that the following margins exist for the period October 28, 1985, through February 28, 1987:

Manufacturer/exporter	Margin (percent)
Founderie Grand'Mere	1.37
Founderie Laroche	1.38
LaPerle Foundry	3.16
Mueller Canada	7.21

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign marekt value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, as provided for by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margins shall be required for all shipments of Canadian iron construction castings from these firms. These cash deposit requirements are effective for all shipments from these four firms of Canadian iron construction castings entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until the publication of the final results of the next administrative review. The cash deposit requirements in our notice of final results of administrative review (55 FR 460, January 5, 1990) remain in effect for all other firms and new shippers.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(1990).

Dated: May 8, 1991.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91-12028 Filed 5-20-91; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-588-028]

Roller Chain Other Than Bicycle From Japan; Preliminary Results of Antidumping Duty Administrative Review and Intent To Revoke in Part

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review and intent to revoke in part.

SUMMARY: In response to a request by the American Chain Association, the Department of Commerce has conducted an administrative review of the antidumping duty finding on roller chain, other than bicycle, from Japan. The review covers two manufacturers/exporters of this merchandise to the United States, and the period April 1, 1986, through March 31, 1987. The review indicates the existence of *de minimis* dumping margins during this period. As a result of this review, the Department of Commerce intends to revoke the finding with respect to these two manufacturers/exporters.

Interested parties are invited to comment on these preliminary results and intent to revoke in part.

EFFECTIVE DATE: May 21, 1991.

FOR FURTHER INFORMATION CONTACT: Fred Baker or Robert Marenick, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 377-5255.

SUPPLEMENTARY INFORMATION: .

Background

On April 6, 1987, the Department of Commerce (the Department) published a notice of "Opportunity to Request an Administrative Review" (52 FR 10917) of the antidumping duty finding on roller chain, other than bicycle, from Japan (38 FR 9926). On April 30, 1987, the American Chain Association requested an administrative review of the antidumping duty finding. We initiated the review, covering the period April 1, 1986, through March 31, 1987, on May 20, 1987 (52 FR 18937). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act). The final results of the last administrative review of these companies were published in the Federal Register on May 13, 1987 (52 FR 18004). A Tentative Determination to Revoke the Antidumping Finding with respect to these two companies was published in the Federal Register on August 11, 1988 (53 FR 30325).

Scope of the Review

Imports covered by this review are shipments of roller chain, other than bicycle, from Japan. The term "roller chain, other than bicycle," as used in this review includes chain, with or without attachments, whether or not plated or coated, and whether or not manufactured to American or British standards, which is used for power transmission and/or conveyance. Such chain consists of a series of alternately-assembled roller links and pin links in which the pins articulate inside the bushings and the rollers are free to turn on the bushings. Pins and bushings are press fit in their respective link plates. Chain may be single strand, having one row of roller links, or multiple strand, having more than one row of roller links. The center plates are located between the strands of roller links. Such chain may be either single or double pitch and may be used as power transmission or conveyor chain.

This review also covers leaf chain, which consists of a series of link plates alternately assembled with pins in such a way that the joint is free to articulate between adjoining pitches. This review further covers chain model numbers 25 and 35. Roller chain, other than bicycle, was classified under item numbers 652.1400 through 652.3800 of the Tariff Schedule of the United States Annotated (TSUSA) during the period of review. It is currently classifiable under various Harmonized Tariff Schedule (HTS) item numbers from 7315.11.00 through 7616.90.00. The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers Daido Kogyo Co., Ltd. (Daido Kogyo), and Enuma Chain Manufacturing Co., Ltd. (Enuma), both manufacturers/exporters of roller chain, other than bicycle, and the period April 1, 1986, through March 31, 1987.

United States Price

In calculating United States price, the Department used purchase price (PP) or exporter's sales price (ESP), both as defined in section 772 of the Tariff Act, as appropriate. PP was based on the packed, F.O.B. Japan prices to unrelated customers in the United States. ESP was based on packed, duty-paid, delivered prices to unrelated purchasers in the United States. Where applicable, we made adjustments for direct expenses, customs brokerage fees, and the bank charge for letters of credit. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value, the Department used home market price as defined in section 773 of the Tariff Act.

For Daido Kogyo, home market price was based on packed, delivered prices to unrelated purchasers in Japan. For Enuma, home market price was based on a price list covering the period June 1, 1986, through May 31, 1987. We made adjustments, where applicable, for discounts, movement expenses, and differences between U.S. and home market packing and credit. We also made an adjustment for indirect selling expenses in the home market to offset indirect selling expenses on ESP sales, and to offset U.S. commissions for PP sales. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Period	Margin (percent)
Daido Kogyo Co., Ltd...	04/01/86–03/31/87	.15
Enuma Chain Manufacturing Co., Ltd...	04/01/86–03/31/87	.09

Interested parties may request disclosure and/or an administrative protective order within five days of the date of publication of this notice and may request a hearing within eight days of publication. Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. Pre-hearing briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 37 days after the date of publication.

Since the margins for Daido Kogyo and Enuma are less than 0.50 percent, and therefore *de minimis* for cash deposit purposes, the Department shall not require a cash deposit of estimated antidumping duties from these firms. For any shipments from the remaining known manufacturers and exporters not covered by this review, the cash deposit will continue to be at the rate for each of those firms published in the final results of the last administrative review for each firm. The cash deposit rate for all other exporters/manufacturers shall continue to be 7.04 percent. This is the highest non-BIA rate established in the final results of the most recent administrative review (55 FR 42608; October 22, 1990).

On August 11, 1988, the Department published its tentative determination to revoke the antidumping duty finding with respect to Daido Kogyo and Enuma. Because our tentative determination to revoke was published prior to 1989, we are conducting this revocation under the pre-1989 regulations. In accordance with 19 CFR 353.54 (1985), Daido Kogyo and Enuma have requested revocation of the finding, and as provided for in 19 CFR 353.54(b)(1985), have agreed in writing to an immediate suspension of liquidation and reinstatement of the finding under circumstances specified in its written agreement with the Department. Therefore, pursuant to section 751(c) of the Tariff Act and 19 CFR 353.54 (1985), we intend to revoke the finding with respect to Daido Kogyo and Enuma based on at least two years of sales at either no margins or *de minimis* margins, the respondents' certified statements, and our determination that dumping is not likely to resume. If this partial revocation is made final, it will apply to all unliqidated entries of this merchandise manufactured and exported by Enuma and Daido Kogyo and entered, or withdrawn from the warehouse, for consumption on or after April 1, 1983.

This administrative review, intent to revoke in part, and notice are in accordance with section 751(a)(1) and (c) of the Tariff Act, (19 U.S.C. 1675(a)(1), (c)), and the Department's regulations at 19 CFR 353.53a (1985) and 353.54 (1985).

Dated: May 10, 1991.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91.12029 Filed 5–20–91; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-054]

Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request by the petitioner, the Department of Commerce has conducted an administrative review of the antidumping finding on tapered roller bearings, four inches or less in outside diameter, and components thereof, from Japan. The review covers three manufacturers/exporters of the subject merchandise to the United States during the period August 1, 1989, through July 31, 1990. The review indicates the existence of dumping margins for the period.

As a result of the review, the Department has preliminarily determined to assess antidumping duties equal to the difference between United States price and foreign market value.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 21, 1991.

FOR FURTHER INFORMATION CONTACT: Sheila Baker, James Doyle, or Lauri Lucksinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–5253.

SUPPLEMENTARY INFORMATION:

Background

On August 8, 1990, the Department of Commerce (the Department) published a notice of "Opportunity to Request Administrative Review" (55 FR 32279). The petitioner requested this administrative review. We initiated the review on September 24, 1990 (55 FR 39032), covering the period August 1, 1989, through July 31, 1990. The Department has conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act). The preliminary results of the last administrative review in this case were published in the **Federal Register** on April 12, 1991.

Scope of the Review

Imports covered by the review are sales or entries of tapered roller bearings (TRBs) four inches or less in outside diameter when assembled,

including inner race or cone assemblies and outer races or cups, sold either as a unit or separately. This merchandise is classifiable under the Harmonized Tariff Schedule (HTS) item numbers 8482.20.00 and 8482.99.30. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers three manufacturers/exporters of TRBs during the period August 1, 1989, through July 31, 1990: Koyo Seiko, K.K. (Koyo), Nachi-Fujikoshi Corporation (Nachi), and Nippon Seiko, K.K. (NSK).

United States Price

The Department used exporter's sales price (ESP) for both Koyo and NSK, as defined in section 772 of the Tariff Act, to calculate U.S. price. ESP was based on the packed, delivered price to unrelated purchasers in the United States. We made adjustments, where applicable, for foreign inland freight, ocean freight, marine insurance, export inspection fees, brokerage and handling, U.S. inland freight, U.S. duty, commissions to unrelated parties, U.S. credit, rebates, discounts, warranties, technical expenses, advertising, third-party payments, packing expenses incurred in the United States, and indirect selling expenses. No other adjustments were claimed or allowed.

Foreign Market Value

The Department used the home market price for both Koyo and NSK, as defined in section 773 of the Tariff Act, to calculate foreign market value (FMV). In general, the Department relies on monthly weighted-average prices in the calculation of FMV. In consideration of the significant volume of home market sales involved in this review, we examined whether it was appropriate to average respondents' home market sales in accordance with section 777A of the Tariff Act. To determine whether an annual average is representative of the transactions under consideration, we compared the monthly weighted-average home market price for each product with the weighted-average price for the entire review period. Because the weighted-average price for each model sold by Koyo and NSK over the entire period did not vary meaningfully from the monthly weighted-average prices of sales, we consider annual weighted-average prices to be representative of the transactions under consideration. Therefore, we calculated a single FMV for each model sold by Koyo and NSK on an annual weighted-average basis, in accordance with section 777A of the Tariff Act.

When we used home market sales as the basis of comparison, we based FMV on the packed, F.O.B., ex-factory, or delivered price to related purchasers, when an arm's-length relationship was demonstrated, or to unrelated purchasers in the home market. We made adjustments, where applicable, for inland freight, packing, credit, commissions, and differences in physical characteristics. We adjusted FMV for indirect selling expenses in the home market, limited by the amount of the indirect selling expenses incurred in the United States. We added packing expenses incurred in Japan for U.S. sales to FMV.

Because we found sales below cost in the preceding review, we investigated whether Koyo and/or NSK sold merchandise covered by the finding in the home market at prices below the cost of production. In accordance with section 773(b) of the Tariff Act, we disregarded those sales below the cost of production. If all sales of a particular model were disregarded, we used constructed value as the basis of FMV.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, labor, and factory overhead in our calculations. Although we accepted Koyo's reported profit, we found that Koyo's reported selling, general and administrative expenses (SG&A) were less than the statutory minimum of ten percent of the cost of manufacture. Therefore, we used the statutory minimum for SG&A expenses in our calculation of constructed value. The actual SG&A expenses of NSK, which were greater than the statutory minimum of ten percent of the cost of manufacture, were used in our calculation of constructed value. However, the actual profit of NSK was less than the statutory minimum of eight percent. Therefore, we used the statutory minimum for profit in our calculation of constructed value.

Nachi reported that it had no shipments to the United States of the covered product during the period of review. We confirmed this claim with the U.S. Customs Service.

Preliminary Results of Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist for the period August 1, 1989, through July 31, 1990:

Manufacturer/exporter	Margin (percent)
Koyo Seiko, K.K.	2.98
Nachi-Fujikoshi Corp	18.07*
Nippon Seiko, K.D.	12.01

*No shipments during the period; margin from the last review in which there were shipments.

Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication or on the first workday thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 37 days after the date of publication of this notice. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entires. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, as provided for by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margins shall be required on shipments of TRBs four inches and under, and components thereof from Japan. For any future entries of this merchandise from an exporter not covered in this or any previous review, and who is unrelated to any reviewed firm, a cash deposit of 12.01 percent shall be required. These deposit requirements are effective for all shipments of the covered merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: May 13, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-12030 Filed 5-20-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-485-602]

Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, From the Republic of Romania; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request by an importer, the Department of Commerce is conducting an administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished or unfinished, from the Republic of Romania. The review covers the sole exporter of this merchandise to the United States and the period June 1, 1988 through May 31, 1989. The review indicates the existence of no dumping margins during the period.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 21, 1991.

FOR FURTHER INFORMATION CONTACT: Karin Price or Maureen Flannery, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-2923.

SUPPLEMENTARY INFORMATION:

Background

On January 11, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 1169) the final results of the last administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished or unfinished (TRBs), from the Republic of Romania (Romania) (52 FR 23320, June 17, 1987). In June 1989, an importer, Marsuda-Rodgers International, requested that we conduct an administrative review, in accordance with § 353.22(a) of the Commerce Regulations. We published the notice of initiation of the antidumping duty administrative review on July 25, 1989 (54 FR 30915), covering the period June 1, 1988 through May 31, 1989. The Department has now conducted the review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

In the most recent review of this order, the Department treated Romania as a non-market-economy country. Since the respondent has not contested non-market-economy status in this review, we have calculated foreign market value (FMV) in accordance with section 773(c) of the Tariff Act, as amended. We have chosen Yugoslavia as the surrogate for Romania. See the notice of final results of the last administrative review (56 FR 1169, January 11, 1991) for our rationale for choosing Yugoslavia. All currently reviewed sales involve TRBs produced during the period covered by the previous review. Thus, we were able to utilize the Romanian factors of production data and surrogate valuation data obtained from the previous review, which were resubmitted for this review.

Scope of the Review

Imports covered by this review are shipments of tapered roller bearings and parts thereof, finished or unfinished, from Romania. Prior to January 1, 1989, this merchandise was classifiable under item numbers 680.30, 680.39, 681.10, and 692.32 of the Tariff Schedules of the United States (TSUS). Effective January 1, 1989, this merchandise is classifiable under Harmonized Tariff Schedule (HTS) item numbers 8482.20.00, 8482.91.00, 8482.99.30, 8483.20.40, 8483.30.40, and 8483.90.20. The TSUS and HTS item numbers are provided for convenience and Customs purposes only. The written description remains dispositive.

This review covers the sole Romanian exporter, Tehnoimportexport (TIE), and the period June 1, 1988 through May 31, 1989.

United States Price

In calculating United States price (U.S. price), the Department used purchase price, as defined in section 772 of the Tariff Act. U.S. price was based on the packed f.o.b. price to unrelated purchasers in the United States. We deducted the respondent's packing expenses and, as best information available, added surrogate packing expenses based on packing cost data from bearing producers in Thailand and Singapore, since Yugoslavian packing costs were unavailable. We made deductions for foreign inland freight and handling, based on Yugoslavian surrogate information. No other adjustments were claimed or allowed.

Foreign Market Value

We calculated an annual constructed value using surrogate country data based on a date of production estimated to occur two to four months prior to the date of shipment. We applied the exchange rate that existed in the month of the U.S. sale to convert the constructed value to dollars, in accordance with § 353.60(a) of the Department's regulations (19 CFR 353.60(a) (1990)). Normally, we use certified exchange rates furnished by the Federal Reserve Bank of New York, but no certified rates were available for Yugoslavia. Therefore, all currency conversions were made using exchange rates published by the International Monetary Fund, as best information available.

We made a circumstance-of-sale adjustment to account for the lag between the date of sale and the date of production given the hyper-inflation present in Yugoslavia.

We used the following data to value the factors of production:

- We based the values for steel used to manufacture the majority of the inner and outer rings (AISI 4118), the rollers and some rings (SAE 52100), and the cages (DIN 1623) on official Eurostat data for Yugoslavian imports of these types of steel from the European Community;
- In the absence of reliable data from the surrogate country, as best information available, we based scrap value on the Eurostat data for world exports of alloy scrap steel to Portugal;
- We based labor rates on data published by the International Labour Office for Yugoslavia;
- We based freight costs on public rates obtained from Yugoslavia;
- As best information available, we based overhead and indirect labor costs on the costs of a bearing company in Portugal;
- We used the statutory minimum of ten percent of the sum of materials and fabrication costs for general expenses;
- We used the statutory minimum of eight percent of the sum of materials costs, fabrication costs, and general expenses for profit;
- We added U.S. packing to the constructed value, in accordance with section 773(e)(1)(c) of the Tariff Act. For U.S. packing, we used the best information available, as described in the United States Price section of this notice.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margin exists:

Manufacturer/exporter	Period of review	Margin (percent)
Tehnoimport-export.	06/01/88-05/31/89	0.00

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication of this notice, or the first workday thereafter. Interested parties may submit case briefs and/or written comments within 30 days of the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any such written comments or at a hearing.

The Department will instruct the Customs Service to liquidate, without regard to antidumping duties, on all appropriate entries.

Since the margin for TIE is zero percent, the Department shall not require a cash deposit of dumping duties on entries of this merchandise from TIE. For all other exporters/manufacturers not related to TIE, no cash deposit shall be required. These deposit requirements are effective for all shipments of TRBs from Romania entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 12 CFR 353.22 (1990).

Dated: May 8, 1991.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91-12031 Filed 5-20-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-015]

Television Receivers, Monochrome and Color, From Japan; Final Results of Antidumping Duty Administrative Reviews

AGENCY: Import Administration/ International Trade Administration Department of Commerce.

ACTION: Notice of final results of antidumpting duty adminstrative reviews.

SUMMARY: On January 30, 1991, the Department of Commerce published the preliminary results of its administrative reviews of the antidumping finding on television receivers, monochrome and color, from Japan. The reviews cover one manufacturer/exporter of this merchandise to the United States and the periods March 1, 1986 through February 28, 1987 and March 1, 1987 through February 29, 1988.

We gave interested parties an opportunity to comment on our preliminary results. At the request of the respondent, we held a hearing on April 8, 1991.

Based on our analysis of the comments received, we have changed the preliminary results of these reviews. The final margins are 4.15 percent and 0.52 percent, respectively.

EFFECTIVE DATE: May 21, 1991.

FOR FURTHER INFORMATION CONTACT: David S. Levy or Melissa G. Skinner, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4851.

SUPPLEMENTARY INFORMATION:

Background

On January 30, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 3447) the preliminary results of its administrative reviews of the antidumping finding on television receivers, monochrome and color, from Japan (36 FR 4597, March 10, 1971). We have now completed these administrative reviews in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act).

Scope of the Reviews

Imports covered by the reviews are shipments of television receivers, monochrome and color, from Japan. Television receivers include, but are not limited to, units known as projection televisions, receiver monitors, and kits (containing all parts necessary to receive a broadcast television signal and produce a video image). Not included are certain monitors not capable of receiving a broadcast signal, certain combination units, and certain subassemblies not containing the components essential for receiving a broadcast television signal and producing a video image. During the review periods, television receivers, monochrome and color, were classifiable under item numbers 684.9230, 684.9232, 684.9234, 684.9236, 684.9238, 684.9240, 684.9245, 684.9246, 684.9248, 684.9250, 684.9252, 684.9253, 684.9255, 684.9256, 684.9258, 684.9262, 684.9263, and 684.9655 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under item numbers 8528.10.80 and 8528.20.00 of the Harmonized Tariff Schedule (HTS). The TSUSA and HTS item numbers are provided for convenience and Customs purposes only. The written description remains dispositive.

These reviews cover one manufacturer/exporter to the United States of Japanese television, Mitsubishi Electric Corporation (Mitsubishi), and the periods March 1, 1986 through February 28, 1987 and March 1, 1987 through February 29, 1988.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. At the request of Mitsubishi, we held a public hearing on April 8, 1991. We received case briefs and rebuttal comments from two domestic parties to the proceeding, Zenith Electronics Corporation (Zenith) and the Unions (the United Electrical Workers of America, Independent, the International Brotherhood of Electrical Workers, the International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers, and the Industrial Union Department, AFL-CIO), and Mitsubishi.

We note at the outset that in its prehearing brief, Zenith listed several issues that have been raised in separate prior proceedings. However, there is no discussion of these issues in Zenth's brief or elsewhere in the record of these reviews. Zenith indicates that it chose not to burden these proceedings by rearguing these issues, and merely raised them in the hope that the Department would change its views. Since Zenith did not discuss these issues, we deem them not to have been properly raised in the context of these reviews, and we have not addressed them in these final results.

Comment 1: Mitsubishi argues that the Department erred in applying to Mitsubishi's eighth and ninth reviews a new "rule" requiring that advertising and sales promotion expenses be allocated on a "product-line" basis. Mitsubishi states that the Department's descision to reject the "model-specific" data submitted by Mitsubishi was wrong in both law and equity, and recommends that the Department use Mitsubishi's model-specific data to calculate its home market advertising and sales promotion expenses.

Mitsubishi argues further that even if the Department were correct in using its product-line "rule" in the eighth and ninth reviews, it applied the rule incorrectly because it calculated home market advertising and sales promotion expenses using data for the entire class or kind of merchandise, instead of

product-line data. Mitsubishi argues that, in this instance, it is incorrect to treat all televisions as one product line.

According to Mitsubishi, projection televisions (PTVs) and 35-inch screen "direct view" televisions (35-inch CTVs) are sufficiently different from all other televisions, and from each other, to constitute separate product lines. Mitsubishi asserts that its PTVs and 35-inch CTVs are marketed to affluent consumers with advertising that emphasizes the large screen size and other features that are unique to these Mitsubishi televisions. In contrast, Mitsubishi claims that all brands of conventional televisions generally have similar features and are marketed using advertising that focuses on the price of the television. Mitsubishi argues further that the production processes and physical characteristics of PTVs and 35-inch CTV differentiate them from each other, and from conventional televisions. Finally, Mitsubishi states that it maintains separate advertising and sales promotion expense records for PTVs 35-inch CTVs, and conventional televisions. As a result, Mitsubishi recommends that if the Department uses a product-line methodology for allocating advertising and sales promotion expenses, it should consider PTVs and 35-inch CTVs as separate product lines.

Zenith and the Unions respond that the Department was correct in using the product-line rule in these reviews. Both parties also reject Mitsubishi's argument that PTVs and 35-inch CTVs should be treated as separate product lines. Both parties contend that Mitsubishi's agrument relies on screen size as the basis for determining the product lines. According to Zenth and the Unions, the Department has never used screen size to segment the class or kind of merchandise, and the International Trade Commission has consistently refused to consider televisions as separate like products on the basis of screen size. As a result, Zenith and the Union argue that the Department was correct in using data for the class or kind of merchandise in calculating product-line advertising and sales promotion expenses.

Department's Position: We agree in part with Mitsubishi. In this instance, we believe that model-specific allocations of advertising and sales promotion expenses lead to distorted results. Given that all PTVs and all 35-inch CTVs share certain characteristics, most notably large size and high price, we believe that advertisements and sales promotion efforts for specific models of PTV or 35-inch CTV have a spillover effect within each of these groups of televisions. Since model-specific allocations ignore the beneficial effects that advertising and sales promotion for one specific model of PTV or 35-inch CTV may have on sales of other models of the same type, we believe that they do not reflect Mitsubishi's experience in advertising the types of televisions subject to these reviews. As a result, we have not accepted the first of Mitsubishi's recommendations regarding the allocation of advertising and sales promotion expenses.

However, we agree with Mitsubishi's assertions that the televisions subject to these reviews, PTVs and 35-inch CTVs, differ markedly from conventional televisions because they offer unique features not found in conventional televisions, and are marketed to affluent consumers who are more concerned with the advantages of the large viewing screen than with the price of the television. We also agree that there are significant differences between PTVs and 35-inch CTVs, especially in the characteristics of the video image produced by each type of television. Mitsubishi recognizes the distinctions between the three groups of televisions in its accounting records; verification documents confirm that Mitsubishi does maintain separate advertising and sales promotion records for PTVs and for 35-inch CTVs. Moreover, the advertising and sales promotion expenses for PTVs and 35-inch CTVs are disproportionately large, so that allocating these expenses over sales of all televisions would not reflect Mitsubishi's experience in marketing these types of televisions. As a result, we determine that, for the purpose of allocating advertising and sales promotion expenses, PTVs and 35-inch CTVs constitute distinct product groups. Accordingly, we have allocated all PTV advertising and sales promotion expenses over all PTV sales, and all 35-inch CTV advertising and sales promotion expenses over all 35-inch CTV sales to calculate the direct advertising and sales promotion expenses for these final results.

Comment 2: Mitsubishi argues that the Department incorrectly included "Miscellaneous Direct Selling Expenses" and "Distributor Finance Expenses" in its COP calculations. According to Mitsubishi, these expenses were already reported, as royalty expenses and as "Distributor Indirect Selling Expenses," in Mitsubishi's response to the Department's COP questionnaire. As a result, Mitsubishi claims that the Department double-counted these expenses by including them as separate categories in its COP calculations. Mitsubishi asserts that the COP data that it submitted were verified by the Department, whose personnel found no discrepancies in Mitsubishi's submissions during the verifications. As a result, Mitsubishi contends that the Department has no grounds for including these two categories of expenses in its COP calculations.

Department's Position: We agree with Mitsubishi. We verified the accuracy and completeness of Mitsubishi's COP questionnaire response. As a result, we have no basis for including "Miscellaneous Direct Selling Expenses" and "Distributor Finance Expenses" as separate items in our COP calculations, and, therefore, have excluded these two categories of expenses from our COP calculations for these final results.

Comment 3: Mitsubishi argues that the Department incorrectly calculated the interest expenses that were added to COP by including all interest expenses, while allowing only a portion of short-term interest income as an offset to those expenses. According to Mitsubishi, the Department must treat all items of a particular type of interest in the same manner, regardless of whether they represent income or expense. Therefore, Mitsubishi asserts that the Department should either allow all interest income as an offset to interest expense, or include only short-term interest expenses and income in its calculations.

Department's Position: We disagree with Mitsubishi. We include interest expenses in our calculations, and allow interest income as an offset to interest expenses, if the interest in question is related to current operations. In the absence of evidence to the contrary, we presume that capital borrowed by a respondent company is used to fund the company's current operations. All interest expense incurred on those borrowings is therefore considered part of the company's production costs. We commonly allow respondent companies to offset a portion of their interest expense with interest income earned on certain short-term investments since such investments are considered to be temporary positions used to hold working capital until it is needed for operations. We do not consider investments held in long-term instruments to be sources of current working capital, and therefore do not allow income earned on such investments as an offset to interest expense and the company's cost of production. See Final Results of Administrative Review; Titanium

Sponge From Japan (54 FR 13404, April 3, 1989).

In our preliminary results, we did not allow offsets to interest expenses for interest income earned from dividends, bank deposits, and long-term loans, because we determined that the income was not related to Mitsubishi's current operations. In the absence of any evidence that this income was related to Mitsubishi's current operations, we did not allow it as an offset to interest expense for these final results. Similarly, in the absence of any evidence that Mitsubishi's long-term interest expenses were not related to current operations, we retained them in our calculations of Mitsubishi's interest expenses.

Comment 4: Mitsubishi argues that the Department erroneously included "indirect selling expenses" for both distributors and sales offices in its preliminary COP calculations. According to Mitsubishi, distributors and sales offices provide alternative channels of distribution; for any given transaction, a television will pass through either a distributor or a sales office, but not both. As a result, Mitsubishi states that the Department should include only one of these two types of "indirect selling expenses" in its COP calculations, depending upon the distribution channel through which the merchandise was sold.

Department's Position: We agree with Mitsubishi. Since distributors and sales offices constitute altenative channels of distribution, including "Indirect Selling Expenses" for both in our COP calculations would have artificially increased Mitsubishi's production costs. Therefore, for these final results, we have included only the "Distributor Indirect Selling Expenses" in our COP calculations for all sales, as Mitsubishi did in its COP questionnaire response.

Comment 5: Mitsubishi argues that the Department erroneously excluded below-cost home market sales from its preliminary analysis. According to Mitsubishi, such sales were not made in substantial quantities over an extended period of time. Moreover, Mitsubishi contends that it has recoverd the costs of the home market models subject to these reviews over the life cycles of these models.

In addition, Mitsubishi notes that any below-cost sales of one model, the LVP-400, occurred as a result of a program instituted by Mitsubishi to liquidate existing stocks of this model as a new model was being introduced. Mitsubishi argues that Congress specifically intended that sales of obsolete or end-of-model merchandise not be excluded from consideration, and that, therefore, the Departmen' should not exclude from its analysis below-cost sales of the LVP-400.

Department's Position: We disagree with Mitsubishi. We found that below-cost sales of models 37C960 and LVP-400 in the eighth review, and models LVP. 407, 37C960, and 37C963 in the ninth review, substantially exceeded the threshold of 10 percent of total sales of each model, and occurred throughout the review periods. In addition, we found that production costs substantially exceeded the adjusted selling prices to which they were compared; this was true throughout the review periods.

Although Mitsubishi argues that it has recovered its costs over the lives of these models, we note that this argument does not fulfill the requirements of section 773(b)(2) of the Tariff Act. This provision requires us to examine whether the prices determined to be below cost in the investigatory period are sufficient to recover costs within a reasonable period of time, and not whether prices over the life cycle of the product have been sufficient to permit cost recovery. Mitsubishi has provided us with no reason to believe that the below-cost prices found in these reviews are sufficient to permit the recovery of costs within a reasonable period of time. As a result, we have determined that Mitsubishi made below-cost sales in substantial quantities over an extended period of time, at prices that would not permit cost recovery within a reasonable period of time, and have excluded below-cost sales of models LVP-407, 37C960, and 37C963 from our analysis.

With regard to Mitsubishi's arguments about model LVP-400, we agree that the legislative history of the below-cost provision of the Trade Act of 1974 explicitly states that it is normal business practice both in the United States and in foreign countries to sell discontinued merchandise at less than cost. Therefore, such sales should not be automatically excluded from consideration. See H.R. Rep. No. 571, 93d Cong. 1st Sess. 71; S. Rep. No. 1298, 93d Cong., 2d Sess, 7310 (1973). However, we conclude that it would be inappropriate to compare close-out sales of model LVP-400 for the last two monhts of the review period, when it was discontinued in favor of the LVP-407, with U.S. sales of such or similar models that were not being discontinued. (See *Color Television Receivers From Korea; Final Results of Antidumping Duty Administrative Review, 53 FR 24975, July 1, 1988 (Comment 31)).*

Final Results of the Reviews

As a result of the comments received, we have revised our preliminary results for Mitsubishi, and we determine the margins to be:

Manufacturer	Review No.	Period of review	Margin (percent)
Mitsubishi	8	03/01/86–02/28/87	4.15
	9	03/01/87–02/29/88	0.52

The Department will instruct the U.S. Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties of 35.40 percent will be required for Mitsubishi; this is Mitsubishi's rate from the eleventh administrative review. For shipments of this merchandise manfactured by Funai Electric, Fujitsu General, Ltd., Hitachi, Ltd., Mitsubishi Electric Corporation, NEC. Sanyo Electric Company, Ltd., Seiko Epson Corporation, Sharp Corporation, Toshiba, or Victor Corporation of Japan, the cash deposit rate will continue to be the same as the rates published in the final results of the last administrative reviews of these firms (56 FR 5392, February 11, 1991).

For all other manufacturers/exporters of this merchandise, a cash deposit of estimated antidumping duties of 38.26 percent shall be required. This is the highest non-BIA (best information available) rate for the most current review for any firm in this case. These deposit requirements will be effective for all shipments of Japanese television receivers, monochrome or color, entered, oir withdrawn from warehouse, for consumption on or after the date of publication of the final results of these administrative reviews.

These administrative reviews and this notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22).

Dated: May 8, 1991.

Marjorie A. Chorlins,

Acting Asssitant Secretary for Import Administration.

[FR Doc. 91–12032 Filed 5–20–91; 8:45 am]

BILLING CODE 3510–DS–M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of an Export Trade Certificate of Review, Application No. 89–00010.

SUMMARY: The Department of Commerce has issued an Export Trade Certificate of Review to the Air-Conditioning & Refrigeration Institute ("ARI"). This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: George Muller, Director, Office of Export Trading Company Affairs, International Trade Administration (202) 377–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing title III are found at 15 CFR part 325 (1990) (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

Export Trade

1. Products

Air-conditioning and refrigeration equipment, including unit coolers; drinking water coolers; mobile refrigeration systems; automatic commercial ice makers (self-contained, split system, and ice storage bins); humidifiers (residential); humidifiers (commercial); flow and contaminant control products; accessories other than valves; air heating and cooling coils; chemicals (refrigerants, lubricating oils, desiccants and other chemicals) used in conjunction with the refrigerating system; central station air handling units; room fan coil and air induction units; air control and distribution devices; air filters; air cooled/evaporative condensers; automatic controls; packaged terminal heat pumps; packaged terminal air conditioners; water source heat pumps (ARI Standard 320); water source heat pumps (ARI Standards 325); single package air-conditioning (0–64,999 Btuh); single package air-conditioning (65,000–134,999 Btuh); split system air-conditioning units (0–64,999 Btuh); split system air-conditioning units (65,000–134,999 Btuh); single package and split system heat pumps (0–64,999 Btuh); single package and split system heat pumps (65,000–134,999 Btuh); compressors and condensing units; fans and blowers; water cooled condensers, receivers, and liquid coolers; unitary large equipment (10–50 tons); unitary large equipment (over 50 tons); large tonnage liquid chillers; reciprocating chillers.

2. Services

Engineering and architectural services related to Products and to turn-key contracts that substantially incorporate Products; servicing of Products; and training with respect to the use of Products.

3. Technology Rights

Patents, trademarks, service marks, trade names, copyrights (including neighboring rights), trade secrets, know-how, semiconductor mask works, utility models, industrial designs, petty patents, plant breeders rights, and *sui generis* forms of computer software protection associated with Products or Services.

4. Export Trade Facilitation Services (as they relate to the Export of Products, Services, and Technology Rights)

Consulting; international market research; marketing and trade promotion; trade show participation; insurance; legal assistance; services related to compliance with customs requirements; transportation; trade documentation and freight forwarding; communication and processing of export orders and sales leads; warehousing; foreign exchange; financing; liaison with U.S. and foreign government agencies, trade associations, and banking institutions; and taking title to goods.

Export Markets

The Export Markets include all parts of the world except: (a) The Unitded States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, America Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands); and (b) Canada.

Export Trade Activities and Methods of Operation

1. ARI and/or one or more of the Members may:

a. Engage in joint bidding or other joint selling arrangements for Products and Services in Export Markets and allocate sales resulting from such arrangements;

b. Establish export prices for sales of Products and Services by the Members in Export Markets, with each Member being free to deviate from such prices by whatever amount it sees fit;

c. Discuss and reach agreements relating to the interface specifications and engineering requirements demanded by specific potential customers of Products for Export Markets;

d. Refuse to quote prices for, or to market or sell in, Export Markets with respect to Products and Services;

e. Solicit nonmember Suppliers to sell their Products and/or Services or offer their Export Trade Facilitation Services through the certified activities of ARI and/or the Members; provided, however, that ARI and/or one or more of the Members shall make such solicitations or offers to nonmember Suppliers on a transaction-by-transaction basis only and then only when the Members are unable to supply, at a price competitive under the circumstances, the requisite Products or Services for such transaction; provided further that ARI and/or such Member may exchange only such information with such nonmember Suppliers as is reasonably required by such transaction;

f. Engage in joint promotional activities, such as advertising and trade shows, aimed at developing existing or new Export Markets;

g. Bring together from time to time groups of Members to plan and discuss how to fulfill the technical Product and Service requirements of specific export customers or particular Export Markets;

h. Coordinate with respect to the installation and servicing of Products in Export Markets, including the establishment of joint warranty, service, and training centers in such markets; and

i. Operate and establish jointly owned subsidiaries or other joint venture entities, owned exclusively by Members, to export Products to Export Markets, operate warranty, service, and training centers in Export Markets, and provide Export Trade Facilitation Services to Members; provided, however, that any such jointly owned subsidiaries or other joint venture entities adhere to paragraph 3(c) of the Export Trade Activities and Methods of Operation.

2. ARI and/or the Members may enter into agreements wherein they agree to act in certain countries or markets as the Members' exclusive or nonexclusive Export Intermediary for Products and/or Services in that country or market. In

exclusive Export Intermediary agreements, (i) ARI or the Member(s) acting as an exclusive Export Intermediary may agree not to represent any other Supplier for sale in the relevant country or market, and (ii) Members may agree that they will export for sale in the relevant country or market only through ARI or the Member(s) acting as exclusive Export Intermediary, and that they will not export independently to the relevant country or market, either directly or through any other Export Intermediary. ARI and/or any Member when acting as an exclusive Export Intermediary shall not unreasonably refuse to supply its services on non-discriminatory terms to those Members that are parties to the exclusive arrangement and which request such services.

3. ARI and/or the Members may exchange and discuss the following types of information solely about Export Markets:

a. Information that is already generally available to the trade or public;

b. Information about sales or marketing efforts for Export Markets; activities and opportunities for sales of Products and Services in Export Markets; selling strategies for Export Markets; pricing in Export Markets; projected demand in Export Markets; customary terms of sale in Export Markets; the types of Products available from competitors for sale in particular Export Markets, and the competitors' prices for such Products; and customer specifications for Products in Export Markets;

c. Information about the export prices, quality, quantity, source, and delivery dates of Products available from Members for export, provided, however, that exchanges of information and discussions as to export prices, Product quality and/or quantity, source, and delivery dates must be on a transaction-by-transaction basis only and involve only those Members which are participating or have a genuine interest in participating in such transaction;

d. Information about terms, conditions and specifications of particular contracts for sale in Export Markets to be considered and/or bid on by ARI and the Members;

e. Information about joint bidding, selling, or servicing arrangements for Export Markets and allocation of sales resulting from such arrangements among the Members;

f. Information about expenses specific to exporting to and within Export Markets, including, without limitation, transportation, intermodal shipments, insurance, inland freight to port, port storage, commissions, export sales, documentation, financing, customs, duties, and taxes;

g. Information about U.S. and foreign legislation and regulations affecting sales in Export Markets; and

h. Information about ARI's or the Members' export operations, including without limitation sales and distribution networks established by ARI or the Members in Export Markets, and prior export sales by Members (including prior export price information).

4. ARI may provide the Members or other Suppliers the benefit of any Export Trade Facilitation Service to facilitate the export of Products to Export Markets. This may be accomplished by ARI, or by agreement with Members or other parties.

5. ARI and/or the Members may meet to engage in the activities described in paragraphs one through four above.

6. ARI and/or the Members may forward to the appropriate individual Member requests for information received from a foreign government or its agent (including private pre-shipment inspection firms) concerning that Member's domestic or export activities (including prices and/or costs), and if such individual Member elects to respond, it shall respond directly to the requesting foreign government or its agent with respect to such information.

7. Members may license and sub-license Technology Rights in Export Markets to non-members, but in all instances the terms of such licenses shall be determined solely by negotiations between the licensor Member and such non-member without coordination with ARI or any other Member. Such licensees and sub-licenses may: convey exclusive or non-exclusive rights in Export Markets; impose requirements as to the prices at which Products or Services incorporating, or manufactured or produced using, Technology Rights may be sold or leased in Export Markets; impose requirements as to pricing and other terms and conditions of sub-licenses of Technology Rights in Export Markets; restrict licenses and sub-licensees as to fields of use, or maximum sales or operations, in Export Markets; impose territorial restrictions (relating to any Export Market) on foreign licensees and sub-licensees; require the assignment back or exclusive or non-exclusive grantback to the licensor Member of rights (in Export Markets) to all improvements in Technology Rights, whether or not such improvements fall within the field of use authorized in such license; require package licensing of Technology Rights; and require products or services (including, but not limited to, Products and Services) to be used, sold, or leased as a condition of the license of Technology Rights.

Definitions

1. *Export Intermediary* means a person who acts as a distributor, sales representative, sales or marketing agent or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

2. *Members* (within the meaning of § 325.2(1) of the Regulations) means the firms listed in appendix A (attached hereto).

3. *Supplier* means a person who produces, provides, or sells a Product, Service, and/or Export Trade Facilitation Services, whether a Member or nonmember.

A copy of the Certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: May 15, 1991.

George Muller,

Director Office of Export Trading Company Affairs.

Appendix A

ARI Certificate Members (members in addition to applicant):

Aerofin Corporation; Airguard Industries, Inc.; Airmax, Inc.; Artesian Building Systems, Inc.; Aspen Manufacturing, Inc.; ATOCHEM North America; Baltimore Aircoil Company, Subsidiary of Amsted Industries, Inc.; Barber-Colman Company, Environmental Controls Division; Bard Manufacturing Company; Brookside Group, Inc.; Carnes Company, Inc.; Copeland Corporation; Crystal Tips, Inc.; Dunham-Bush, Inc.; Elmwood Sensors, Inc.; Evcon Industries, Inc.; Furnas Electric Company; Goodman Manufacturing Corporation; Halsey Taylor, Scotsman Industries; Heatcraft Inc.; Honeywell Inc.; Hupp Industries, Inc.; Johnson Controls, Inc., Control Products Division; Kysor-Warren; Lake Air International, Inc.; Lau Industries; Lennox International, Inc.; Mammoth, A Nortek Company; Marvair Company; Miller-Picking Corporation; Morrison Products, Inc.; NIBCO, Inc., OEM Division; NORDYNE Inc.; Phillips Industries, Inc.; Ranco; Revco, Inc.; Rheem Manufacturing Company; SnyderGeneral Corporation; Standard Refrigeration Company; Sterling Radiator Division, Reed National Corp.; Sundstrand Heat Transfer, Inc., Sundstrand Corp.; Superior Valve Company, Division of Amcast Industrial Corp.; Titus Products, Division of Phillips Industries, Inc.; Trion, Inc.; Turbotec Products, Inc.; Vilter Manufacturing Corp.; Virginia KMP Corp.; WaterFurnace International, Inc.; York International Corp.;

A. D. Auriema Inc.; and Win-Tron Electronics Ltd.

[FR Doc. 91–11960 Filed 5–20–91; 8:45 am]
BILLING CODE 3510–DR–M

Short Supply Request for Aluminum-Killed Cold-Rolled Steel Sheet

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice of short-supply review and request for comments: certain aluminum-killed cold-rolled steel sheet.

SUMMARY: The Secretary of Commerce ("Secretary") hereby announces a review and request for comments on a short-supply request for 1,100 metric tons of certain aluminum-killed cold-rolled steel sheet for the remainder of 1991 under the U.S.-EC steel arrangement.

SHORT-SUPPLY REVIEW NUMBER: 50.

SUPPLEMENTARY INFORMATION: Pursuant to section 4(b)(3)(B) of the Steel Trade Liberalization Program Implementation Act, Public Law No. 101–221, 103 Stat. 1886 (1989) ("the Act"), and § 357.104(b) of the Department of Commerce's Short-Supply Procedures, 19 CFR 357.104(b) ("Commerce's Short-Supply Procedures"), the Secretary hereby announces that a short-supply request is under review with respect to certain aluminum-killed (AK) cold-rolled steel sheet used in the manufacture of aperture or shadow masks, a fundamental component of color television picture and data display tubes. On May 14, 1991, the Secretary received an adequate petition from Buckbee Mears Cortland, Inc. ("BMC") requesting a short-supply allowance for a total of 1,100 metric tons of certain AK cold-rolled steel sheet for the remainder of 1991 under Article 8 of the Arrangement Between the European Coal and Steel Community and the European Economic Community, and the Government of the United States of America Concerning Trade in Certain Steel Products. BMC states that the requested product is not produced domestically and that its potential foreign supplier only can supply this product during this time period with short-supply export licenses.

The requested product meets the following specifications:

Chemistry (in maximum values): Carbon (0.004 percent, aim 0.002 percent); Silicon (0.040 percent); Sulphur (0.030 percent); Aluminum (0.070 percent); Nitrogen (0.008 percent); Manganese (0.450 percent); Copper (0.080 percent); and Phosphorus (0.035 percent);

Width range (and tolerance): 15 in. to 30 in. (+/− 0.04 in.);

Thickness range (and tolerance): 0.001 in. to 0.0102 in. (+0.00028 in., −0.00020 in.);

Coil weight: 1.5 to 3.0 metric tons, with up to 20 percent in 0.5 to 1.5 metric ton weight.

Section 4(b)(4)(B)(i) of the Act and § 357.106(b)(1) of Commerce's Short-Supply Regulations require the Secretary to make a determination with respect to a short-supply petition not later than the 15th day after the petition is filled if the Secretary finds that one of the following conditions exist: (1) The raw steelmaking capacity in the United States equals or exceeds 90 percent; (2) the importation of additional quantities of the requested steel product was authorized by the Secretary during each of the two immediately preceding years; or (3) the requested steel product is not produced in the United States. The Secretary, on the basis of available information, finds that this product is not produced in the United States at this time. Therefore, in accordance with section 4(b)(4)(B)(i)(III) of the Act and § 357.106(b)(1)(iii) of Commerce's Short-Supply Regulations, the Secretary will apply a rebuttable presumption that this product is presently in short-supply. Unless domestic steel producers provide comments in response to this notice proving that they can and will produce the requested quantity of this product within the desired period of time, provided it represents a normal order-to-delivery period, the Secretary will issue a short-supply allowance not later than May 29, 1991.

COMMENTS: Interested parties wishing to comment on this review must send written comments not later than May 28, 1991 to the Secretary of Commerce, Attention: Import Administration, room 7866, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230. All documents submitted to the Secretary shall be accompanied by four copies. Interested parties shall certify that the factual information contained in any submission they make is accurate and complete to the best of their knowledge.

Any person who submits information in connection with a short-supply review may designate that information, or any part thereof, as proprietary, thereby requesting that the Secretary treat that information as proprietary. Information that the Secretary designates as proprietary will not be disclosed to any person (other than officers or employees of the United States Government who are directly concerned with the short-supply determination) without the consent of the submitter unless disclosure is ordered by a court of competent jurisdiction. Each submission of proprietary information shall be accompanied by a full public summary or approximately presentation of all proprietary information which will be placed in the public record. All comments concerning this review must reference the above noted short-supply review number.

FOR FURTHER INFORMATION CONTACT: Mark B. Brechtl or Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, Room 7866, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230, (202) 377–1386 or (202) 377–0159.

Dated: May 17, 1991.

Majorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91–12100 Filed 5–20–91; 8:45 am]
BILLING CODE 3510–DS–M

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in room 4204, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 90–205R. *Applicant:* National Institutes of Health, Gerontology Research Center, NIA, 4940 Eastern Avenue, room 3E16, Baltimore, MD 21224. *Instrument:* Spectro-fluorimeter, Model SF–17. *Manufacturer:* Applied Photophysics, Ltd., United Kingdom. *Intended Use:* Original notice of this resubmitted application was published in the **Federal Register** of December 11, 1990.

Docket Number: 91–056. *Applicant:* The Ohio State University, 116 West 19th Avenue, Columbus, OH 43210.

Instrument: Electron Microscope, Model JEM–2010. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* The instrument will be used for general morphological and structural studies of ceramics, and metals, including high temperature superconductors, high temperature metal alloys, evaporated metallic thin films, silicon bicrystals, soils and geological minerals, polymers and possibly some biological samples. *Application Received by Commissioner of Customs:* April 2, 1991.

Docket Number: 91–058. *Applicant:* National Institutes of Health, NICHD, 9000 Rockville Pike, 18T/101, Bethesda, MD 20892. *Instrument:* Electron Microscope, Model CM 10. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* The instrument will be used for the study of the biology of the cell, including protein sorting, membrane cycling and organelle biogenesis. Experiments will be conducted using a biochemical approach; a specific molecule can be followed from its synthesis to the arrival to its specific site in the cell. Parallel morphological studies using electron microscopic techniques will be carried out to confirm the biochemical studies. *Application Received by Commissioner of Customs:* April 8, 1991.

Docket Number: 91–059. *Applicant:* NOAA/PMEL/MSRD, 7600 Sandy Point Way, NE, Seattle, WA 98115. *Instrument:* Drifters Argos. *Manufacturer:* SIEMAC Ltd., Canada. *Intended Use:* The instrument will be used in a research program conducted to understand the processes which lead to variations in recruitment. The focus has been to elucidate physical and biological phenomena and to understand how complex interactions between these two affect rates of mortality. The buoys will be deployed in the water and allowed to drift with the currents while their locations are collected by the ARGOS Satellite System. *Application Received by Commissioner of Customs:* April 12, 1991.

Docket Number: 91–060. *Applicant:* Iowa State University of Science and Technology, Purchasing Department, Ames, IA 50011. *Instrument:* Electron Beam Accelerator, Type Circe II. *Manufacturer:* CGR, France. *Intended Use:* The instrument is part of an irradiation facility which will be used for demonstration and research activities primarily with meat. The research objectives will be to:

(1) Assess economic feasibility of meat irradiation and impact on livestock and meat industry using the on-site irradiator as a model,

(2) Evaluate the effects of irradiation on meat relating to nutritional quality, sensory quality, packaging material interactions and microbial safety and profile,

(3) Conduct educational programs and assess their impact on consumer knowledge and acceptance of irradiation of meat,

(4) Test marketability of irradiated meat, and

(5) Develop information for USDA regulation.

Application Received by Commissioner of Customs: April 15, 1991.

Docket Number: 91–061. *Applicant:* University of Minnesota, Department of Geology and Geophysics, 310 Pillsbury Drive, Minneapolis, MN 55455. *Instrument:* High-Pressure/High-Temperature Materials Testing Apparatus. *Manufacturer:* Anutech Pty., Ltd., Australia. *Intended Use:* The instrument will be used to study the mechanical properties of rocks and silicate minerals while investigating the strength of the minerals olivine and enstatite to temperatures of 1400°C, to hydrostatic pressures of 700 MPa, and to uniaxial loads of 100 kN. In addition, the instrument will be used for educational purposes in two courses: (i) Solid-Earth Geophysics III, Physical Properties of Rocks and Minerals and (ii) Geophysics for Geologists which focus on the physical properties of rocks and minerals. *Application Received by Commissioner of Customs:* April 15, 1991.

Docket Number: 91–062. *Applicant:* Ames Laboratory—U.S. Department of Energy, Iowa State University, 133 Spedding Hall, Ames, IA 50010–3020. *Instrument:* Nanosecond Laser Photolysis Spectrometer. *Manufacturer:* Applied Photophysics, United Kingdom. *Intended Use:* The instrument will be used for studies of various materials which are mostly transition metal complexes and organometallic compounds, including compounds of the elements Cr, Fe, V, Co, Rh, and Cu. The objectives of the research is to characterize the chemical reactivity of reactive molecules and excited states that are involved in reactions leading to synthetic fuels. In addition, the instrument will be used to train graduate students in research methodologies in chemistry. *Application Received by Commissioner of Customs:* April 16, 1991.

Docket Number: 91–063. *Applicant:* Georgia State University, 33 Gilmer Street, Atlanta, GA 30303. *Instrument:* Peltier Cooled CCD Camera. *Manufacturer:* Wright Instruments, Ltd., United Kingdom. *Intended Use:* The instrument will be the detector for a new spectroscopic facility which will be used to analyze the spectra of stars for several scientific purposes. The facility would be used to measure radial velocities near critical phases of those speckle binaries with periods of the order of one year or less, those with eccentric orbits, and those with faint secondary components. Another effort will be to determine whether the mass loss of Be stars into the surrounding disk is the result of both rapid rotation and the presence of nonradial pulsations. *Application Received by Commissioner of Customs:* April 18, 1991.

Docket Number: 91–064. *Applicant:* Bigelow Laboratory for Ocean Sciences, McKown Point, West Boothbay Harbor, ME 04575. *Instrument:* Electron Microscope with Imaging Spectrometer, Model EM902 PC/ST/G45. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* The instrument will be used for (1) cellular studies, immunogold labeling for localization studies and elemental analysis, (2) indentifying and verifying phytoplankton, (3) identifying organisms and particles sorted by the instruments in the Flow Cytometry/Cell Sorting Facility and for research by visiting scientists. *Application Received by Commissioner of Customs:* April 22, 1991.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 91–12035 Filed 5–20–91; 8:45 am]

BILLING CODE 3510–DS–M

University of North Carolina at Chapel Hill; Decision of Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4204, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 91–015. *Applicant:* The University of North Carolina at Chapel Hill, Chapel Hill, NC 27599. *Instrument:* Mass Spectrometer, Model VG Sector 54. *Manufacturer:* VG Instruments, United Kingdom. *Intended Use:* See notice at 56 FR 8185, February 27, 1991.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is

intended to be used, is being manufactured in the United States. *Reasons:* The foreign instrument provides: (1) A computer-controlled, 8-cup collector array, (2) an ion-counting Daly detector and (3) an abundance sensitivity of less than 0.3 ppm at RP=400 for uranium. This capability is pertinent to the applicant's intended purpose.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR. Doc. 91–12037 Filed 5–20–91; 8:45 am]

BILLING CODE 3510–DS–M

University of California, Davis; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4204, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 91–011. *Applicant:* University of California, Davis, Davis, CA 95616. *Instrument:* Beam Splitters for FTIR Spectrometer. *Manufacturer:* Bomen, Inc., Canada. *Intended Use:* See notice at 56 FR 8184, February 27, 1991.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* This is a compatible accessory for an instrument previously imported for the use of the applicant. The instrument and accessory were made by the same manufacturer.

We know of no domestic accessory which can be readily adapted to the instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 91–12036 Filed 5–20–91; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF DEFENSE

Department of The Navy

Navy Resale System Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory committee Act (5 U.S.C. app. 2), notice is given that the Navy Resale System Advisory Committee will meet May 17, 1991 in Jacksonville, Florida. Sessions of the meeting will commence at 7:45 a.m. and 8 a.m. The 8 a.m. to 4 p.m. session will be closed to the public because it is likely to relate solely to internal agency personnel rules and practices; may disclose trade secrets and commercial or financial information; and, may involve information which, if disclosed prematurely, would be likely to significantly frustrate implementation of a proposed agency action. The Secretary of the Navy has therefore determined that the 8 a.m. to 4 p.m. session of the meeting will be closed to the public because it will be concerned with matters listed in section 552b(c) (2), (4) and (9)(B) of Title 5, United States Code.

Operational necessity constitutes an exceptional circumstance not allowing notice to be published in the federal register at least 15 days before the date of this meeting.

For further information concerning this meeting contact: Commander W.T. Kaloupek, SC, USN, Naval Supply Systems Command, NAVSUP 09B, Room 606, Crystal Mall, Building No. 3, Arlington, VA 22202, Telephone Number: (703) 695–5457.

Dated: May 13, 1991.

Wayne T. Baucino,

LT, JAGC, USNR, Alternate Federal Register, Liaison Officer.

[FR Doc. 91–12101 Filed 5–17–91; 11:32 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF EDUCATION

National Advisory Council on Educational Research and Improvement; Meeting

AGENCY: National Advisory Council on Educational Research and Improvement, Education.

ACTION: Full Council Meeting of the National Advisory Council on Educational Research and Improvement.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Educational Research and Improvement. This notice also describes the functions of the Council. Notice of this meeting is required section 10 (a) (2) of the Federal Advisory Committee Act.

DATES: June 10 and 11, 1991.

ADDRESSES: The Council will meet on June 10 from 10 a.m. to 1 pm. in Conference Room 3000, 400 Maryland Avenue, SW. From 1:30 to 4 p.m. the Council will meet in the U.S. Department of Education Research Library, 80 F Street, NW., Washington, DC 20208. On June 11 the Council will meet in a conference room (location to be posted) in the Grand Hyatt Washington Hotel, 1000 H Street, NW., Washington, DC 20001 from 9 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Mary Grace Lucier, Executive Director, National Advisory Council on Educational Research and Improvement, 330 C Street, SW., Suite 4076, Washington, DC 20202–7579, (202) 732–4504.

SUPPLEMENTARY INFORMATION: Meetings of the Council are open to the public. The agenda for June 10 will include briefings on Department of Education policies and procedures and on the research implications of America 2000, the President's Education Strategy, as well as the efforts of the Office of Educational Research and Improvement to fulfill the nation's education goals. On June 11, the Council will consider issues of demographics and plan its agenda for the rest of Fiscal Year 91. Records are kept of all Council Proceedings and are available for pubic inspection at the Office of the National Advisory Council on Educational Research and Improvement, 330 C Street, SW., suite 4076, Washington, DC 20202–7579, from 9 a.m. to 5 p.m. Monday through Friday.

Dated: May 15, 1991.

Mary Grace Lucier,

Executive Director.

[FR Doc. 91–11957 Filed 5–20–91; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TQ91–7–63–001]

Carnegie Natural Gas Co.; Compliance Filing

May 14, 1991.

Take notice that on May 7, 1991, Carnegie Natural Gas Company ("Carnegie") tendered for filing the following revised tariff sheet to its FERC Gas Tariff, Second Revised Volume No. 1:

Sub Fifth/Twelfth Revised Tariff Sheet No. 9

The above tariff sheet is proposed to be effective April 1, 1991.

Carnegie states that it is refiling Fifth-Twelfth Revised Tariff Sheet No. 9, originally filed by Carnegie on March 28, 1991, to comply with the Commission's

order issued on April 26, 1991 in Docket No. TQ91–7–63–000. Carnegie states that, as directed by the Commission, the revised tariff sheet restates the amount originally shown in the cumulative adjustment column relating to the average cost of commodity purchased gas by enclosing that figure in parentheses to indicate a negative number. Carnegie states that this correction has no impact on the effective sales rates collected by Carnegie pursuant to this tariff sheet.

Carnegie states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before May 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–11931 Filed 5–20–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM91–4–23–000]

Eastern Shore Natural Gas Co.; Proposed Changes in FERC Gas Tariff

May 14, 1991.

Take notice that Eastern Shore Natural Gas Company (ESNG) on May 8, 1991, tendered for filing certain revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, with the proposed effective date of June 1, 1991.

Second Revised Sheet No. 6B

ESNG states that the purpose of the filing is to revise the billing amounts shown on First Revised Sheet No. 6B to comply with the provisions of ordering paragraph B of the Commission's August 26, 1988 order in ESNG's Docket No. RP88–226–000. ESNG states that the referenced order requires ESNG to file revised billing amounts to track any modifications to Transcontinental Gas Pipe Line Corporation's (Transco) take-or-pay charges ordered by the Commission.

ESNG states that the revised tariff sheets are being mailed to ESNG's jurisdictional sales customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 91–11932 Filed 5–20–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM91–7–26–001]

Natural Gas Pipeline Co. of America; Changes in FERC Gas Tariff

May 14, 1991.

Take notice that on May 9, 1991, Natural Gas Pipeline Company of America (Natural) tendered for filing Substitute Second Revised Sheet No. 182 and Substitute First Revised Sheet No. 184 to be a part of its FERC Gas Tariff, Third Revised Volume No. 1. The proposed effective date of the revised tariff sheet is June 1, 1991.

Natural states that the instant filing is intended to correct errors due to a flawed computer program in Natural's filing of May 1, 1991, in the above-docketed proceeding. Natural states that the filing reflects revised customer pamants for October 1990, as set forth on Worksheet D, pages 11 and 12. Natural further states that such adjustments result in corrected customer balances as of October 31, 1990 forward, including appropriate interest, and revised billing amounts.

Naturals seeks any waivers which may be necessary to permit the tendered tariff sheets to take effect on June 1, 1991.

Natural states that copies of the filing have been mailed to Natural's jurisdictional sales customers, interested state regulatory agencies, and all parties set out on the official service list in Docket Nos. RP89–131–000, et al., RP89–188–000, et al., and RP91–31–000, et al.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before May 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Docl 91–11933 Filed 5–20–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP–90–139–009]

Southern Natural Gas Co.; Proposed Changes to FERC Gas Tariff

May 14, 1991.

Take notice that on May 9, 1991, Southern Natural Gas Company (Southern) tendered for filing the following revised sheets to its FERC Gas Tariff, Sixth Revised Volume No. 1:

Twenty-ninth Revised Sheet No. 9
Twenty-ninth Revised Sheet No. 16
Twenty-ninth Revised Sheet No. 27

The above-referenced tariff sheets are proposed to be effective June 1, 1991 and are filed in compliance with the Federal Energy Regulatory Commission's April 4, 1991 Order approving a Stipulation and Agreement (Stipulation) in the above-referenced proceedings. These proposed tariff sheets make service under Southern's one-par G-rate schedules available to the following customers which supported the Stipulation (Supporting Customers): (1) Those Supporting Customers which have Service Agreements with Southern containing Maximum Delivery Obligations of up to 3,750,000 cubic feet per day; and (2) those Supporting Customers which purchase 100% of their natural gas requirements from Southern, and have Service Agreements with Southern which contain Maximum Delivery Obligations of more than 3,750,000 cubic feet per day but not more than 10,000,000 cubic feet per day. Consistent with the terms of the Stipulation, the aforesaid eligiblity thresholds will remain in effect on an interim basis pending resolution of the

issue of the G service eligiblity threshold in the above-referenced proceedings.

Southern states that copies of Southern's filing were served upon Southern's jurisdictional purchasers and interested state commissions and upon all parties listed service list compiled by the Secretary in the above-referenced proceedings.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before May 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–11934 Filed 5–20–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ91–3–17–001]

Texas Eastern Transmission Corporation; Proposed Changes to FERC Gas Tariff

May 14, 1991.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on May 9, 1991 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies of the following tariff sheets:

Sub Thirty-second Revised Sheet No. 50.1
Sub Thirty-third Revised Sheet No. 50.2
Sub Thirty-third Revised Sheet No. 50A.1
Sub 24th Revised Sheet No. 50B.1
Sub 24th Revised Sheet No. 50C.1
Sub 24th Revised Sheet No. 50D.1

The proposed effective date of these revised tariff sheets is May 1, 1991.

Texas Eastern states that the purpose of this filing is to reflect a reduced demand rate to be billed by pipeline supplier, United Gas Pipe Line Company, pursuant to a rate settlement effective April 1, 1991 in compliance with the Commission's order dated April 24, 1991 in Docket No. TQ91–3–17.

Texas Eastern states that the impact of the demand rate reduction is $0.191/dth. This instant filing will have no effect of Texas Eastern's commodity current adjustment.

Texas Eastern states that the above-referenced tariff sheets are being filed in accordance with § 154.308 (quarterly PGA filing) of the Commission's Regulations and pursuant to section 23 (Purchased Gas Cost Adjustment Clause) of Texas Eastern's FERC Gas Tariff, Fifth Revised Volume No. 1 to reflect changes in Texas Eastern's rates effective May 1, 1991.

Texas Eastern states that copies of its filing have been served on all Authorized Purchasers of Natural Gas from Texas Eastern and applicable state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before May 21, 1991. Protests will be considered by the Commisson in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Comission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–11935 Filed 5–20–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA91–1–18–001]

Texas Gas Transmission Corp.; Report of Refunds

May 14, 1991.

Take notice that on February 14, 1991, as amended March 8, 1991, and April 24, 1991, Texas Gas Transmission Corporation (Texas Gas) filed to report that it refunded $6,731,645.79 ($6,523,379.83 Principal and $208,265.97 Interest) to its jurisdictional customers. Such refunds represents the jurisdictional portion of a refund received from Texas Eastern Transmission Corporation on October 30, 1990.

Texas Gas states that a copy of the report has been served on all parties on the official service list in the captioned docket.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before May 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–11936 Filed 5–20–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–119–001]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

May 14, 1991.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on May 9, 1991 tendered for filing in compliance with the Commission's order issued April 10, 1991 in Docket Nos. RP91–119–000 and RP90–119–000 ("April 10 Order"), as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies of the tariff sheets listed on appendix A of the filing.

Texas Eastern states that the tariff sheets filed herewith as listed on appendix A reflect the directives contained in the Commission's April 10 Order.

The proposed effective date of these tariff sheets is April 16, 1991.

Texas Eastern states that copies of the filing were served on Texas Eastern's jurisdictional customers, interested state commissions and all parties in Docket No. RP91–119 and to all parties on the restricted service list in Docket Nos. RP89–67, *et al.*, (Phase I).

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before May 21, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this

filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–11937 Filed 5–20–91; 8:45 am]

BILLING CODE 6717–01–M

Office of Energy Research

High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: High Energy Physics Advisory Panel (HEPAP).

Date and Time: Tuesday, June 4, 1991, 8:30 a.m.–5 p.m., Wednesday, June 5, 1991, 8:30 a.m.–3 p.m.

Place: U.S. Department of Energy, 1000 Independence Avenue SW., room 1E245, Washington, DC 20585.

Note: To obtain badge at front desk it will be necessary to have a picture I.D. (For example, Driver's License, Passport or Company I.D.), however, due to increased security, all visitors will be escorted at all times.

Contact: Dr. Enloe T. Ritter, Executive Secretary, High Energy Physics Advisory Panel, U.S. Department of Energy, ER–221, GTN, Washington, DC 20585, Telephone: (301) 353–4829.

Purpose of Panel: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative Agenda:

Tuesday, June 4, 1991 and Wednesday, June 5, 1991

—Discussion of National Science Foundation Elementary Particle Physics Programs.
—Discussion of Department of Energy High Energy Physics Programs.
—Discussion of Department of Energy Superconducting Super Collider (SSC) Project Activities.
—Discussion of the Impact of FY 1992 Presidential Budget on High Energy Physics Accelerator Laboratories.
—Report on the Linear Collider at the Stanford Linear Accelerator Center.
—Reports on and Discussions of Topics of General Interest in High Energy Physics.
—Public Comment.

Public Participation: The meeting is open to the public. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to make oral statements pertaining to agenda items should contact the Executive Secretary at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on May 16, 1991.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 91–12022 Filed 5–20–91; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Proposed Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of proposed implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the proposed procedures for disbursement of $114,992.23, plus accrued interest, in alleged crude oil overcharge funds obtained from Stanco Petroleum, Inc., Case No. LEF–0031. The OHA has tentatively determined that the funds will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986).

DATE AND ADDRESS: Comments must be filed in duplicate within 30 days of publication of this notice in the **Federal Register**, and they should be addressed to the Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. All comments should display a prominent reference to case number LEF–0031.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Roger Klurfeld, Assistant Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–2094 (Mann); 586–2383 (Klurfeld).

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order sets forth the procedures that the DOE has tentatively formulated to distribute crude oil overcharge funds obtained from Stanco Petroleum, Inc. The funds are being held in an interest-bearing escrow account pending distribution by the DOE.

The OHA has tentatively determined to distribute these funds in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Cases, 51 FR 27899 (August 4, 1986) (MSRP). Under the MSRP, crude oil overcharge monies are divided among the states, the federal government, and injured purchases of crude oil and refined products. Refunds to the states would be distributed in proportion to each state's consumption of petroleum products during the period of crude oil price controls. Refunds to eligible purchasers would be based on the number of gallons of petroleum products which they purchased and the extent to which they can demonstrate injury.

Applications for Refund should not be filed at this time. Appropriate public notice will be provided prior to the acceptance of claims. Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to provide two copies of their submissions. Comments must be submitted within 30 days of publication of this notice in the **Federal Register** and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1 p.m. and 5 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in room 1E–234, 1000 Independence Avenue SW., Washington, DC 20585.

Dated: May 15, 1991.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Name of Firm: Stanco Petroleum, Inc.
Date of Filing: April 18, 1991.
Case Number: LEF–0031.
May 15, 1991.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) of the DOE may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. 10 CFR § 205.281. These procedures are used to refund monies to those injured by actual or alleged violations of the DOE price regulations.

On April 18, 1991, the ERA filed a Petition for the Implementation of Special Refund Procedures for the distribution of funds obtained from

Stanco Petroleum, Inc. (Stanco) as a result of the DOE's enforcement of the federal petroleum price and allocation regulations concerning the resale of crude oil for the period August 19, 1973 through January 27, 1981. Stanco remitted $114,992.23 to the DOE pursuant to a June 6, 1988 Final Consent Order between the firm and the DOE. This Proposed Decision and Order sets forth the OHA's plan to distribute these funds. Comments are solicited.

The general guidelines which the OHA may use to formulate and implement a plan to distribute refunds are set forth in 10 CFR part 205, subpart V. The subpart V process may be used in situations where the DOE cannot readily identify the persons who may have been injured as a result of actual or alleged violations of the regulations or ascertain the amount of the refund each person should receive. For a more detailed discussion of subpart V and the authority of the OHA to fashion procedures to distribute refunds, see Office of Enforcement, 9 DOE § 82,508 (1981) and Office of Enforcement, 8 DOE § 82,597 (1981). We have considered the ERA's request to implement subpart V procedures with respect to the monies received from Stanco, and have determined that such procedures are appropriate.

I. Background

On July 28, 1986, the DOE issued a Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986) (MSRP). The MSRP, issued as a result of a court approved Settlement Agreement in In Re: The Department of Energy Stripper Well Exemption Litigation, M.D.L. No. 378 (D. Kan. 1986), provides that crude oil overcharge funds will be divided among the states, the federal government, and injured purchasers of refined petroleum products. Under the MSRP, up to twenty percent of these crude oil overcharge funds will be reserved initially to satisfy valid claims by injured purchasers of petroleum products. Eighty percent of these funds, and any monies remaining after all valid claims are paid, are to be disbursed equally to the states and federal government for indirect restitution.

The OHA has been applying the MSRP in all subpart V proceedings involving alleged crude oil violations. See Order Implementing the MSRP, 51 FR 29689 (August 20, 1986). That Order provided a period of thirty days for the filing of any objections to the application of the MSRP, and solicited comments concerning the appropriate procedures to follow in processing refund applications in crude oil refund proceedings.

On April 10, 1987, the OHA issued a Notice analyzing the numerous comments which it received in response to the August 1986 Order. 52 FR 11737 (April 10, 1987) (the Notice). The Notice set forth generalized procedures and provided guidance to assist claimants who wish to file refund applications for crude oil monies under the subpart V regulations. All applicants for refunds would be required to document their purchase volumes of petroleum products during the period of Federal crude oil price controls and to prove that they were injured by the alleged overcharges. The Notice indicated that end-users of petroleum products whose businesses are unrelated to the petroleum industry would be presumed to have absorbed the crude oil overcharges, and need not submit any further proof of injury to receive a refund. Finally, the OHA stated that refunds would be calculated on the basis of a per-gallon refund amount derived by dividing crude oil violation amounts by the total consumption of petroleum products in the United States during the period of price controls. The numerator would consist of crude oil overcharge monies that were in the DOE's escrow account at the time of settlement, or were subsequently deposited in the escrow account, and a portion of the escrow funds in the M.D.L. 378 escrow at the time of the settlement.

The DOE has applied these procedures in numerous cases since the April 1987 Notice, see e.g., Shell Oil Co., 17 DOE § 85,204 (1988) (Shell Oil); Ernest A. Allerkamp, 17 DOE § 85,079 (1988) (Allerkamp), and the procedures have been approved by the United States District Court for the District of Kansas. Various States had filed a Motion with that court claiming that the OHA violated the Settlement Agreement by employing presumptions of injury for end-users and by improperly calculating the refund amount to be used in those proceedings. In denying the Motion, the court concluded that the Settlement Agreement "does not bar [the] OHA from permitting claimants to employ reasonable presumptions in affirmatively demonstrating injury entitling them to a refund." In Re: The Department of Energy Stripper Well Exemption Litigation, 671 F. Supp. 1318, 1323 (D. Kan. 1987). The court also ruled that, as specified in the April 1987 Notice, the OHA could calculate refunds based on a portion of the M.D.L. 378 overcharges. Id. at 1323–24. The States appealed the latter ruling, but the Temporary Emergency Court of Appeals affirmed the Kansas District Court's decision. In re: The Department of Energy Stripper Well Exemption Litigation, 857 F.2d 1481 (Temp. Emer. Ct. App. 1988).

II. The Proposed Refund Procedures

A. Refund Claims

We now propose to apply the procedures discussed in the April 1987 Notice to the crude oil subpart V proceeding that is the subject of the present determination. As noted above, $114,992.23 (plus interest) in crude oil funds is covered by this Proposed Decision. We have decided to reserve initially the full 20 percent of the alleged crude oil violation amount, or $22,993.45 (plus interest) for direct refunds to claimants, in order to ensure that sufficient funds will be available for refunds to injured parties. The amount of the reserve may be adjusted downward later if circumstances warrant such action.

The process which the OHA will use to evaluate claims based on alleged crude oil violations will be modeled after the process the OHA has used in subpart V proceedings to evaluate claims based upon alleged overcharges involving refined products. See Mountain Fuel Supply Co., 14 DOE ¶ 85,475 (1986). As in non-crude oil cases, applicants will be required to document their purchase volumes and to prove that they were injured as a result of the alleged violations. Following subpart V precedent, reasonable estimates of purchase volumes may be submitted. Greater Richmond Transit Co., 15 DOE ¶ 85,028 at 88,050 (1986). Generally, it is not necessary for applicants to identify their suppliers of petroleum products in order to receive a refund.

Applicants who were end-users or ultimate consumers of petroleum products, whose businesses were unrelated to the petroleum industry and who were not subject to the DOE price regulations, are presumed to have absorbed rather than passed on alleged crude oil overcharges. In order to receive a refund, end-users need not submit any further evidence of injury beyond proof of the volumes of product purchased during the period of crude oil price controls. A. Tarricone, Inc., 15 DOE ¶ 85,495 at 88,893–96 (1987). The end-user presumption of injury is, however, rebuttable. Berry Holding Co., 16 DOE ¶ 85,495, at 88,797 (1987). If an interested party submits evidence which is of sufficient weight to cast serious doubt on whether the specific end-user in question was injured, the applicant will be required to produce further

evidence of injury. See New York Petroleum, 18 DOE ¶ at 88,701–03.

Reseller and retailer claimants must submit detailed evidence of injury, and may not rely on the presumptions of injury utilized in refund cases involving refined petroleum products. Id. They may, however, use econometric evidence of the type employed in the Report by the Office of Hearings and Appeals to the United States District Court of the District of Columbia, In re: The Department of Energy Stripper Well Exemption Litigation, 6 Fed. Energy Guidelines ¶ 90,507 (June 19, 1985). See Petroleum Overcharge Distribution and Restitution Act section 3003(b)(2), 15 U.S.C. 4502(b)(2). Applicants who executed and submitted a valid waiver pursuant to one of the escrows established in the Settlement Agreement have waived their rights to apply for crude oil refunds under subpart V. *See Mid-America Dairymen Inc.* v. *Herrington*, 878 F.2d 1448 (Temp. Emer. Ct. App. 1989); accord, Boise Cascade Corp., 18 DOE ¶ 85,970 (1989).

Refunds to eligible claimants who purchased refined petroleum products will be calculated on the basis of a volumetric refund amount derived by dividing the crude oil violation amount involved in this determination ($114,992.23) by the total consumption of petroleum products in the United States during the period of price controls (2,020,997,335,000 gallons). See Mountain Fuel, 14 DOE at 88,868. This approach reflects the fact that crude oil overcharges were spread equally throughout the country by the Entitlements Program. [1] This yields a volumetric refund amount of $.0000000569 per gallon.

As we stated in previous Decisions, a crude oil refund applicant will be required to submit only one application for crude oil overcharge funds. Allerkamp, 17 DOE at 88,176. Any party that has previously submitted a refund in the crude oil refund proceedings need not file another application. The deadline for filing an application for refund for crude oil implementation orders issued since January 18, 1991 is June 30, 1992. Quintana Energy Corporation, 21 DOE ¶ 85,032 (1991). It is the policy of the DOE to pay all crude oil refund claims filed before June 30, 1992, at the rate of $.0008 per gallon. However, while applicants that filed their claims by June 30, 1988 will receive a supplemental refund payment, we will decide in the future whether claimants that filed later Applications should receive additional payments.

B. Payments to the States and Federal Government

Under the terms of the MSRP, we propose that the remaining 80 percent of the alleged crude oil violation amounts subject to this Proposed Decision, or $91,993.78 (plus interest), be disbursed in equal shares to the states and federal government for indirect restitution. Refunds to the states will be in proportion to the consumption of petroleum products in each state during the period of price controls. The share or ratio of the funds which each state will receive is contained in exhibit H of the Stripper Well Exemption Litigation Settlement Agreement. These funds will be subject to the same limitations and reporting requirements as all other crude oil monies received by the states under the Settlement Agreement.

Before taking the actions we have proposed in this Decision, we intend to publicize our proposal and solicit comments on it. Comments regarding the tentative distribution process set forth in this Proposed Decision and Order should be filed with the OHA within 30 days of its publication in the Federal Register.

It Is Therefore Ordered That:

The refund amount remitted to the Department of Energy by Stanco Petroleum, Inc. pursuant to the Final Consent Order executed on June 6, 1988 will be distributed in accordance with the foregoing Decision.

[FR Doc. 91–12023 Filed 5–20–91; 8:45 am]

BILLING CODE 6450–01–M

[1] The DOE established the Entitlements Program to equalize access to the benefits of crude oil price controls among all domestic refiners and their downstream customers. To accomplish this goal, refiners were required to make transfer payments among themselves through the purchase and sale of "entitlements." This balancing mechanism has the effect of evenly disbursing overcharges resulting from crude oil miscertifications throughout the domestic refining industry. See Amber Refining Inc., 13 DOE ¶ 85,217 at 88,584 (1985).

FEDERAL COMMUNICATIONS COMMISSION

May 14, 1991.

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452–1422. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: 3060–0085.
Title: Employment Inquiry.
Form Number: FCC Form 65.
Action: Reinstatement of a previously approved collection for which approval has expired.
Respondents: Individuals or households.
Frequency of Response: On occasion reporting.
Estimated Annual Burden: 300 responses; .25 hours average burden response; 75 hours total annual burden.
Needs and Uses: The FCC Form 65 is used to obtain references from former supervisors, co-workers, and other personal references furnished by an applicant for employment. This is a long-term, standard practice for public and private employers. Reference contacts are made by personnel assistance and specialists. Contacts may be made by phone, with responses recorded on the form, or by mailing the form to the reference source (furnished by applicant), along with a return-addressed, franked envelope. The reference information is used by selecting officials to ensure that an applicant has an acceptable prior work history. Failure to collect such information would result in employment of a larger number of persons with performance and/or conduct problems.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91–12041 Filed 5–20–91; 8:45 am]

BILLING CODE 6712–01–M

Willis Broadcasting Corp. et al.; Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for renewal of license of Station WTJH(AM), East Point, Georgia, and for a New AM Station at East Point, Georgia:

Applicant, City and State	File No.	MM docket No.
A. Willis Broadcasting Corporation; East Point, Georgia.	BR–881130XS	91–125

Applicant, City and State	File No.	MM docket No.
B. Steven J. Newman; East Point, Georgia.	BP-890301AD	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each issue has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name above is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicant
1. Site Availability	B
2. Financial Qualifications	B
3. Comparative	A, B
4. Ultimate	A, B

3. If there is any non-standardized issue in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an appendix to this Notice. A copy of the complete Hearing Designation Order in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC 20554. The complete text may also be purchased from the Commission's duplicating contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036 (Telephone [202] 452-1422).

Stuart B. Bedell,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 91-11913 Filed 5-20-91; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Caribbean Shipowners Association; Agreement Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-010979-016.

Title: Caribbean Shipowners Association.

Parties: Tropical Shipping & Construction Co., Ltd., Sea-Land Services, Inc., Trailer Marine Transport Corporation, Puerto Rico Maritime Shipping Authority, Tecmarine Lines, Inc., Bernuth Line, Ltd., Interline Connection, Inc., Sea-Barge Group, Inc., West Indies Shipping Corporation (WISCO), Kirk Line, Inc., Seaboard Marine, Ltd.

Synopsis: The proposed amendment would add language to Article 5 to permit the Association members to discuss and agree on matters of commission, brokerage and freight forwarder compensation. Adherence to any agreement reached by the parties is strictly voluntary.

Dated: May 16, 1991.

By Order of the Federal Maritime Commission.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 91-11999 Filed 5-20-91; 8:45 am]

BILLING CODE 6730-01-M

Request for Additional Information

Agreement No.: 224-200491.

Title: Independent Marine Terminal Discussion Agreement.

Parties: Cooper/T. Smith Corporation, Continental Stevedoring & Terminals, Inc., Eller & Company, Inc., Harrington & Company, Inc., International Terminal Operating Co., Inc., Maher Terminals, Inc., Marine Terminals Corp., Metropolitan Stevedore Company, Ryan-Walsh, Inc., Stevedoring Services of America.

Synopsis: Notice is hereby given that the Federal Maritime Commission, pursuant to section 6(d) of the Shipping Act of 1984 [46 U.S.C. app. 1701-1720], has requested additional information from the parties to the Agreement in order to complete the statutory review of Agreement No. 224-200491 as required by the Act. This action extends the review period as provided in section 6(c) of the Act.

By Order of the Federal Maritime Commission.

Dated: May 15, 1991.

Joseph C. Polking,

Secretary.

[FR Doc. 91-11916 Filed 5-20-91; 8:45 am]

BILLING CODE 6730-01-M

Municipality of Anchorage (Port) Totem Ocean Trailer Express, Inc. (Totem) et al.;

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10220. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 560.602 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 224-200514.

Title: Municipality of Anchorage/ Totem Ocean Trailer Express, Inc. Terminal Lease Agreement.

Parties: Municipality of Anchorage (Port), Totem Ocean Trailer Express, Inc. (Totem).

Filing Party: Mr. H. Glenzer, Jr., Port Director, Port of Anchorage, 2000 Anchorage Port Road, Anchorage, Alaska 99501.

Synopsis: The Agreement provides for the Port to lease Totem the premises known as Transit Area D, approximately 329,250 square feet of property, for a period of five years. Totem will use the premises for the operation of a marshalling yard for marine cargo and employee parking. Rental shall be paid in advance on the first day of every month in twelve equal monthly installments of $15,639.37.

Agreement No.: 224-003130-006.

Title: Municipality of Anchorage/ Totem Ocean Trailer Express, Inc. Terminal Lease Agreement.

Parties: Municipality of Anchorage (Anchorage), Totem Ocean Trailer Express, Inc. (Totem).

Filing Party: Mr. H. Glenzer, Jr., Port Director, Port of Anchorage, 2000 Anchorage Port Road, Anchorage, Alaska 99501.

Synopsis: The Agreement, filed May 13, 1991, amends the parties' basic agreement to provide for: (1) Anchorage to grant Totem certain preferential berthing rights at Terminal No. 13, exclusive use of Transit Area C and 6.7 acres of paved staging area east of Terminal No. 3; (2) Totem to pay a sliding scale of wharfage rates based on volume of cargo; and (3) Totem to pay certain dockage rates based on the overall length of vessels berthing at Anchorage's terminal facility. The term of the Agreement will expire December 31, 1995.

Dated: May 15, 1991.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 91-11918 Filed 5-20-91; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Jerome S. Goodman, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 10, 1991.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. Jerome S. Goodman, Cherry Hill, New Jersey; to acquire an additional 4.95 percent of the voting shares of First Peoples Financial Corporation, Westmont, New Jersey, for a total of 12.59 percent, and thereby indirectly acquire First Peoples Bank of New Jersey, Westmont, New Jersey.

2. John C. Tuten, Jr. and Margaret E. Tuten, Villanova, Pennsylvania; to acquire an additional 5.53 percent of the voting shares of Guaranty Bancshares Corporation, Shamokin, Pennsylvania, for a total of 15 percent, and thereby indirectly acquire Guaranty Bank, N.A., Shamokin, Pennsylvania.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Allen Lamar Smith, Springhill, Louisiana; to acquire 22.06 percent of the voting shares of Citizens Bankshares of Springhill, Inc., Springhill, Louisiana, for a total of 32.76 percent, and thereby indirectly acquire Citizens Bank & Trust Company, Springhill, Louisiana.

Board of Governors of the Federal Reserve System, May 15, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-11953 Filed 5-20-91; 8:45 am]

BILLING CODE 6210-01-F

Interban Holding Company Limited, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 10, 1991.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta Georgia 30303:

1. Interban Holding Company Limited, Nassau, Bahamas, and Interbank Holding Corp., Miami, Florida; to become bank holding companies by acquiring an additional 47.2 percent of the voting shares of Grovegate Bank, Coconut Grove, Florida, for a total of 53.33 percent.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Cleveland State Bancorp, Inc., Cleveland, Mississippi; to become a bank holding company by acquiring 100 percent of the voting shares of Cleveland State Bank, Cleveland, Mississippi.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. First Nebraska Bancs, Inc., Sidney, Nebraska; to acquire an additional 0.78 percent of the voting shares of First National Financial Corporation, Estes Park, Colorado, for a total of 5.75 percent, and thereby indirectly acquire First National Bank of Estes Park, Estes Park, Colorado.

2. Lisco State Company, Lisco, Nebraska; to acquire an additional 11.59 percent of the voting shares of First National Financial Corporation, Estes Park, Colorado, for a total of 16.57 percent, and thereby indirectly acquire First National Bank of Estes Park, Estes Park, Colorado.

3. Rawlins National Bancorporation, Rawlins, Wyoming; to become a bank holding company by acquiring at least 90 percent of the voting shares of The Rawlins National Bank, Rawlins, Wyoming.

Board of Governors of the Federal Reserve System, May 15, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-11954 Filed 5-20-91; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Board of Scientific Counselors, Center for Infectious Diseases; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following committee meeting.

Name: Board of Scientific Counselors, Center for Infectious Diseases (CID).

Time and Date: 8:30 a.m.-5 p.m., June 10-11, 1991.

Place: Centers for Disease Control, Auditorium A, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available.

Purpose: The Board of Scientific Counselors, CID, will provide advice and guidance to the Director, Centers for Disease Control, and Director, CID, in the following areas: Program goals and objectives; strategies; program organization and resources for infectious diseases prevention and control; and program priorities.

Matters to be Discussed: The agenda will focus on the CID Strategic Plan and specific attention will be paid to implementation of the Plan. The discussion will include presentations by community, state, and Federal representatives. Agenda items are subject to change as priorities dictate.

Written comments are welcome and should be received by the contact person listed below prior to the opening of the meeting.

Contact Person for More Information: James M. Hughes, M.D., Executive Secretary, Board of Scientific Counselors, CID, Centers for Disease Control, Mailstop C-12, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone 404/639-3945 or FTS 236-3945.

Dated: May 15, 1991.

Elvin Hilyer,

Associated Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 91-11950 Filed 5-20-91; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 91N-0188]

Drug Export: "A" HIVAG-1 Monoclonal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Abbott Laboratories has filed an application requesting approval for the export of the biological product "A" HIVAG-1 Monoclonal to Australia, Austria, Belgium, Canada, Denmark, Federal Republic of Germany, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and The United Kingdom.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Carl J. Chancey, Center for Biologics Evaluation and Research (HFB-124), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8191.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99-660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provide that FDA may approve applications for the export of biological products that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Abbott Laboratories, Diagnostics Division, Abbott Park, IL 60064, has filed an application requesting approval for the export of the biological product "A" HIVAG-1 Monoclonal to Australia, Austria, Belgium, Canada, Denmark, Federal Republic of Germany, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and The United Kingdom. The "A" HIVAG-1, Monoclonal is an In Vitro Enzyme Immunoassay for the detection of Human Immunodeficiency Virus Type 1 (HIV-1) p24 antigen in human serum or plasma. It is intended to be used as an aid in the diagnosis and prognosis of patients with HIV-1 infection. The application was received and filed in the Center for Biologics Evaluation and Research on March 18, 1991, which shall be considered the filing date for purposes of the act..

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by May 31, 1991, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 (CFR 5.10) and redelegated to the Center for Biologics Evaluation and Research (21 CFR 5.44).

Dated: May 14, 1991.

Thomas S. Bozzo,

Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 91-12042 Filed 5-20-91; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

National Bone Marrow Donor Registry; Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92-463, Stat. 770-776) and section 222 of the Public Health Service Act, as amended (42 U.S. Code 217a), the Director, National Institutes of Health, announces the establishment by the Secretary, Department of Health and Human Services, of the National Bone Marrow Donor Registry Advisory Committee.

The National Bone Marrow Donor Registry Advisory Committee shall advise on the activities of the National Bone Marrow Donor Registry in carrying out its functions and complying with the criteria, standards, and procedures set forth in the Transplant Amendment Act of 1990. This program includes the establishment and management of a registry of volunteer marrow donors willing to donate to an unrelated individual; the selection and management of individuals actually donating marrow for the treatment of some disorders and research into the therapy of others; and the development of research resources, such as a cell repository of samples from each unrelated donor-recipient pair, and data concerning the outcomes of unrelated-donor marrow transplants.

Unless renewed by appropriate action prior to expiration, the National Bone Marrow Donor Registry Advisory Committee shall expire on June 30, 1992.

Dated: May 14, 1991.

Bernadine Healy,

Director, National Institutes of Health.

[FR Doc. 91-11944 Filed 5-20-91; 8:45 am]

BILLING CODE 4140-01-M

National Advisory Council for Human Genome Research; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council for Human Genome Research, National Center for Human Genome Research, June 7, 1991, at the Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland.

This meeting will be open to the public on June 7 from 8:30 a.m. to 9:30 a.m. to discuss administrative details or other issues relating to committee activities as indicated in the notice. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec 10(d) of Public Law 92–463, the meeting will be closed to the public on June 7 from 9:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Elke Jordan, Deputy Director, National Center for Human Genome Research, National Institutes of Health, Building 38A, room 605, Bethesda, Maryland 20892, (301) 496–0844, will furnish the meeting agenda, rosters of Committee members and consultants, and substantive program information upon request.

(Catalogue of Federal Domestic Assistance Program No. 93.172, Human Genome Research)

Dated: May 7, 1991.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 91–11943 Filed 5–20–91; 8:45 am]

BILLING CODE 4140–01–M

National Center for Nursing Research; National Advisory Council for Nursing Research and Planning Subcommittee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council for Nursing Research and Planning Subcommittee, National Center for Nursing Research, June 18–20, 1991, Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20892.

This meeting will be open to the public on June 18 from 8 a.m. to 10:30 a.m. for the Planning Subcommittee. The full Council will meet in open session on June 19 from 9 a.m. to 2:30 p.m. and from 9 a.m. to adjournment on June 20. Agenda items to be discussed will include the NCNR Director's Report, Biennial Reports of the Council and NIH Director, Review of the Nursing Systems Branch Portfolio of Awards, The Honolulu Nursing Care Giver Study, and a Review of Initiatives for Extramural Programs.

Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S. Code and section 10(d)) of Public Law 92–463, the meeting will be closed to the public on June 19 from 2:30 p.m. to approximately 4:30 p.m. and on June 20 from 8 a.m. to 9 a.m. for the review, discussion, and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarrranted invasion of personal privacy.

Ms. Vicki Thompson, Council Assistant, National Advisory Council for Nursing Research, National Institutes of Health, Building 31, room 5B23, Bethesda, Maryland 20892 (301) 496–0207, will provide a summary of the meeting, roster of committee members, and substantive program information upon request.

Dated: May 7, 1991.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 91–11939 Filed 5–20–91; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meeting

Notice is hereby given of the meeting of the National Asthma Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute on Friday, June 21, 1991, from 9 a.m. to 3 p.m., at the Holiday Inn Hotel, 8120 Wisconsin Avenue, Bethesda, Maryland, 20814, (301) 652–2000.

The entire meeting is open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National Asthma Education Program. Attendance by the public will be limited to space available.

For detailed program information, agenda, list of participants, and meeting summary, contact: Mr. Robinson Fulwood, Coordinator, National Asthma Education Program, Office of Prevention, Education and Control, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, room 4A18, Bethesda, Maryland 20892, (301) 496–1051.

Dated: May 14, 1991.

Bernadine Healy,

Director, NIH.

[FR Doc. 91–11942 Filed 5–20–91; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Health

National Institute of Child Health and Human Development; Meetings

Pursuant to Public Law 92–463, notice if hereby given to meetings of the review committees of the National Institute of Child Health and Human Development for June 1991.

These meetings will be open to the public to discuss items relative to committee activities including announcements by the Director, NICHD, and scientific review administrators, for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Mary Plummer, Committee Management Officer, NICHD, Executive Plaza North Building, room 520, National Institutes of Health, Bethesda, Maryland, Area Code (301) 496–1485, will provide a summary of the meeting and a roster of committee members.

Other information pertaining to the meetings may be obtained from the Scientific Review Administrator indicated:

Name of Committee:
Population Research Committee.
Scientific Review Administrator:
Dr. A.T. Gregorie, room 520, Executive Plaza North Building, Telephone: (301) 496–1485.
Date of Meeting:
June 17–18, 1991.
Place of Meeting:
Holiday, Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland.
Open:

June 17, 1991, 9 a.m.-10 a.m.
Closed:
June 17, 1991, 10 a.m.-5 p.m.
June 18, 1990, 8:30 a.m.-adjournment.
Name of Committee:
Maternal and Child Health Research Committee.
Scientific Review Administrator:
Dr. Gopal Bhatnagar, room 520, Executive Plaza North Building, Telephone: (301) 496–1485.
Date of Meeting:
June 25–26–1991.
Place of Meeting:
Hyatt Regency Bethesda, 1 Bethesda Metro Center, Bethesda, Maryland.
Open:
June 25, 1991, 9 a.m.-10 a.m.
Closed:
June 25, 1991, 10 a.m.-5 p.m.
June 26, 1991, 8:30 a.m.-adjournment.
Name of Committee:
Mental Retardation Research Committee.
Scientific Review Administrator:
Dr. Susan C. Streufert, room 520, Executive Plaza.
Date of Meeting:
June 26–27–28, 1991.
Place of Meeting:
Inn at the Colonnade, 4 West University Parkway, Baltimore, Maryland.
Open:
June 26, 1991, 7 p.m.-8 p.m.
Closed:
June 26, 1991, 8 p.m.-11 p.m.
June 27, 1991, 8 a.m.-5 p.m.
June 28, 1991, 8 a.m.-adjourment.

(Catalog of Federal Domestic Assistance, Program No. 13–864, Population Research, No. 13.865, Research for Mothers and Children, National Institute of Health)

Dated: May 7, 1991.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 91–11941 Filed 5–20–91; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Dental Research; Meeting of NIDR Special Grants Review Committee

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Special Grants Review Committee, National Institute of Dental Research, June 18–20, 1991, in Montgomery I Meeting Room, Marriott Residence Inn, 7335 Wisconsin Avenue, Bethesda, Maryland. The meeting will be open to the public from 8:30 to 9 a.m. on June 18 for general discussions. Attendance by the public is limited to space available.

In accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public on June 18 from 9 a.m. to recess, on June 19 from 8:30 a.m. to recess and on June 20 from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. William Gartland, Scientific Review Administrator, NIDR Special Grants Review Committee, NIH, Westwood Building, Room 519, Bethesda, MD 20892 (telephone 301/496–7658) will provide a summary of the meeting, roster of committee members and substantive program information upon request.

(Catalog of Federal Domestic Assistance Program Nos. 13.121-Diseases of the Teeth and Supporting Tissues: Caries and Restorative Materials; Peridontal and Soft Tissue Diseases; 13–122-Disorders of Structure, Function, and Behavior: Craniofacial Anomalies, Pain Control, and Behavioral Studies; 13–845-Dental Research Institute; National Institutes of Health)

Dated: May 7, 1991.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 91–11940 Filed 5–20–91; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service (PHS)

Request for Public Comment on Data Issues Related to Minority Health

AGENCY: Public Health Service (PHS) Task Force on Minority Health Data.

ACTION: Request for public comment on minority health data issues.

SUMMARY: To assist in improving minority health data activities within the PHS, the Assistant Secretary for Health has established an internal PHS Task Force to conduct a short term, forward looking, policy oriented review of minority health related data plans and activities. The Task Force is inviting public comment from data users and other interested parties concerning data policy needs, gaps, uses, and other data issues relating to minority health.

ADDRESSES: Comments must be submitted to the PHS Task Force on Minority Health Data, 200 Independence Avenue, SW., room 721B, Washington, DC 20201, 202–245–2100.

DEADLINE: Comments must be received on or before June 20, 1991 to be considered in the preparation of recommendations to the Assistant Secretary for Health. Comments will be considered as meeting the deadline if they are either: (1) Received at the above address on or before the deadline date, or (2) sent to the above address on or before the deadline and received before the first Task Force meeting scheduled after the due date. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be accepted as proof of timely mailing. Comments received after the deadline and too late for consideration by the Task Force will be forwarded to the appropriate program offices for consideration.

SUPPLEMENTARY INFORMATION:

Background

The 1985 Report of the Secretary's Task Force on Black and Minority Health identified significant disparities between minority and non-minority populations in health status and health care utilization. The Report further identified a lack of data to understand these disparities and to formulate policies and programs to address them. It concluded that timely and reliable data are needed to improve public health assessments and monitoring, to develop effective policies and programs, and to evaluate these programs.

Significant progress has been made in improving the statistical data needed to understand the health disparities among racial and ethnic populations. For example, most of the national PHS surveys use uniform race and ethnic categories for data collection and analysis. In addition, large scale surveys focusing on specific racial or ethnic populations have been conducted, e.g. the Hispanic Health and Nutrition Examination Survey and the Survey of American Indians and Alaska Natives. Also, cooperative efforts between the PHS and the States have resulted in the development and adoption, by many States, of a standard model for the collection of race and ethnic identifiers in vital statistics records (death, birth, marriage, and divorce certificates). These improvements are reflected in the Public Health Service publication, Health, U.S. 1990, an annual report on the health of the nation. Further improvements, however, are needed.

To assist in improving minority health data activities within the PHS, the Assistant Secretary for Health has established an internal PHS Task Force to conduct a comprehensive, data policy review of the data activities and plans of PHS agencies in the area of minority health. The Task Force includes representatives of all PHS agencies, and is co-chaired by the Office of Health Planning and Evaluation, the Office of Minority Health, and the National

Center for Health Statistics within the Centers for Disease Control.

The Task Force will review PHS data plans and activities in light of current and anticipated policy/programmatic goals, data needs, identified gaps, uses of data, and other issues. The Task Force review also will support elements of Objective 22.4 of Healthy People 2000: National Health Promotion and Disease Prevention Objectives, which underscores the need to identify significant gaps in the Nation's disease prevention and health promotion data, including data on racial and ethnic minorities, and to develop mechanisms to address those gaps. Other policy goals such as those identified in the Disadvantaged Minority Health Improvement Act (Pub. L. 101–527) will also be considered in the context of this review. The Task Force will make recommendations for addressing high priority data needs over the next several years, with attention to data collection, analysis, and dissemination activities.

Definitions

Minority Health Data—In accordance with the OMB Statistical Policy Directive Number 15, the review will focus on data related to the following racial/ethnic minority groups and subgroups thereof: American Indian or Alaska Native, Asian or Pacific Islander, Black, and Hispanic.

Data Issues

The Task Force is especially interested in comments concerning the most critical data gaps in minority health. These gaps should be discussed in the context of issues affecting minority health status and should illustrate the ways in which the needed data can be used to address these issues. In addition, the perspectives of those who use minority health data concerning both the strengths and limitations of current minority health statistical activities and related data activities are invited. Discussion of methodological considerations in the development of minority health data are also invited. Comments may relate to data collection, analysis, or dissemination activities.

Comments will be considered in the context of the Task Force's deliberations and used to help formulate recommendations to the Assistant Secretary for Health. Because of the anticipated volume of response, the PHS Task Force on Minority Health Data cannot acknowledge or respond to individual comments submitted.

Dated: May 13, 1991.

James O. Mason,

Assistant Secretary for Health.

[FR Doc. 91–11977 Filed 5–20–91; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–920–01–4120–14; COC 51551]

Coal Lease Re-Offering By Sealed Bid; COC 51551

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of competitive coal lease sale.

SUMMARY: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that certain coal resources in the lands hereinafter described in Rio Blanco County, Colorado, will be re-offered for competitive lease by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.). On April 15, 1991, these resources were offered for competitive lease by sealed bid to the highest qualified bidder provided that the high bid met the fair market value of the coal resources as determined by the authorized officer after the sale. Western Fuels-Utah, Inc., was the only bidder. The bid submitted was in the amount of $101 per acre for a total of $137,360. The bid did not meet the fair market value established for this tract. Therefore, the bid was rejected. This re-offering is made as a result of the re-filing of the application by Western Fuels-Utah, Inc.

DATES: The lease sale will be held at 10 a.m., Wednesday, June 26, 1991. Sealed bids must be submitted not later than 9 a.m., Wednesday, June 26, 1991.

ADDRESSES: The lease sale will be held in the Atrium Conference Room, Fourth Floor, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado. Sealed bids must be submitted to the Cashier, First Floor, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215.

FOR FURTHER INFORMATION CONTACT: Karen Purvis at (303) 239–3795.

SUPPLEMENTARY INFORMATION: The tract will be leased to the qualified bidder submitting the highest offer, provided that the high bid meets the fair market value determination of the coal resource. The minimum bid for this tract is $100 per acre or fraction thereof. No bid less than $100 per acre or fraction thereof will be considered. The minimum bid is not intended to represent fair market value.

Sealed bids received after the time specified above will not be considered.

In the event identical high sealed bids are received, the typing high bidders will be requested to submit follow-up sealed bids until a high bid is received. All tie-breaking sealed bids must be submitted within 15 minutes following the Sale Official's announcement at the sale that identical high bids have been received.

Fair market value will be determined by the authorized officer after the sale.

COAL OFFERED: The coal resource to be offered is limited to coal recoverable by underground mining methods in the following lands:

Sixth Principal Meridian

T. 3 N., R. 101 W.,
Sec. 25, S½;
Sec. 26, SE¼SE¼;
Sec. 34, S½NE¼ and N½SE¼;
Sec. 35, NE¼NE¼, S½N½, and N½S½;
Sec. 36, N½ and N½S½.

The land described contains 1360 acres.

Total recoverable reserves are estimated to be 8,724,000 tons. The underground mineable coal is ranked as high volatile C bituminous coal. The estimated coal quality for the B & D seams on an as-received basis is as follows:

	B Seam	D Seam
Btu	9,500 Btu/lb	10,200 Btu/lb.
Moisture	12.15%	11.27%.
Sulfur Content	0.39%	0.44%.
Ash Content	15.51%	12.19%.
Fixed Carbon	41.42%	43.99%.
Volatile Matter	30.84%	32.36%.

Rental and Royalty: The lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre or fraction thereof and royalty payable to the United States of 8 percent of the value of coal mined by underground methods. The value of the coal will be determined in accordance with 30 CFR 206.

Notice of Availability: Bidding instructions for the offered tract are included in the Detailed Statement of Coal Lease Sale. Copies of the satement and the proposed coal lease are available upon request in person or by mail from the Colorado State Office at the address given above. The case file is available for inspection in the Public Room, Colorado State Office, during normal business hours at the address given above.

Dated: May 15, 1991.

Richard D. Tate,

Chief, Mining Law and Solid Minerals Adjudication Section.

[FR Doc. 91-11951 Filed 5-20-91; 8:45 am]

BILLING CODE 4310-JB-M

[CA-940-01-4214-10; CACA 17429]

Proposed Withdrawal and Opportunity for Public Meeting; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes to withdraw 3,682.72 acres of public land in Imperial County, to protect valuable sand and gravel resources and mineral material sites. This notice closes the lands for up to two years from surface entry and mining. The lands will remain open to mineral leasing.

EFFECTIVE DATE: May 21, 1991.

DATES: Comments and requests for a public meeting must be received by August 18, 1991.

ADDRESSES: Comments and meeting requests should be sent to the California State Director, BLM, 2800 Cottage Way, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Judy Bowers, BLM California Office, 2800 Cottage Way, Sacramento, California 95825, (916) 978-4820.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management has filed an application to withdraw the following described public land from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights:

San Bernardino Meridian

T. 16 S., R. 9 E.,
Sec. 14, NW¼;
Sec. 15, NE¼.
T. 13 S., R. 18 E.,
Sec. 12, all;
Sec. 13, SE¼;
Sec. 14, N½, SW¼;
Sec. 22, all;
Sec. 23, SE¼;
Sec. 24, all.
T. 13 S., R. 19 E.,
Secs. 18, 19, lots 1 through 4, E½W½.

The areas described contain 3,682.72 acres in Imperial County.

The purpose of the withdrawal is to protect valuable sand and gravel deposits and mineral material sites.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. Upon determination by the authorized office that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the schedule date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of two years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or cancelled or the withdrawal is approved prior to that date. The temporary uses which may be permitted during this segregative period are licenses, permits, cooperative agreements, or discretionary land-use authorizations of a temporary nature.

Nancy J. Alex,

Chief, Lands Section.

[FR Doc. 91-11915 Filed 5-20-91; 8:45 am]

BILLING CODE 4310-40-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitions or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than May 31, 1991.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, no later than May 31, 1991.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 6th day of May 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition no.	Articles produced
Allied Signal Bendix (UAW)	Green Island, NY	05/06/91	04/29/91	25,766	Brak Lining & Resins.
Atron/High Q (Wkrs) Harnesses	Clarkesville, MI	05/06/91	04/22/91	25,767	Auto Wire.
Autobond Corp. (Company)	Grand Rapids, MI	05/06/91	04/22/91	25,768	Dies.
Audodie Corp. (Company)	Grand Rapids, MI	05/06/91	04/22/91	25,769	Dies.
Barko Hydraulics Processing (Wkrs)	Superior, WI	05/06/91	04/19/91	25,770	Loading & Equip.
Bell Plastics, Inc. (Wkrs)	Royal Oak, MI	05/06/91	04/22/91	25,771	Radiator Bottles.
Cooper Dist. Equipment Div. (IBEW)	Earlysville, VA	05/06/91	04/17/91	25,772	Circuit Breakers.
Electro Design, Inc. (Wkrs)	Mancelona, MI	05/06/91	04/24/91	25,773	Wire Harnesses.
Evans (UFCW)	New York, NY	05/06/91	04/22/91	25,774	Fur Garments.
GTE Sylvania (Products Corp)	Houston, TX	05/06/91	04/23/91	25,775	Light Bulbs.

APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition no.	Articles produced
Hein-Werner Corp	Waukesha, WI	05/06/91	04/18/91	25,776	Lifting Equipment.
Hudson's Bay Co. (Wkrs)	Carlstadt, NJ	05/06/91	03/06/91	25,777	Auction House for Furs.
Kelsey Hayes Milford (Wkrs)	Milford, MI	05/06/91	04/25/91	25,778	Auto Parts.
Laribee Wire Mfg. Co., Inc. (Wkrs)	Camden, NY	05/06/91	04/24/91	25,779	Uninsulated Wire.
Laribee Wire Mfg. Co., Inc. (Wkrs)	Jordan, NY	05/06/91	04/24/91	25,780	Uninsulated Wire.
Masonite Corp. (Wkrs)	Watsontown, PA	05/06/91	04/25/91	25,781	Component Parts.
Maytown Shoe Mfg. (8th Ave) (Wkrs)	Altoona, PA	05/06/91	04/23/91	25,782	Men's Shoes.
Maytown Shoe Mfg. (Beale Ave) (Wkrs)	Altoona, PA	05/06/91	04/23/91	25,783	Men's Shoes.
Maytown Shoe Mfg. (Wkrs)	Maytown, PA	05/06/91	04/23/91	25,784	Men's Shoes.
NER Data Products, Inc. (Company)	Des Moines, IA	05/06/91	04/26/91	25,785	Impact Imaging & Ribbons.
NexTech (Wkrs)	Turtle Creek, PA	05/06/91	04/29/91	25,786	Light Gauge Galvanized Steel.
P.I.E. (Wkrs)	Portland, OR	05/06/91	04/24/91	25,787	Trucking Services.
Texas Apparel Co. (ACTWU)	Carrizon Springs, TX	05/06/91	04/24/91	25,788	Baby Sleepers.
VTC, Inc. Subsidiary of Data (Wkrs)	Bloomington, MN	05/06/91	04/25/91	25,789	Computer Chips.
WACO Lehich Portland Cement Co. (Wkrs)	Waco, TX	05/06/91	04/26/91	25,790	Cement.

[FR Doc. 91-12002 Filed 5-20-91; 8:45 am]
BILLING CODE 4510-30-M

Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of April 1991 and May 1991.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-25,320; Master, Inc of Hastings, Hastings, MN

TA-W-25,426; Magnesium Corp of America, Rowley Plant, Salt Lake City, UT

TA-W-25,446; Walker Manufacturing, Hebron, OH

TA-W-25,482; The Trane Co, Commercial Systems Group, Dunmore, PA

TA-W-25,345; Louis Sportswear, New Bedford, MA

TA-W-25,347; New Bedford Coat, New Bedford, MA

TA-W-25,348; New England Mackintosh Co., Inc., South Easton, MA

TA-W-25,380; Borge Textile Corp., Jefferson, WI

TA-W-25,489; Cooper Industries, Inc., Bussmann Div., Bristol, CT

TA-W-25,412; Bethlehem Steel Corp., Sparrows Point Plant, Baltimore, MD

TA-W-25,383; Durham Knitting Mills, Tellico Plains, TN

TA-W-25,493; Durham Knitting Mills, Soddy Daisy, TN

TA-W-25,531; Durham Knitting Mills, Layette, GA

TA-W-25,543; Durham Knitting Mills, Maynardville, TN

TA-W-25,706; Durham Knitting Mills, Rutledge, TN

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-25,528; Conquest Exploration Co., Houston, TX

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-25,711; Hurd Sales Co., Inc., Utica, NY

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-25,544; Explosives Technologies Int'l, Inc., Madisonville, KY

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-25,733; Furon, Ohio Div., Dover, OH

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-25,592; Georgia Kaolin Co., Atlanta, GA

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-25,549; Glasgow Manufacturing Co., Glasgow, KY

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-25,539; Sonnenschein Batteries, Inc., Cheshire, CT

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-25,521; Anchor Glass Container Corp., Royersford, PA

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-25,435; Rundel Products, Olympia, WA

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-25,488; Barry of San Angelo, San Angelo, TX

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-25,525; Barnes Pump, Inc., Mansfield, OH

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–25,435; Harnischfeger Corp., Oak Creek, WI

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–25,650; Hatch Associates Consultants, Inc., Buffalo, NY

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–25,494; EPI International, Port Newark, NJ

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–25,398; Robertshaw Controls, Youngwood, PA

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–25,399; Robertshaw Controls, Laredo, TX

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–25,400; Robertshaw Controls, Grove City, OH

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

Affirmative Determinations

TA–W–25,462; Hart & Cooley, Inc., Holland, MI

A certificaiton was issued covering all workers separated on or after February 11, 1990 and before April 15, 1991.

TA–W–25,596; ITT Automotive SWF Auto Electric Div., Selmer, TN

A certification was issued covering all workers separated on or after March 25, 1990.

TA–W–25,480; Sherman Lumber Co., Sherman Station, ME

A certification was issued covering all workers separated on or after February 11, 1990.

TA–W–25,430; Milton Shoe Manufacturing, Milton, PA

A certification was issued covering all workers separated on or after February 4, 1990.

TA–W–25,513 Rowe International Wire Harness Dept., Whippany, NJ

A certification was issued covering all workers separated on or after February 19, 1990.

TA–W–25,523; ASARCO—Coeur Unit, Wallace, ID

A certification was issued covering all workers separated on or after February 27, 1990.

TA–W–25,507; Lucky Lynn Manufacturing, Salley, SC

A certification was issued covering all workers separated on or after February 1, 1990.

TA–W–25,524; Aspen Imaging International, Inc., Lafayette, CO

A certification was issued covering all workers separated on or after February 26, 1990.

TA–W–25,536; L.P. II, Inc., Forks, WA

A certification was issued covering all workers separated on or after February 23, 1990.

TA–W–25,722; Shelby Group International, Inc., Houlka, MS

A certification was issued covering all workers separated on or after April 9, 1990.

TA–W–25,585; Aircraft Electric Specialties, Inc., (Aes Interconnects), Kirkland, IN

A certification was issued covering all workers separated on or after March 9, 1990.

TA–W–25,522; Applied Vision Systems, Inc., Minneapolis, MN

A certification was issued covering all workers separated on or after February 23, 1990.

TA–W–25,647; Florsheim Shoe Co., Cape Girardeau, MO

A certification was issued covering all workers separated on or after March 27, 1990.

TA–W–25,455; Chase Gardens, Inc., Eugene, OR

A certification was issued covering all workers separated on or after February 1, 1990.

TA–W–25,487; AT&T Communication Products, Sourcing & Manufacturing, Shreveport, LA

A certification was issued covering all workers separated on or after December 30, 1990.

TA–W–25,475; Par Microsystems Corp., New Hartford, NY

A certification was issued covering all workers separated on or after January 13, 1990.

TA–W–25,427; Mainline Fashions, New York, NY

A certification was issued covering all workers separated on or after January 31, 1990.

TA–W–25,474; Obion Denton, Fulton, MS

A certification was issued covering all workers separated on or after February 12, 1990.

TA–W–25,389; Keystone Thermistor Corp., Mt. Jewett, PA

A certification was issued covering all workers separated on or after January 30, 1990.

TA–W–25,491; Crane Creek Cedar Corp., Amanda Park, WA

A certification was issued covering all workers separated on or after September 1, 1990 and before March 1, 1991.

TA–W–25,517; Western Atlas International, Atlas Wireline Service, St. Albans, WV

A certification was issued covering all workers separated on or after February 18, 1990.

TA–W–25,503; Ladd Petroleum Corp., Headquartered in Denver, CO

A certification was issued covering all workers separated on or after March 17, 1990.

TA–W–25,502; Ladd Petroleum Corp., Gulf Coast Region Headquartered in Houston, TX & Operating out of the Following States: TA–W–25,502A; AL, B; LA, C; MS

A certification was issued covering all workers separated on or after March 17, 1990.

TA–W–25,504 Ladd Petroleum Corp., Mid-Continent/East Region, Headquartered in Tulsa, OK & Operating out of the Following States: TA–W–25,504A; AR, B; OK (Except Tulsa) C; TX (Except Houston/Ozona/Midland)

A certification was issued covering all workers separated on or after March 17, 1990.

TA–W–25,505; Ladd Petroleum Corp., Mid-Continent/West Region, Headquartered in Denver, CO & Operating out of the Following States: TA–W–25,505A; MT, B; NM, C; ND, D; TX (Except Houston/Perryton)

A certification was issued covering all workers separated on or after March 17, 1990.

TA–W–25,506 & TA–W–25,506A; Ladd Petroleum Corp., Natural Gas Dept., Headquartered in Denver, CO &

Operating out of Various Plants in The State of Texas

A certification was issued covering all workers separated on or after February 25, 1990.

I hereby certify that the aforementioned determinations were issued during the month of April and May, 1991. Copies of these determinations are available for inspection in room C-4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the above address.

Dated: May 13, 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-12003 Filed 5-20-91; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of April 1991.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-25, 280; Walbro Automotive, Meriden, CT

TA-W-25, 387; Hargro Industrial Packaging, Cedar Grove, NJ

TA-W-25, 349; Shelby Standard, Inc., Shelby, OH

TA-W-25, 309; Bojud Knitting Mills, Inc., Amsterdam, NY

TA-W-25, 363; Gloray Knitting Mills, Inc., Robesonia, PA

TA-W-25, 425; J Wood Division WCI, Milroy, PA

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-25, 080; Standard Motor Products, Inc., Long Island City, NY

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-25, 397; Plumley Rubber Co., Belzone, MS

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-25, 393; Munsingwear, Inc., Homing, OK

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-25, 364; Gloray Knitting Mills, Inc., Retail Outlet, Robesonia, PA

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-25, 407 and TA-W-25, 408; Westbrook Wood Products, Inc., Norway, OR and Coquille, OR

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-25, 416; Data General Corp, Education & Conference Center Woodstock, CT

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-25, 392; Mid-Atlantic Container, Linden, NJ

U.S. imports of steel drums are negligible during the period under investigation.

TA-W-25, 384; Eastern Airlines, Inc., Sea-Tac International Airport Seattle, WA

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-25, 424; Hermance Machine Co., Willamsport, PA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-25, 382; Custom Glass Industries, Vancouver, WA

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-25, 376; Zwicker Knitting Mills, Appleton, WI

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-25, 371; Sam Galloway Ford, Inc., Ft. Myers, FL

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-25, 375; Sun Plywood, Inc., North Bend, OR

U.S. imports of softwood plywood and veneer were negligible during the period under investigation.

TA-W-25, 360; Easco Aluminum Parlins, NJ

U.S. imports of aluminum declined absolutely and relative to domestic shipment in 1989 compared to 1988.

TA-W-25, 368; Lee C. Moore Corp., Neville Island, PA

U.S. imports of oil and gas field machinery were negligible in 1989 and 1990.

Affirmative Determinations

TA-W-25, 444; Universal/Univis, Inc., North Attleboro, MA

A certification was issued covering all workers separated on or after February 7, 1990.

TA-W-25, 361; Fasco D.C. Motors, Morristown, TN

A certification was issued covering all workers separated on or after January 4, 1990.

TA-W-25, 379; Airfoil Forging Textron, Euclid, OH

A certification was issued covering all workers separated on or after Janauary 28, 1990.

TA-W-25, 377; Academy Knitters (Academy), Williamstown, NJ

A certification was issued covering all workers separated on or after January 31, 1990.

TA-W-25, 378; Academy Knitters (Saybrook), Williamstown, NJ

A certification was issued covering all workers separated on or after January 31, 1990.

TA–W–25, 390; Lord Jeff Knitting Co., Inc., Norwood, NJ

A certification was issued covering all workers separated on or after January 31, 1990.

TA–W–25, 313; Denman Tire Corp, Warren, OH

A certification was issued covering all workers separated on or after January 7, 1990.

TA–W–25, 391; Marie Coat, Clifton, NJ

A certification was issued covering all workers separated on or after January 30, 1990.

TA–W–25, 337; Carter Footwear, Inc., Wilkes Barre, PA

A certification was issued covering all workers separated on or after July 27, 1990.

TA–W–25, 170; Laura Fashions, Inc., Avoca, PA

A certification was issued covering all workers separated on or after November 15, 1989.

TA–W–25, 417; Ditto Apparel of California, Westlaco, TX

A certification was issued covering all workers separated on or after February 1, 1990.

TA–W–25, 230; Tredegar Molded Products, Brooklyn Heights, OH

A certification was issued covering all workers separated on or after December 10, 1989 and before December 21, 1990.

TA–W–25, 295; New England Sportswear Co. Peabody, MA

A certification was issued covering all workers separated on or after January 4, 1990.

TA–W–25, 287; Head Sportwear, D & B Manufacturing Div., Columbia, MD

A certification was issued covering all workers separated on or after Jaunary 5, 1990.

TA–W–25, 396; Old Dominion Glove Co., Austinville, VA

A certification was issued covering all workers separated on or after January 30, 1990.

I hereby certify that the aforementioned determinations were issued during the month of April 1991. Copies of these determinations are available for inspection in Room C–4318, U.S Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the the above address.

Date: April 15, 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91–12004 Filed 5–16–91; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–25,207 Plant #2; TA–W–25,209 Plant #8]

Manville Sales Corp., Defiance, OH; Negative Determination Regarding Application for Reconsideration

By an application dated May 1, 1991, Local #51 of the Glass, Molders and Pottery Workers Union requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notices were signed on March 21, 1991 and published in the **Federal Register** on April 2, 1991 (56 FR 13500).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) if in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The workers produce uncured wool, insulated automotive components, and equipment and handling insulation. The union claims that imported autos compete with insulated auto component parts produced at both plants.

In order for a worker group to become certified eligible to apply for adjustment assistance it must meet all three of the Group Eligibility Requirements of the Trade Act—a significant decrease in employment, an absolute decrease in sales or production and an increase in imports "contributing importantly" to worker separations and declines in sales or production. Failure to meet any one of these criteria would prevent the certification of the petitioning worker group.

The Department's denial for workers at both plants was based on the fact that the increased import criterion of the Group Eligibility Requirements of the Trade Act was not met. U.S. imports of mineral wool were negligible during the period relevant to the petition.

Investigation files also show that the company does not import automotive fiberglass insulation products—auto headliners, topliners, hoodliners etc.; equipment and mechanical insulations and air filtration media. Further, production of equipment and mechanical insulations increased in quantity and value in the first nine months of 1990 compared to the same period in 1989.

The issue of components (automotive headliners, topliners, hoodliners, etc.) was addressed early in the administration of the worker adjustment assistance program. In *United Shoe Workers of America, AFL–CIO* v. *Bedell*, 506 F2d (D.C. Cir. 1974) the court held that imported finished women's shoes were not like or directly competitive with shoe components—shoe counters. Accordingly, increased imports of autos cannot be considered in determining import injury to workers producing automotive headliners, topliners and other insulated components for autos. Therefore, in determining import injury to workers at plants #2 and #8, the Department must consider imports of hoodliners for plant #2 and automotive headliners, topliners, etc. for plant #8.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 10th day of May, 1991.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, Unemployment Insurance Service.

[FR Doc. 91–12005 Filed 5–20–91; 8:45 am]

BILLING CODE 4510–30–M

Mine Safety and Health Administration

Metric Transition Plan

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of plan to convert to the International System of Units.

SUMMARY: The Mine Safety and Health Administration (MSHA) has established a metric transition plan that describes the Agency's program to comply with the Omnibus Trade and Competitiveness Act of 1988. The plan discusses MSHA's overall approach for converting to the use of the International System of Units (SI), commonly referred to as the metric system. The Agency plans to provide guidance to the mining industry to facilitate conversion rather than requiring metric conversion through rulemaking.

FOR FURTHER INFORMATION CONTACT: Madison McCulloch, Director, Office of Technical Support, MSHA, 4015 Wilson Boulevard, room 927, Arlington, Virginia 22203, (703) 235–1580.

SUPPLEMENTARY INFORMATION: All other industrialized and developed nations,

including those that once used the inch-pound system, have adopted metric as their official measurement system. Interdependency in technology, manufacturing, and trade among all nations is increasing. Unless a conversion to the metric system is begun, the United States (U.S.) will face a growing handicap in this interdependency as 12 European countries merge into one market by 1992 and the U.S.-Canada free trade agreement takes effect.

Section 5164 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100–418) designates the metric system of measurement as the preferred system of weights and measures for U.S. trade and commerce. It charges each Federal agency with the responsibility of providing leadership and guidance to encourage conversion to metric measurement units. Federal agencies must use metric units in their grants, procurements, and other business-related activities by the end of 1992, unless such use is impractical or is likely to cause significant inefficiencies or loss of markets to U.S. firms.

MSHA is committed to using metric units as the perferred system of weights and measures in all its activities. MSHA's transition plan emphasizes the Agency's role in providing leadership and guidance, as well as working closely with industry, to achieve conversion to the metric system. To encourage the use of the metric system, MSHA will begin establishing standards using metric units, whenever possible. Some requirements will retain use of the inch-pound units, thus permitting compliance in either the metric or inch-pound system.

Dated: May 14, 1991.

William J. Tattersall,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 91–11925 Filed 5–20–91; 8:45 am]

BILLING CODE 4510–43–M

Occupational Safety and Health Administration

Washington State Standards; Approval

1. Background

Part 1953 of title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR part 1902. On January 26, 1973, notice was published in the **Federal Register** (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of State standards that are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20 provides that where any alteration in the Federal program could have an adverse impact on the at least as effective as status of the State program, a program change supplement to a State plan shall be required.

By letter dated August 17, 1990, from Joseph A. Dear, Director, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State, on its own initiative, submitted amendments to WAC 296–24–21707, Tire Servicing Equipment, WAC 296–24–68203, Cylinders and Containers; and WAC 296–24–78009, Care and Use of Ladders, comparable, respectively, to 29 CFR 1910.177(d), 1910.252(a)(2), and 1910.25(d). These standards were originally approved in the **Federal Register** (38 FR 2421) on January 26, 1973, and (41 FR 5461) February 6, 1976. The State standard amendments were adopted by the State on May 11, 1988, with an effective date of June 10, 1988, pursuant to RCW 34.04.040(2), 49.17.040, 49.17.050, Public Meetings Act RCW 42.30, Administrative Procedures Act RCW 34.04, and the State Register Act RCW 34.08, as ordered and transmitted under Washington Administrative Order No. 88–04. These State-initiated housekeeping amendments renumber sections in the State standards, spell out numbers, and make corrections.

In response to Federal standards changes, the State has submitted by letter dated January 13, 1989, from Joseph A. Dear, Director, to James W. Lake, Regional Administrator, and incorporated as part of the plan, State standard amendments indentical to the Federal standard amendments to 29 CFR 1926.351(d)(5) and 29 CFR 1926.803(j)(3), Arc Welding and Cutting, and Compressed Air, as published in the **Federal Register** (51 FR 25318) on July 11, 1986. The State standard amendments are contained at WAC 296–155–405(4)(e) and WAC 296–155–745(10)(c). The State standard amendments were adopted on November 14, 1988, and effective December 14, 1988, pursuant to RCW 34.04.040(2), 49.17.040, 49.17.050, Public Meetings Act RCW 42.30, Administrative Procedures Act RCW 34.04, and the State Register Act RCW 34.08 as ordered and transmitted under Washington Administrative Order No. 88–25. The original State standard for construction was approved on February 9, 1982 (47 FR 5956).

In response to Federal standards revocations, the State has submitted by letter dated June 24, 1987, from Richard A. Davis, Director, to James W. Lake, Regional Adminstrator, and incorporated as part of the plan, a State standard revocation identical to the Federal standard revocation of 29 CFR 1910.144(b), Color Specifications, published in the **Federal Register** (43 FR 49737), on October 24, 1978. The original State standard received approval on January 30, 1976 (41 FR 4689). The State standard revocation was adopted on July 13, 1983, and became effective on September 12, 1983, under Washington Administrative Order 83–19. The administrative order was adopted pursuant to RCW 34.04.040(2), 49.17.040, 49.17.050, Public Meetings Act RCW 42.30, Administrative Procedures Act RCW 34.04, and the State Register Act RCW 34.08.

On its own initiative, the State of Washington has submitted by letter dated September 4, 1990, from Joseph A. Dear, Director, to James W. Lake, Regional Administrator, and incorporated as part of the plan, minor corrections and changes to six paragraphs (a) WAC 296–36–145(1) and (2), (b) WAC 296–36–170, (c) WAC 296–36–175, (d) WAC 296–36–180, and (e) WAC 296–36–210(6) in Compressed Air Work, comparable to 29 CFR 1926.803, to update the references to other State standards, and, for WAC 296–36–180 only, to add a section on signals and means of communication that was inadvertently lost in the September 30, 1976 repeal of chapter 70, Tunnels, Shafts, and Subways. (Chapter 70 was part of Washington's original OSHA-approved set of standards.) These changes were made under Washington Administrative Order 90–10, adopted August 13, 1990, effective September 24, 1990, pursuant to RCW 34.04.040(20, 49.17.040, 49.17.050, Public Meetings Act RCW 42.30, Administrative Procedures Act RCW 34.04, and the State Register Act RCW 34.08.

(a) WAC 296–36–145(1) pertains to Ventilation, WAC 296–36–145(2) pertains to Protection Against Atmospheric Contaminants.

(b) WAC 296–36–170 pertains to Stairs and Ladders.

(c) WAC 296–36–175 pertains to Lighting and Power Equipment.

(d) WAC 296–36–180 pertains to Signals and Means of Communication.

(e) WAC 296–36–210(6) pertains to First Aid Rooms.

In response to Federal standards changes, the State has submitted by letter dated June 24, 1987, from Richard A. Davis, Director, to James W. Lake, Regional Administrator, and incorporated as part of the plan, a State standard comparable to the Federal standard at 29 CFR 1910.1003 through 1910.1016, Medical Record Surveillance for Carcinogens, which covers the following substances: 29 CFR 1910.1003, 4-Nitrobiphenyl; 29 CFR 1910.1004, alpha-Naphthylamine; 29 CFR 1910.1006, Methyl chloromethyl ether; 29 CFR 1910.1007, 3-3'-Dichlorobenzidine (and its salts); 29 CFR 1910.1008, bis-Chloromethyl ether; 29 CFR 1910.1009, beta-Naphthylamine; 29 CFR 1910.1010, Benzidene; 29 CFR 1910.1011, 4-Aminodiphenyl; 29 CFR 1910.1012, Ethyleneimine; 29 CFR 1910.1013, beta-Propiolactone, 29 CFR 1910.1014, 2-Acethylaminofluorene; 29 CFR 1910.1015, 4-Dimethylaminoazobenzene; and 29 CFR 1910.1016, N-Nitrosodimethylamine; published in the **Federal Register** (45 FR 102) on May 23, 1980. The original State standard, Carcinogens, received approval on August 17, 1976 (41 FR 160) and an amendment retaining 4.4 Methylene bis (2-chloroaniline) was approved on April 30, 1982 (47 FR 18604). This State standard amendment was adopted on July 13, 1983, and became effective on September 12, 1983, under Washington Administrative Order 83–19. The administrative order was adopted pursuant to RCW 34.04.040(2), 49.17.040, 49.17.050, Public Meetings Act RCW 42.30, Administrative Procedures Act RCW 34.04, and the State Register Act RCW 34.08. References are made to the State's Access to Records standard; and the standard format is different because the State standard for medical record surveillance for carcinogens is contained in one section, WAC 296–24–07314, rather than in 13 separate standards (29 CFR 1910.1003 through 1910.1004, and 1910.1006 through 1910.1016).

By letter dated February 23, 1988, from Joseph A. Dear, Director to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted amendments to WAC 296–24, Safety Standards for Electrical Work comparable to 29 CFR part 1910 subpart L, as published in the **Federal Register** (46 FR 4056) on January 16, 1981, and as corrected August 7, 1981 (46 FR 40183). Some State-initiated changes are also included. The standard was originally approved in the **Federal Register** (41 FR 11636) on March 19, 1976. The State standard amendments were adopted by the State on March 30, 1982, effective May 28, 1982, and on November 30, 1987, with an effective date of December 30, 1987, pursuant to RCW 34.04.040(2), 49.17.040, 49.17.050, Public Meetings Act RCW 42.30, Administrative Procedures Act RCW 34.04, and the State Register Act RCW 34.08, as ordered and transmitted under Washington Administrative Orders No. 82–10 and 87–24. The State-initiated amendments correct editorial errors and also strengthen requirements for industrial substations. As adopted March 30, 1982, the State requires substations of 750 volts or more to comply with its more stringent electrical construction code.

On its own initiative, the State has submitted by letters dated July 1, 1987, February 23, 1988, and April 24, 1990, from Joseph A. Dear to James W. Lake, Regional Administrator and incorporated as part of the plan, three amendments to its State-initiated Logging Code. The State's original Logging Code received **Federal Register** approval (47 FR 8433) on February 26, 1982. The first amendment was adopted on November 30, 1983, with an effective date of December 30, 1983, under Washington's Administrative Order 8–34. The amendment revised WAC 296–54–511(3) and (9) to incorporate the provisions of WAC 296–62–7115, Respiratory Protection, and WAC 296–62–09045, Hearing Protection. This is a minor housekeeping change which simply makes clear that Washington's general respiratory and hearing protection requirements, which apply to all industries, also apply to logging operations. The second amendment was adopted on November 30, 1987, with an effective date of December 30, 1987, under Washington's Administrative Order 87–24. The amendment revises WAC 296–54–505(28) to clarify the definition of "Danger Trees." The third amendment was adopted on April 10, 1990, with an effective date of May 25, 1990, under Washington's Administrative Order 90–01. The amendment deletes subsection(2) of WAC 296–54–569, braking requirements on logging trucks, which said that logging truck tractors having more than two axles need not have brakes on the steering axle wheels. The deletion was made because this subject is now regulated by another State agency, the Washington State Patrol. All administrative orders were adopted pursuant to RCW 34.04.040(2), 49.17.040, 49.17.050, Public Meetings Act RCW 42.30, Administrative Procedures Act RCW 34.04, and the State Register Act RCW 34.08.

2. Decision

Having reviewed the State submissions in comparison with the Federal standards, it has been determined that the State standard amendments for Tire Servicing Equipment; Arc Welding and Cutting and Compressed Air; and Color Specifications (revocation) are identical to the Federal standard amendments and that the State's Electrical standard amendments are at least as effective as the Federal, as required by section 18(c)(2) of the Act. OSHA has also determined that with the exception of the more stringent requirement for industrial substations, the differences between the State and Federal electrical amendments are minimal and that the standards are thus substantially identical. The one more stringent provision has been in effect since May 28, 1982. During this time OSHA has received no indication of significant objection to the State's different provision either as to its effectiveness in comparison to the Federal standard or as to its conformance with the product clause requirements of section 18(c)(2) of the Act. Regarding the three Logging amendments, OSHA has determined that no directly comparable Federal standards exist but that the State's amendments are at least as effective as the general Federal standards provisions that would apply, as required by section 18(c)(2) of the Act. OSHA has also determined that the changes made to the previously-approved State logging code are minor. OSHA has also determined that the differences between the State and Federal standard amendments for Cylinders and Containers; Care and Use of Ladders; Compressed Air Work; and, Medical Record Surveillance for Carcinogens are minimal and that the standards are thus substantially identical. OSHA therefore approves these standards; however, the right to reconsider this approval for the State standard amendments for Logging, Electrical, Cylinders and Containers, Care and Use of Ladders, Compressed Air Work, and Medical Record Surveillance for Carcinogens is reserved should substantial objections be submitted to the Assistant Secretary.

3. Location of Supplement for Inspection and Copying

A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following

locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 1111 Third Avenue, suite 715, Seattle, Washington 98101–3212; Department of Labor and Industries, General Administration Building, Olympia, Washington 98504; and the Office of State Programs, Occupational Safety and Health Administration, room N–3476, 200 Constitution Avenue, NW., Washington, DC 20210.

4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Washington State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

1. The standards are as effective as the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standard amendments were adopted in accordance with the procedural requirements of State law which included opportunity for public comments and further public participation would be repetitious.

This decision is effective May 21, 1991.

Authority: Sec. 18, Pub. L. 91–596, 84 Stat. 6108 (29 U.S.C. 667).

Signed at Seattle, WA, this 13th day of December, 1990.

James W. Lake,

Regional Administrator.

[FR Doc. 91–12001 Filed 5–20–91; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Expansion Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Services to the Field Section) to the National Council on the Arts will be held on June 6 1991 from 9 a.m.–5:30 p.m. in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

Portions of this meeting will be open to the public from 9 a.m.–9:45 a.m. and 4:30 p.m.–5:30 p.m. The topics will be opening remarks, general program overview, and policy discussion.

The remaining portion of this meeting from 9:45 a.m.–4:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of March 5, 1991, as amended, this session will be closed to the public pursuant to subsection (c) (4), (6) and (9)(b) of section 552b of title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Martha Y. Jones, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: May 14, 1991.

Martha Y. Jones,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91–12015 Filed 5–20–91; 8:45 am]

BILLING CODE 7537–01–M

Expansion Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Rural Arts Initiative and Community Foundation Initiative Section) to the National Council on the Arts will be held on June 7, 1991 from 9 a.m.–5:30 p.m. in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

Portions of this meeting will be open to the public from 9 a.m.–9:30 a.m. and 5 p.m.–5:30 p.m. The topics will be opening remarks, general program overview, and policy discussion.

The remaining portion of this meeting from 9:30 a.m.–5 p.m. is for the purpose of Panal review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of March 5, 1991, as amended, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Martha Y. Jones, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: May 15, 1991.

Martha Y. Jones,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91–12016 Filed 5–20–91; 8:45 am]

BILLING CODE 7537–01–M

Public Partnership Office Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Office of Public Partnership Advisory Panel (States Program Overview and Challenge III Section) to the National Council on the Arts will be held on June 6, 1991, from 9 a.m.–4 p.m. in room M–14 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. The topics for discussion will be opening remarks, action on minutes, Challenge III application review, proposed changes in Challenge program, guidelines/review for Arts Projects in Underserved Communities, recommendation on NASAA cooperative agreement for Information Services, AIDS Working Group report, proposed application questions for regional organizations, proposed regional funding formula, and other business.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public. Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Martha Y. Jones, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: May 14, 1991.

Martha Y. Jones,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91–12017 Filed 5–20–91; 8:45 am]

BILLING CODE 7537–01–M

Theater Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Theater Advisory Panel (Artistic Advancement; Special Projects; US/Japan Fellowships Section) to the National Council on the Arts will be held on June 6, 1991 from 9:30 a.m.–6:30 p.m. in room M–07 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public from 9:30 a.m.–10 a.m. and 5:30 p.m.–6:30 p.m. The topics will be opening remarks, policy and FY 92 guidelines discussion.

The remaining portion of this meeting from 10 a.m.–5:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of March 5, 1991, as amended, this session will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Martha Y. Jones, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: May 15, 1991.

Martha Y. Jones,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91–12018 Filed 5–20–91; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Atmospheric Sciences Advisory Committee; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Committee for Atmospheric Sciences (ACAS).

Dates: June 3–4–5, 1991.

Time: 9 a.m.–5 p.m. each day.:

Place: Room 642, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed—June 3—9 a.m. to 5 p.m., Closed—June 4—9 a.m. to 12 noon, Open—June 4—1 p.m. to 5 p.m., Open—June 5—9 a.m. to 5 p.m.

Contact: Dr. Eugene W. Bierly, Division Director, Division of Atmospheric Sciencies, room 644, National Science Foundation, Washington, DC 20550, Telephone: (202) 357–9874.

Minutes: May be obtained from the Contact Person listed above.

Purpose: Discussion of Long-Range Planning.

Agenda: Oversight Reviews of Climate Dynamics, Magnetospheric Physics, and Mesoscale Dynamics Meteorology Program Closed, 6/3 (9 a.m.–5 p.m.); 6/4 (9 a.m.–12 noon). Remarks by the Assistant Director for Geosciences, 6/4 (1:15–1:45 p.m.). Remarks by the Director, NSF, 06/04 (3–3:30 p.m.). Long-range plan discussion, 6/5 (9 a.m.–12 noon). Presentation of Oversight Reviews, 6/5 (1–4 p.m.).

Reason for Closing: The Oversight Committee's review of proposal actions will include privileged intellectual property and personal information that could harm individuals if it were disclosed. If discussions were open to the public, these matters that are exempt under U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would improperly be disclosed.

Reason for Late Notice: Difficulty in arranging an acceptable meeting date for members.

Dated: May 16, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91–12019 Filed 5–20–91; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the Office of Management and Budget (OMB) review of information collection.

SUMMARY: The NRC has recently submitted to the OMB for review the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35)..

1. Type of submission, new, revision or extension: Revision.

2. The title of the information collection: Class Exemption for Reports Concerning Possible Non-Routine Generic Problems.

3. The form number if applicable: Not applicable.

4. How often the collection is required: On Occasion.

5. Who will be required or asked to report: Licensees and applicants for nuclear power plants.

6. An estimate of the number of responses: 119 (one request involving 119 respondents during the requested 3-year clearance period).

7. An estimate of the total number of hours needed to complete the requirement or request: 11,900 (100 per respondent).

8. An indication of whether section 3504(h), Public Law 96–511 applies: Not applicable.

9. Abstract: NRC is requesting approval authority to collect information concerning emergency non-routine generic problems which would require prompt action to preclude potential threats to public health and safety.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room 2120 L Street, NW., Lower Level, Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer: Ronald Minsk, Office of Information and Regulatory Affairs (3150–0012), NEOB–3019, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda J. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland this 13th day of May, 1991.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Designated Senior Official for Information Resources Management.

[FR Doc. 91–11980 Filed 5–20–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–261]

Carolina Power & Light Co.; Issuance of Environmental Assessment and Finding of No Significant Impact

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–23 issued to the Carolina Power & Light Company (the licensee) for the operation of the H.B. Robinson Steam Electric Plant, Unit No. 2 (HBR–2), located in Darlington County, Hartsville, South Carolina.

Environmental Assessment

Identification of Proposed Action

The amendment would consist of a change to the operating license to extend the expiration date to July 31, 2010. The application for a license amendment was submitted August 17, 1987, and was supplemented July 9, 1990. The Commission's staff has prepared an Environmental Assessment of the proposed action, dated

Summary of Environmental Assessment

The Commission's staff has reviewed the potential environmental impact of the proposed change in expiration date of the operating license for HBR–2. This evaluation considered the previous environmental studies, including, the "Final Environmental Statement Related to the Operation of H.B. Robinson Steam-Electric Plant Unit 2," NUREG–75/024, April 1975, and more recent NRC Policy.

Radiological Impacts

The staff concludes that the Exclusion Area (owned and controlled by the licensee), the Low Population Zone (area within 5 miles of the site), and the nearest population center distance will probably remain unchanged from those described in the May 1981 Final Environmental Statement (FES). Based on the 1980 census, indications are that the population density within the Low Population Zone (LPZ) surrounding the site has increased more slowly than projected in the original Final Safety Analysis Report (FSAR), which was based on the 1960 census. For example, for the year 2010, the projected population in the LPZ based on the 1980 census in 15,501. However, the projection based on the original 1960 census is 17,930.

The additional period of plant operation (approximately 39 months) would not significantly affect the probability or consequences of any reactor accident. Station radiological effluents to unrestricted areas during normal operation have been well within Commission regulations regarding as low as reasonably achievable (ALARA) limits and are indicative of future releases. The proposed additional years of reactor operation do not increase the annual public risk from reactor operation.

With regard to normal plant operations, the occupational exposure for HBR–2 have been less than predicted in the 1975 FES, but greater than the national average for pressurized water reactors. The licensee is striving for further dose reduction utilizing ALARA programs, dose-saving plant modifications, and use of robotics to reduce increased doses from probable increased maintenance and corrosion product build-up. Accordingly, annual radiological impacts on man, both offsite and onsite, are not more severe than those previously estimated in the FES, and the staff's previous cost-benefit conclusions remain valid.

The environmental impacts attributable to transportation of fuel and waste from HBR–2, with respect to normal conditions of transport and possible accidents in transport, would be bounded as set forth in Summary Table S–4 of 10 CFR 51.52. The values in Table S–4 would continue to represent the contribution to the environmental costs of transportation associated with plant operation.

Non-Radiological Impacts

The Commission has concluded that the proposed extensions will not cause a significant increase in the impacts to the environment and will not change any conclusions reached by the Commission in the FES.

Finding of Significant Impact

The Commission has reviewed the proposed changes to the expiration date of the Facility Operating License relative to the requirements set forth in 10 CFR Part 51. Based upon the environmental assessment, the staff concluded that there are no significant radiological or non-radiological impacts associated with the proposed action and that the proposed license amendment will not have a significant effect on the quality of the human environment. Therefore, the Commission has determined, pursuant to 10 CFR 51.31, not a prepare

an environmental impact statement for the proposed amendment.

For further details with respect to the action, see (1) the application for amendment dated August 17, 1987, as supplemented July 9, 1990, (2) the "Final Environmental Statement Related to Operation of H.B. Robinson Nuclear Steam-Electric Plant, Unit 2," issued in NUREG–75/024 April 1975, and (3) the Environmental Assessment dated May 14, 1991. These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Dated at Rockville, Maryland, this 14 day of May 1991.

For the Nuclear Regulatory Commission.

Anthony Mendiola,

Acting Director, Project Directorate II–1, Division of Reactor Projects—I/II.

[FR Doc. 91–11984 Filed 5–20–91; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 70–3070]

Notice of Receipt of Application for License Notice of Availability of Applicant's Environmental Report; Notice of Consideration of Issuance of License; and Notice of Hearing and Commission Order; Louisiana Energy Services, L.P.; Claiborne Enrichment Center

I. Receipt of Application and Availability of Documents

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC or the Commission) has received by letter, dated January 31, 1991, an application, safety analysis report, and environmental report from Louisiana Energy Services, L.P. (or LES), for a license to possess and use byproduct, source, and special nuclear material and to enrich natural uranium to a maximum of 5 percent U–235 by the gas centrifuge process. The plant, to be know as the Claiborne Enrichment Center (or CEC), would be constructed near Homer, Louisiana, in Claiborne Parish, Louisiana.

LES is a limited partnership whose general partners are Urenco Investments, Inc. (a subsidiary of Urenco, Ltd.), Claiborne Fuels, L.P. (a subsidiary of Fluor Daniel, Inc.), Claiborne Energy Services, Inc. (a subsidiary of Duke Power Company), and Graystone Corporation (a subsidiary of Northern States Power Company). In addition, there are seven limited partners. The Claiborne Enrichment Center would be similar in technical respects to the newest Urenco gas centrifuge uranium enrichment plant in Gronau, Federal Republic of Germany, and would be adapted to United States technology by Fluor Daniel, Inc.

Pursuant to the National Environmental Policy Act of 1969 (NEPA) and the regulations in 10 CFR part 51, the applicant has filed an environmental report. The report, which discusses environmental considerations related to the proposed construction and operation of the facility, is available at the Commission's Public Document Room in the Gelman Building, 2120 L Street, NW., Washington, DC and the Local Public Document Room in the Claiborne Parish Library, 901 Edgewood Drive, Homer, Louisiana 71040. NRC will complete an environmental evaluation in accordance with 10 CFR part 51, and prepare an environmental impact statement before the hearing on the issuance of a license is completed. This action will be the subject of a separate notice in the **Federal Register.**

Copies of the application and safety analysis report (except for portions thereof subject to withholding from public inspection in accordance with 10 CFR 2.790, Availability of Public Records) are also available for public inspection at the aforementioned locations. When available, the NRC staff evaluation of the application and its environmental evaluation (except for portions thereof subject to withholding from public inspection in accordance with 10 CFR 2.790, Availability of Public Records) will also be placed in the above identified Public Document Rooms. Copies of transcripts of prehearing conferences and hearings (except for portions thereof subject to withholding from public inspection in accordance with the 10 CFR 2.790, Availability of Public Records) will also be made available at these locations.

II. Notice of Hearing

1. Section 193 of the Atomic Energy Act of 1954, as amended (or the Act), as amended by the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990 (Pub. L. 101–575), requires a single adjudicatory hearing on the record for the licensing of uranium enrichment facilities. The Commission has determined that its regulations for the conduct of licensing hearings in 10 CFR part 2, subparts G and I, are adequate and appropriate for complying with the statutory requirement. Accordingly, the Commission is ordering that a hearing be conducted according to the rules of procedure in subpart G, and to the extent that classified information becomes involved, subpart I. The applicant and NRC staff shall be parties to the proceeding.

Pursuant to section 191 of the Act, the hearing shall be conducted by an Atomic Safety and Licensing Board (or the Board) appointed by the Chairman of the Atomic Safety and Licensing Board Panel. Notice as to the membership of the Board will be published in the **Federal Register** at a later date.

2. The hearing will be held under the authority of section 53, 63, 189, 191, and 193 of the Act, in accordance with 10 CFR part 2, Rules of Practice for Domestic Licensing Proceedings.

3. The matters of fact and law to be considered are whether the application satisfies the standards set forth in 10 CFR 30.33, 40.32, and 70.23, and the special standards and instructions set forth in section III of this Notice , and whether the requirements of 10 CFR part 51 have been satisfied.

4. If this proceeding is not a contested proceeding, as defined by 10 CFR 2.4, the Board will determine the following, without conducting a *de novo* evaluation of the application: (1) Whether the application and record of the proceeding contain sufficient information and whether the NRC staff's review of the application has been adequate to support findings to be made by the Director of the Division of Industrial and Medical Nuclear Safety, with respect to the matters set forth in paragraph 3 of this section, and (2) whether the review conducted by the NRC staff pursuant to 10 CFR part 51 has been adequate.

5. Regardless of whether the proceeding is contested or uncontested, the Board will, in its initial decision, in accordance with subpart A of part 51: Determine whether requirements of sections 102(2) (A), (C), and (E) of NEPA and subpart A of part 51 have been complied with in the proceeding; independently consider final balance among conflicting factors contained in the record of proceeding with a view to determining the appropriate action to be taken; and determine whether a license should be issued, denied, or conditioned to protect the environment.

6. If the proceeding becomes a contested proceeding, the Board shall make findings of fact and conclusions of law on admitted contentions. With respect to matters set forth in paragraph 3 of this section but not covered by admitted contentions, the Board will make the determinations set forth in paragraph 4 without conducting a *de novo* evaluation of the application.

By June 20, 1991, any person whose interest may be affected by this

proceeding, and who wishes to participate as a party in the proceeding, must file a written petition for leave to intervene. Petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2, subpart G. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room in the Gelman Building, 21201 L Street, NW., Washington, DC, and at the local public document room in the Claiborne Parish Library, 901 Edgewood Drive, Homer, Louisiana 71040. If a petition for leave to intervene is filed by the aforementioned date, the Atomic Safety and Licensing Board, designated by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the petition.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the preceeding. The petition should specifically explain the reasons why intervention should be permitted, with particular reference to the following factors: (1) The nature of the petitioner's right, under the Act, to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding in which the petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend a petition, without requesting leave of the Board, up to 15 days before the holding of the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than Fifteen (15) days before the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, that must include a list of contentions that are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and cross-examine witnesses, consistent with NRC security regulations, policies, and procedures.

The Board will set the time and place for any special prehearing conference, prehearing conferences, and evidentiary hearing, and the respective notices will be published in the **Federal Register.**

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to such limits and conditions as may be imposed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by July 22, 1991. By the same date, representatives of interested States, counties, municipalities, and/or agencies thereof may request permission to participate under 10 CFR 2.715(c).

A petition for leave to intervene must be filed by June 20, 1991, with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. When petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Richard E. Cunningham, Director, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Assistant General Counsel for Hearings and Enforcement, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to J. Michael McGarry, III, Esq., Winston & Strawn, 1400 L Street NW., Washington, DC 20005–3502, attorney for the applicant.

Non-timely filings of petitions for leave to intervene, amended petitions, and supplemental petitions will not be entertained absent a determination by the presiding Atomic Safety and Licensing Board that the petition should be granted, based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

III. Commission Order: Criteria for the Issuance of a License

In addition to the criteria for the issuance of byproduct, source, and special nuclear material licenses contained in codified regulations, by this Order the Commission is establishing special standards and instructions for the granting of a license for byproduct, source, and special nuclear material to be possessed and used at the Claiborne Enrichment Center. These special standards and instructions are based on the requirements of section 5 of the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990 (Public Law 101–575), and upon special features of the CEC that must be addressed in order for the Commission to determine that the issuance of the licence will not be inimical to the common defense and security of the United States, and will not constitute an unreasonable risk to the health and safety of the public.

Special Standards and Instructions

1. If the applicant complies with the applicable codified regulations identified in Part IV of this Notice and Commission Order, and with the requirements for the issuance of a

license under these special conditions and instructions, a single license will be issued authorizing: (1) The receipt, possession, use, delivery, and transfer of byproduct (e.g., calibration sources), source, and speical nuclear material in the Claiborne Enrichment Center; and (2) the construction and operation of the Claiborne Enrichment Center. The license shall include conditions governing the ownership, control, and possession of any equipment, device, or important component part specially designed for such equipment or device, capable of separating the isotopes of uranium or enriching uranium in the isotope U–235, deemed necessary and appropriate for protecting the common defense and security.

2. The draft "General Design Criteria" for uranium enrichment, in the Advanced Notice of Proposed Rulemaking, published on April 22, 1988 (53 FR 13276), shall be applied. Summaries of the comments on the Advanced Notice of Proposed Rulemaking, including the General Design Criteria, and the NRC's comments thereon are provided in Secy–89–107 and SECY–89–347. Both of these Commission papers are available for public inspection at the aforementioned Commission Public Document Rooms.

3. For the purposes of siting and design of the facility against accidental atmospheric releases of uranium hexafluoride, the following criteria contained in NUREG–1391, "Chemical Toxicity of Uranium Hexafluoride Compared to Acute Effects of Radiation," shall be applied: a limiting intake of 10 milligrams of uranium in soluble form, and a limiting exposure to hydrogen fluoride at a concentration of 25 milligrams per cubic meter of air for 30 minutes. For exposure times (t) other than 30 minutes, the limiting concentration (C) of hydrogen fluoride in air shall be calculated using the equation: $C = 25 mg/m^3 (30 min/t)^{0.5}$. Both limitations shall be applied at the boundary of the site under control of the applicant.

4. Public Law 101–575 precludes beginning of construction prior to issuance of a license. The legislation does not, however, define "construction." The Commission has generally allowed certain activities to take place onsite prior to the issuance of a license. The immediate concern is that activities should not take place that would result in any significant adverse environmental impact, should the application for a license be denied. It is the Commission's view that 10 CFR 70.23(a)(7) provides adequate guidance on the kinds of activities that may take place at the site prior to the issuance of a license, and the limitations of that provision shall be applied, as appropriate, to activities of the applicant at the site.

5. In the application, authorization is sought to allow operation to begin when the first of three plant units of the Claibrone Enrichment Center is completed and capable of operation. A plant unit is described as a feed station and take-off stations, necessary support systems, and at least one cascade of gas centrifuge machines all installed and tested. In terms of the definition of "production facility" in section 11v. of the Act and 10 CFR 50.4, such a uranium enrichment configuration is a licensable facility under Public Law 101–575. Accordingly, the license will be conditioned to permit the production operation of a plant unit only after the staff has inspected the installation of all systems in a plant unit essential for beginning the enrichment of uranium and has verified that the initial construction of the plant unit is in accordance with the requirements of the license. Subsequent cascades in a plant unit and additional plant units will be inspected and construction verified prior to cascades being added to an operating plant unit or additional plant units being added to CEC. Inspection results shall subsequently be published in the **Federal Register.**

6. Public Law 101–575 requires the licensee to have and maintain liability insurance of such type and in such amounts as the Commission judges appropriate to cover liability claims arising out of any occurrence in the United States, causing, within or outside the United States, bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of the use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of chemical compounds containing source or special nuclear material. The legislative record for this provision indicates that it closely tracks the definition of nuclear incident in the Act and that it may be satisfied through the applicant's purchase of nuclear energy liability insurance.

The Commission is not establishing, at this time, the amount of public liability insurance that the applicant will need to provide, nor the precise terms of the policy. The Commission notes that its regulations in 10 CFR 140.15, 140.16, and 140.17 provide adequate guidance as to proof of financial protection (insurance), and that 10 CFR part 140, appendix A, provides models for the form, content, and coverage of nuclear energy liability insurance, to which the staff may refer in its evaluation of the applicant's submittal. As to amount, the applicant shall, in the first instance, justify the amount of insurance it intends to purchase, in terms of a reasonable evaluation of the risks required to be covered by the legislation, but in no case need the applicant provide an amount greater than the maximum amont available from commercial nuclear energy liability insurers.

7. Term of License. On June 19, 1990, the Commission published a notice in the **Federal Register** (55 FR 24948) that the license term for major fuel cycle licensees will be extended from a 5-year term to a 10-year term. However, the term for a materials license is a matter of Commission discretion and is not established either by statute or regulation. Concurrently, the Commission obtained Office of Management and Budget approval, under the Paperwork Reduction Act, to require licensees to update the safety demonstration sections of licensing documents every 2 years, to reflect any changes in licensee safety activities. For the purpose of license term, the Commission has decided that the term of the license for this specific facility should be 30 years and that, similar to other major fuel cycle licensees, a reporting requirement to update the safety demonstration sections (or equivalent) of licensing documents every 2 years should be imposed on the licensee.

8. Creditor Regulations. The creditor regulations in 10 CFR 50.81 shall apply to the creation of creditor interests in equipment, devices, or important component parts thereof, capable of separating the isotopes of uranium or enriching uranium in the isotope U–235. The creditor regulations in 10 CFR 70.44 shall apply to the creation of creditor interests in special nuclear material. These creditor regulations may be augmented by license conditions as necessary to allow ownership arrangements (such as sale and leaseback) not covered by 10 CFR 50.81, provided it can be found that such arrangements are not inimical to the common defense and security of the United States.

9. All matters of classification of information related to the design, construction, operation, and safeguarding of the CEC shall be governed by classification guidance in "Joint NRC/DOE Classification Guide for Louisiana Energy Services Gas Centrifuge Plant (CG–LES GCP–1)" (1991) (Confidential—National Security Information). Any person producing

such information must adhere to the criteria in CG–LES GCP–1. All decisions on questions of classification or declassification of information shall be made by appropriate classification officials in the NRC Division of Security, and are not subject to *de novo* review in this proceeding.

The applicant, any person admitted as a party to the hearing, or an entity participating under 10 CFR 2.715(c) may move the Commission to reconsider any portion of part III of this notice and Commission Order. The petition to reconsider must be filed within 60 days after the person or entity is admitted as a party or admitted as a participant under 2.715(c) to the proceeding, or by November 18, 1991, whichever comes first. The petiton must contain all technical or other arguments to support the petition. Although petitions will be presented to the Commission, and not to the Atomic Safety and Licensing Board, the procedures of 10 CFR 2.730 shall be followed.

IV. Applicable Rules and Regulations

The Commission will license and regulate byproduct, source, and special nuclear material at the Claiborne Enrichment Center in accordance with the Atomic Energy Act of 1954, as amended. The Act was amended by Public Law 101–575, which, in amending the definition of a production facility in the Act, only excluded uranium enrichment from the licensing requirements for a production facility as used in chapters 10 and 16 of the Act. Thus, CEC remains a production facility for the purpose of all other Chapters of the Act. Chapter 19 includes the Agreement State program which, in section 274c.(1), requires the Commission to retain authority and responsibility for the regulation of production facilities. Therefore, in compliance with law, the Commission will be the sole licensing and regulatory agency with respect to byproduct, source, and special nuclear material for the Claiborne Enrichment Center, and with respect to the control and use of any equipment or device in connection therewith.

The Commission notes that many rules and regulations codified in 10 CFR chapter I are applicable by the terms of their scope to the licensing of a person to receive, possess, use, transfer, deliver, and process byproduct, source and special nuclear material in the quantities that would be possessed at the Claiborne Enrichment Center. Specific regulations are to be applied according to their terms as follows:

1. 10 CFR parts 19, 20, 21, 30, 40, 61, 70, and 140, for the licensing and regulation of byproduct, source, and special nuclear material, including requirements for notices to workers, reporting of defects, radiation protection, waste disposal, decommissioning funding, and insurance.

The Commission notes that since the CEC will not become operational for several years hence, LES will be subject to the revised requirements of 10 CFR part 20 that become effective no later than January 1, 1993.

These regulations also require that the applicant address the technical, financial, and insurance provisions and resources for dealing with the disposition of depleted uranium hexafluoride tails. Plausible strategies for the disposition of tails include: storing, as a potential resource, uranium hexafluoride tails at the plant site; continuously converting uranium hexafluoride tails to uranium oxide (or tetrafluoride) as a potential resource or for disposal; and a combination of both—onsite storage with conversion of uranium hexafluoride at the end of plant life. SECY–91–019, a Commission paper in which these strategies and issues relating to the disposition of depleted uranium tails from enrichment plants are discussed, is available for public inspection at the aforementioned Commission Public Document Rooms.

2. 10 CFR part 51, for the preparation of an environmental report and an environmental impact statement for a materials license. Alternatives for the disposition of depleted uranium hexafluoride tails will be addressed in these documents.

3. 10 CFR part 71, for packaging and transportation of byproduct, source, and special nuclear material.

4. 10 CFR part 73, for the physical protection of special nuclear material.

5. 10 CFR part 74, for the material control and accounting of special nuclear material, including the proposed rules applicable to uranium enrichment published in the **Federal Register** for comment on December 17, 1990 (55 FR 51726). If the proposed rules are not final by the time the hearing is completed, a license, if issued, will be amended as appropriate to conform to the final rule.

6. 10 CFR part 25, for granting access to classified information. Portions of LES' application for a license are classified Restricted Data or National Security Information. Persons needing access to those portions of the application will be required to have the appropriate security clearance for the level of classified information to which access is required. Access to certain classified Third Agency or Foreign Government Information may be subject to special controls and require the prior approval of the Director, Division of Security. These requirements apply equally to intervenors, their witnesses and counsel, employees of the applicant, its witnesses and counsel, NRC personnel, and others. Any person who believes that he or she will have a need for access to classified information for the purpose of this licensing proceeding, including the hearing, should immediately contact the U.S. Nuclear Regulatory Commission, Division of Security, Washington, DC 20555, for information on the clearance process. Telephone calls may be made to James J. Dunleavy, Chief, Personnel Security Branch. Telephone: (301) 492–7343.

7. 10 CFR part 95, for obtaining NRC security facility approval and for safeguarding classified information received or developed. Any person who requires possession of classified information in connection with the licensing proceeding may process, store, reproduce, transmit, or handle classified information only in a location for which facility security approval has been obtained from the NRC's Division of Security. (See aforementioned address.) Telephone calls may be made to David A. Dittmeier, Chief, Facilities Security and Operational Support Branch. Telephone: (301) 492–5089.

8. 10 CFR part 170, fees. The Commission notes that Public Law 101–575 exempts uranium enrichment from only chapters 10 and 16 of the Act. These chapters are not relevant to fees for licensing review. Therefore, the applicant is subject to 10 CFR 170.21, schedule item E, for fees.

V. Notice of Intent Regarding Classified Information

Section 2.907 of title 10 of the Code of Federal Regulations requires the NRC staff to file a notice of intent if, at the time of publication of Notice of Hearing, it appears that it will be impracticable for the staff to avoid the introduction of Restricted Data or National Security Information into a proceeding.

The applicant has submitted portions of its application that are classified. The Commission notes that, since the entire application becomes part of the record of the proceeding, the NRC staff has found it impracticable for it to avoid the introduction of Restricted Data or National Security Information into the proceeding.

Dated at Rockville, Maryland, this 15th day of May, 1991.

For the Nuclear Regulatory Commission.
Samuel J. Chilk,
Secretary of the Commission.
[FR Doc. 91-11978 Filed 5-20-91; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-322]

Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1); Director's Decision

Introduction

On July 14, 1989, James P. McGranery, Jr., filed a request with the Executive Director for Operations pursuant to 10 CFR 2.206 on behalf of the Shoreham-Wading River Central School District requesting that action be taken with regard to the Shoreham Nuclear Power Station, Unit 1 (hereinafter School District Petition). The School District supplemented this Petition by a letter of July 19, 1989. By letter of July 20, 1989, I acknowledged receipt of the School District Petition. The School District responded to my letter by letter of July 21, 1989.

On July 26, 1989, Mr. McGranery filed a Petition on behalf of Scientists and Engineers for Secure Energy, Inc., (SE2) (hereinafter SE2 Petition). The Petition stated that SE2 adopted and incorporated the July 14 request made by the School District as supplemented on July 19 and July 21, 1989, and requested that its Petition be consolidated with that of the School District. By letter of August 21, 1989, I acknowledged receipt of the SE2 Petition. A notice was published in the **Federal Register** indicating that the Petitioners [1] requests were under consideration. 54 FR 36077 (August 31, 1989). On July 31, 1989, and January 23, April 5, May 4, November 14, and November 29, 1990, additional supplements to the Petitions filed by the School District and SE2 were submitted.

On December 20, 1990, I issued a Director's Decision under 10 CFR 2.206 (DD-90-8) resolving all of the issues raised in the School District and SE2 Petitions[1] with the exception of those issues discussed in the Petitioners' November 29, 1990 supplement, and stated that the issues raised in that supplement would be addressed by a separate Director's Decision.

In their November 29 supplement, the Petitioners stated that the Long Island Lighting Company (LILCO) had "recently" informed the NRC that it was storing 137 fuel support castings and 12 peripheral pieces from the Shoreham reactor vessel on the south separator/reheater roof above the turbine deck, causing LILCO to post a "high radiation area." According to the Petitioners, those circumstances raised questions as to whether LILCO is violating NRC regulations and a Confirmatory Order issued on March 29, 1990, that required continued maintenance of structures, systems, and components necessary for full-power operation. The Petitioners also noted the pendency of a LILCO application for a license amendment that would allow LILCO to ship these parts for burial to the low-level waste storage facility at Barnwell, South Carolina. The Petitioners alleged that such a license amendment would be contrary to "the decision reached by the Commission on recommendations of SECY-89-247," other regulatory requirements of 10 CFR chapter I, the Low-Level Waste Policy Amendments Act of 1985, and the National Environmental Policy Act of 1969 as amended (NEPA), and that an attempt to bury these parts before issuance and judicial review of a possession-only license would violate section 236 of the Atomic Energy Act, 42 U.S.C. 2284, which provides for criminal penalties for certain acts relating to sabotage of nuclear facilities or fuel. Consequently, the Petitioners requested that the Commission issue a Notice of Violation including a proposed civil penalty and a remedial action plan to bring LILCO into compliance with the Confirmatory Order and other requirements and to ensure that these reactor parts are properly preserved.

I have now completed my evaluation of the Petitioners' supplement of November 29, 1990. I have determined, for the reasons set forth below, that the Petition should be granted, in part, and denied, in part.

Background

On February 28, 1989, LILCO entered into an agreement with the State of New York to transfer its Shoreham assets to an entity of the State of New York for decommissioning (Transfer Agreement). However, LILCO continued to seek from the NRC issuance of a full-power license to operate the Shoreham station. On April 21, 1989, the NRC issued Facility Operating License No. NPF-82 to LILCO, which allows full-power operation of the Shoreham plant. On June 28, 1989, LILCO's shareowners ratified LILCO's Transfer Agreement with the State of New York.

Consistent with the Transfer Agreement, which prohibits LILCO from further operating the Shoreham facility, LILCO began to defuel the facility on June 30, 1989, completed defueling on August 9, 1989, and reduced its operating and support staff. On September 19, 1989, LILCO submitted a letter to the NRC committing to protect those systems not required for safety in the defueled mode but necessary for full-power operation consistent with NRC regulations and LILCO's license obligations. Further, LILCO is discontinuing customary maintenance for systems that LILCO considers unnecessary to support operation when all the fuel is placed in the spent fuel pool, by deenergizing and protecting these systems rather maintaining them in a condition ready for operation. On January 12, 1990, LILCO submitted a letter to the NRC in which LILCO stated that it would not place nuclear fuel back into the reactor without first receiving the NRC's approval. On March 29, 1990, the NRC issued a Confirmatory Order (55 FR 12758; April 5, 1990) that prohibits licensee from placing fuel back into the reactor vessel without first receiving approval from the NRC and that further states the following:

> This Confirmatory Order in no way relieves the licensee of the terms and conditions of its operating license or of its commitments covering the continued maintenance of structures, systems, and components outlined in its letter of September 19, 1989.

On June 28, 1990, LILCO and the Long Island Power Authority (LIPA) submitted a joint application for an amendment to LILCO's license to authorize the transfer of the Shoreham facility to LIPA. That application is still pending before the staff. A notice regarding this application was published in the **Federal Register** on March 20, 1991 (56 FR 22781).

By letter of November 8, 1990, LILCO informed the staff that it intended to ship 137 fuel support castings and 12 peripheral pieces to the low-level radioactive waste repository at Barnwell, South Carolina, before December 7, 1990. On November 14, 1990, the staff responded to LILCO's letter of November 8, by informing LILCO that such an activity requires the NRC's authorization and that the staff was processing its letter of November 8 as a request for an amendment to its license. After reviewing this request, the Commission determined to deny the request for amendment and published a Notice of Amendment Denial in the **Federal Register** on April 12, 1991. (56 FR 16132).

[1] On August 4, 1989, Leonard Bickwit, Jr., submitted a Petition on behalf of the Long Island Association requesting action regarding the Shoreham facility similar to that requested by Mr. McGranery and on similar bases. All of the issues raised in that Petition also were resolved in DD-90-89.

Discussion

The Petitioners alleged that LILCO is storing 137 fuel support castings and 12 peripheral pieces from the Shoreham reactor vessel on the south separator/reheater roof above the turbine deck, causing the licensee to post, in accordance with 10 CFR part 20, the only "high radiation area now in effect at the plant." The Petitioners alleged that this action raises questions as to whether LILCO is violating NRC regulations and the March 29, 1990, Confirmatory Order requiring continued maintenance of structures, systems, and components necessary for full-power operation.

The staff has determined that LILCO's storage of the 137 fuel support castings and the 12 peripheral pieces on site does not violate the Shoreham license or any other NRC requirement. In particular, the on-site storage of these components does not violate the Confirmatory Order of March 29, 1990, because the storage of the components was not prohibited by that Order. The March 29th Order prohibited only the placing of nuclear fuel into the Shoreham reactor vessel without prior NRC approval. Although the Order emphasized that it in no way relieved the Licensee of complying with its license or its commitments of September 19, 1989, regarding maintenance of structures, systems, and components, the storage of the components is not inconsistent with the Shoreham license or those commitments. LILCO's storage of these components is consistent with its commitment in its September 19, 1989 letter to protect systems not required for safety in the defueled mode but necessary for full-power operation on a cost-effective basis consistent with NRC regulations and LILCO's license obligations pending plant disposition.

The Petitioners further alleged that a license amendment allowing LILCO to ship these parts for burial would be contrary to "the decision reached by the Commission on recommendations of SECY–89–247," other regulatory requirements of 10 CFR Chapter I, the Low-Level Waste Policy Amendments Act of 1985, and NEPA, and that an attempt to bury these parts while LILCO possesses a full-power license would violate section 236 of the Atomic Energy Act.

Consequently, the Petitoners request that the Commission take prompt action to investigate LILCO's conduct, and correct and prevent alleged violations of the Atomic Energy Act and NEPA.

After a careful review of LILCO's request for ship the fuel support castings and peripheral pieces of the Shoreham reactor vessel for burial, the staff concluded that the request cannot be approved. Specifically, the staff concluded that LILCO's request was premature while LILCO possesses a full-power operating license. Accordingly, on April 12, 1991, the NRC issued a Notice of Denial of Amendment to Facility Operating License and Opportunity for Hearing (56 FR 16132) and an associated safety evaluation, (dated April, 1991) which denied LILCO's request. Therefore, to the extent that the Petition requests that the Commission take action to prevent LILCO from shipping the 137 fuel support castings and 12 periperal pieces off site for burial while still possessing a full-power license, that aspect of the Petition has been granted. In view of the denial of LILCO's request for the amendment to its license to allow the shipment of these components for disposal prior to issuance of a possession-only license, it is not necessary to address the Petitioners' specific assertions that such an amendment would be contrary to the Commission's decision on recommendations of SECY–89–247, the regulatory requirements of 10 CFR Chapter I, the Low-Level Waste Policy Amendments Act of 1985, and NEPA, and that burial of these parts would violate the Atomic Energy Act.

The Petitioners also assert that the Commission should take prompt action to investigate LILCO's conduct and correct and/or prevent alleged violations of the Atomic Energy Act and NEPA, and issue a Notice of Violation, including a proposed civil penalty, to LILCO. However, as explained above, the components are presently being preserved in on-site storage in compliance with LILCO's September 19, 1990 commitment letter, the March 29, 1990 Confirmatory Order, the Shoreham license, and all other NRC regulations. Because the licensee is complying with the Confirmatory Order and other requirements, there is no basis to issue a Notice of Violation, including issuance of a proposed civil penalty. Therefore, to the extent that the Petition requests that the Commission take enforcement action including issuing a Notice of Violation and proposed civil penalty to LILCO, the Petition is denied.

Finally, the Petitioners assert that the NRC should issue a remedial action plan to bring LILCO into compliance with the Confirmatory Order and other requirements to assure proper preservation of these reactor internal components. However, these components are presently being maintained and preserved in accordance with all regulatory requirements, the storage of these components has not violated any regulatory requirements, and no substantial health and safety issues have been raised. Consequently, to the extent that the Petition requests that the Commission issue a remedial action plan to LILCO, the Petition is denied.[2]

Conclusion

For the reasons stated above, I find that, to the extent that the Petition requests that the Commission take action to prevent LILCO from shipping certain fuel support castings and peripheral pieces from the Shoreham reactor vessel to the Barnwell, South Carolina, low-level waste storage facility for burial, the Petition is granted.

With regard to the Petitioners' request that the Commission issue a Notice of Violation, including a proposed civil penalty, there are no violations of NRC requirements which would provide a basis for such action. With respect to the Petitioners' request that the Commission order LILCO to implement a remedial action plan, the institution of proceedings pursuant to 10 CFR 2.202 is appropriate only where substantial health and safety issues have been raised (see Consolidated Edison Company of New York (Indian Point, Units 1, 2 and 3), CLI–75–8, 2 NRC 173, 175 (1975); Washington Public Power Supply System (WPPSS Nuclear Project No. 2), DD–84–7, 19 NRC 899, 923 (1984)). This is the standard that I have applied to the concerns raised by the Petitioners in this decision to determine whether a remedial action plan should be ordered. For the reasons discussed above, I conclude that the Petitioners have not raised any substantial health and safety issues. Accordingly, this request is denied.

Accordingly, the Petition is granted, in part, and denied, in part. A copy of this decision will be filed with the Secretary

[2] Petitioners incorporate by reference a November 29, 1990, submission in connection with the staff consideration of the Licensee's request to submit the reactor components for burial ("Comment on Proposed No Significant Hazards Consideration Determination, Request for Hearing, Notice of Intent to Intervene, and Opposition to Issuance of Amendment By and On Behalf of Shoreham-Wading River Central School District and Scientists and Engineers for Secure Energy, Inc.," as corrected and supplemented). The staff has reviewed this document and determined that no additional information has been provided which was not considered in determining to deny the Licensee's request. Because the Licensee's request to ship these components at this time while in possession of a full-power license has been denied, it is not necessary to address in this decision, the arguments in the Petitioners' November 29, 1990 submission.

for the Commission's review in accordance with 10 CFR 2.206(c).

Dated at Rockville, Maryland this 14th day of May 1991.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 91-11983 Filed 5-20-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-322]

Long Island Lighting Co.; Shoreham Nuclear Power Station, Unit 1 Issuance of Director's Decision

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Decision regarding Petitions filed requesting action with regard to the Shoreham Nuclear Power Station, Unit 1.

On July 14, 1989, James P. McGranery, Jr., filed a Petition on behalf of the Shoreham-Wading River Central School District (School District) with the Executive Director for Operations for the Nuclear Regulatory Commission requesting that certain actions be taken. That Petition was supplemented by submittals dated July 19 and July 21, 1989. By Petition dated July 26, 1989, Mr. McGranery, on behalf of Scientists and Engineers for Secure Energy, Inc. (SE2), requested that the same action be taken on the same bases as that which he requested on behalf of the School District. On July 31, 1989; and January 23, April 5, May 4, November 14, and November 29, 1990, additional supplements to the Petitions filed by the School District and SE2 were submitted. The U.S. Nuclear Regulatory Commission (NRC) resolved the issues raised in the original Petitions and all the supplements, except the November 29, 1990 supplement in a "Director's Decision Pursuant to 10 CFR S 2.206" (DD-90-8) issued December 20, 1990. The present Decision resolves the issues raised in the November 29, 1990 supplement.

Briefly summarized, the Petitioners alleged that the Long Island Lighting Company (LILCO) violated a March 29, 1990, Confirmatory Order and other regulations by the on site storage of certain reactor vessel internal components, and that the pendency of a LILCO application for a license amendment that would allow shipment of these components off site for disposal also would violate NRC regulations, the Low-Level Waste Policy Amendments Act of 1985 and the National Environmental Policy Act of 1969, as amended, (NEPA) and requested that a Notice of Violation, including a proposed civil penalty and a remedial action plan, be issued.

The Director has now completed his evaluation of the November 29, 1990, supplement. The Director has determined that the Petitioners' requests should be granted, in part, and denied, in part, for the reasons given in the "Director's Decision Pursuant to 10 CFR 2.206" (DD-91-3). This document is available for inspection and copying in the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the Shoreham Nuclear Power Station, Unit 1, at the Shoreham-Wading River Public Library, Route 25A, Shoreham, New York, 11786-9687.

A copy of the Decision will be filed with the Secretary of the Commission for review in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided in 10 CFR 2.206(c), the Decision will constitute the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland this 14th day of May 1991.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 91-11981 Filed 5-20-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-528-OLA, 50-529-OLA, 50-530-OLA; ASLBP No. 91-632-04-OLA; (Shutdown Cooling Flowrate)]

Arizona Public Service Co., et al.; (Palo Verde Nuclear Generating Station, Units 1, 2 and 3); Cancelling Prehearing Conference

May 14, 1991.

Please take notice that the prehearing conference in the above-identified proceeding scheduled for May 29, 1991, in Phoenix, Arizona, has been cancelled.

The Petition for Leave to Intervene and Request for Hearing submitted by Allan L. Mitchell and Linda E. Mitchell, dated January 21, 1991, has been withdrawn by the Petitioners, and the Petition for Leave to Intervene and Request for Hearing submitted by Myron L. Scott, Barbara S. Bush and the Coalition for Responsible Energy Education, dated January 22, 1991, has been denied by the Licensing Board. The Licensing Board dismissed the proceeding on May 14, 1991.

Issued at Bethesda, Maryland, this 14th day of May 1991.

For the Atomic Safety and Licensing Board.

Robert M. Lazo,

Chairman, Administrative Judge.

[FR Doc. 91-11979 Filed 5-20-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 030-03537, License No. 53-00458-04, EA 90-132]

Order Imposing Civil Monetary Penalty

In the Matter of Department of the Army Tripler Army Medical Center Tripler AMC, Hawaii.

I

The Department of the Army, Tripler Army Medical Center (Licensee) is the holder of Materials License No. 53-00458-04, issued by the Nuclear Regulatory Commission (NRC or Commission) on September 29, 1986. The license authorizes the medical and research use of radioactive materials in accordance with the conditions specified therein.

II

An inspection of the Licensee's activities was conducted from June 29 to July 2, 1990. The results of this inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated October 22, 1990. The Notice states the nature of the violation, the provision of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violation. The Licensee responded to the Notice dated October 22, 1990 by letters dated December 7 and 21, 1990. In its December 21, 1990 response, the Licensee admitted the violation, but argued that the $5,000 civil penalty proposed by the NRC should be mitigated or remitted.

III

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, as set forth in the appendix to this Order, that the violation occurred as stated, but that mitigation of the propsed civil penalty by 50% is appropriate, and that a penalty in the amount opf $2,500 should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C.

2282, and 10 CFR 2.205, *It is hereby ordered that:*

The Licensee pay a civil penalty in the amount of $2,500 within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Attn: Document Control Desk, Washington, DC 20555.

V

The Licensee may request a hearing within 30 days of the date of this Order. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Attn: Document Control Desk, Washington, DC 20555. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address and to the Regional Administrator, NRC Region V, 1450 Maria Lane, suite 210, Walnut Creek, CA 94596.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issue to be considered at such hearing shall be:

Whether on the basis of the violation admitted by the Licensee, this Order should be sustained.

Dated at Rockville, Maryland this 13th day of May 1991.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support.

Appendix

Evaluations and Conclusions

On October 22, 1990, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for a violation identified during an NRC inspection. The Department of the Army, Tripler Army Medical Center (Licensee or Tripler) responded to the Notice on December 7 and 21, 1990. Tripler admitted the violation but argued for mitigation or remission of the $5,000 civil penalty proposed by the NRC. The NRC's evaluation and conclusion regarding the Licensee's request are as follows:

Restatement of Violation

A. 10 CFR 35.25(a)(2) provides, in part, that a licensee that permits the use of byproduct material by an individual under the supervision of an authorized user shall require the supervised individual to follow the instructions of the supervising authorized user.

The instructions of the supervising authorized user, entitled "Management of Pregnant Patients", dated May 25, 1989, require, in part, that all female patients between the ages of 12 and 60 fill out a pregnancy statement. The statement asks if the patient is pregnant or nursing (breast feeding). The instructions further require, with exceptions not applicable here, that no patient who indicates that she is pregnant or lactating be given a radioactive substance.

Contrary to the above, on June 19, 1990, a nuclear medicine technologist, an individual under the supervision of the licensee's authorized user, administered 4.89 millicuries of iodine-131 to a patient without having the patient complete the required "pregnancy statement", specifically, the portion that asks if the patient is nursing (breast feeding), and the patient was lactating at the time.

Summary of Licensee's Request for Mitigation or Remission

While admitting the violation in its December 7, 1990 Reply to the Notice of Violation, in its December 21, 1990 Answer to the Notice of Violation the Licensee requested mitigation or remission of the civil penalty. Tripler relies on several factors to support its request.

First, Tripler identified the incident and did not attempt to conceal it, seeking NRC guidance six days after the incident as to whether it was reportable.

Second, corrective actions were comprehensive and were implemented the day after Tripler's discovery of the incident.

Third, the misadministration was a one-time incident and immediate steps were taken to respond to the incident.

Fourth, in response to the NRC's explanation in its cover letter that the civil penalty was proposed to "emphasize the importance of strict compliance with" NRF safety requirements and of management controls adequate to prevent similar violations, Tripler argues that no such emphasis is needed because human error can and does occur despite constant emphasis on patient care and safety, because Tripler's actions and procedures met or exceeded the reasonable prudent person standard, because the lesson has already been learned and corrective action taken, and because the NRC's emphasis should be on what was done to correct and treat and not on making Tripler an example by penalty. In this connection, the Licensee argues that it should be an example of a medical center that reported and rectified the situation, and that other medical centers will change their procedures with the motive of providing better treatment and patient care, not because another center was fined.

Fifth, the Licensee states that the radiation dosimetry studies that it performed in connection with this incident provide further evidence of its spirit of cooperation and compliance, garnered praise from NRC's medical consultant, and will aid future research and patient care.

Sixth, the Licensee states that the amount of the civil penalty is not insignificant, especially with tightened Federal spending, and that it has already spent thousands of dollars and anticipates spending more than that amount for transportation and treatment connected with the incident.

NRC Evaluation of Licensee's Request for Mitigation

At the time the civil penalty of $5,000 was proposed, the NRC considered the facts that the Licensee identified and reported this event even though it may not fit the customary definition of "misadministration" in 10 CFR 35.2, that the Licensee took prompt and effective corrective action in strengthening its programmatic controls, that the Licensee subsequently established a program of follow-up medical care for the infant involved in the incident, that the Licensee is incurring significant cost in providing that care, and that the Licensee performed radiation dosimetry studies following the incident. Further, the NRC recognized that this was a one-time incident that involved human error, and that the adjustment factors in NRC's Enforcement Policy normally provide for mitigation of a civil penalty based on identification and reporting as well as prompt and effective corrective action. Nevertheless, the NRC determined that a civil penalty is appropriate in this case because of the very serious nature of the event (i.e., the event involved a significant injury having life-long effects on an individual), and to emphasize to this Licensee and similar licensees the importance of meticulous attention to detail in preventing such occurrences in the future. In reaching this decision, it was recognized that the Enforcement Policy is just that, a policy, and the NRC may deviate from it as is deemed appropriate under the circumstances, with statutory authority to impose civil penalties not to exceed $100,000 per violation per day.

However, the NRC staff, after consultation with the Commission, has reconsidered its position and has determined that the proposed civil penalty should be mitigated by 50% in recognition of the facts that the Licensee identified the event, reported it to the NRC, and promptly instituted aggressive corrective action. The NRC believes that 50% mitigation strikes the proper balance between the need to emphasize the very serious nature of this event and the need to encourage and support positive licensee actions that may be taken after such an event occurs.

Finally, in response to the Licensee's argument that other medical centers will change their procedures with the motive of providing better patient care and not because another center was fined, the NRC recognizes that licensees have many incentives and rewards for good performance. Nevertheless, this case involves an unintended and very serious radiation exposure. The purpose of the NRC's program of licensing and regulation is to avoid such events. By imposing a civil penalty in this case, the NRC expects that there will be a positive deterrent effect on this and similar licensees by

providing an additional incentive for good performance.

NRC Conclusion

The NRC has concluded that this violation occurred as stated, but that mitigation of the proposed civil penalty by 50% is warranted. Consequently, as civil penalty in the amount of $2,500 should be imposed.

[FR Doc. 91-11982 Filed 5-20-91; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-29194; File No. 4-208]

Joint Industry Plan; Order Approving Amendments to the Intermarket Trading System Plan Relating to Pre-Opening Application and Dispute Resolution

On December 13, 1990, the participants in the Intermarket Trading System ("ITS") submitted copies of proposed amendments to the restated ITS Plan,[1] created pursuant to section 11A(a)(3)(B) of the Securities Exchange Act of 1934 ("Act") for the purpose of creating and operating an Intermarket Communication Linkage ("ITS Plan"). The amendments were submitted pursuant to section 11A of the Act and rule 11Aa3-2 thereunder.

The purpose of the amendment to the ITS Plan is: (1) To require use of the Pre-Opening Application following Trading Halts in certain prescribed situations; (2) to provide for a process by which participants involved in an ITS-related dispute can obrain non-binding opinions from other participants as to the appropriate resolution[2]; and (3) to delete provisions governing pre-opening experiment authority.

Notice of the proposed amendments was given in Securities Exchange Act Release No. 29053 (April 5, 1991), 56 FR 15114. The Commission received no comments on the proposals. This order grants approval of the proposed amendments.

The pre-opening application amendment modifies section 7(a) of the Plan[3] by repealing the requirement of using the Pre-Opening Application after a regulatory halt and substituting the broader requirement of using the Pre-Opening Application following all defined trading halts. The proposed amendment defines trading halt to include both an operational halt due to order influx, order imbalance or equipment changeover (exchange system, equipment, communication or other technical problem with respect to such security) and a regulatory halt due to news pending or news dissemination.

The amendments to section 7(a) would also trigger the Pre-Opening Application whenever an "indication of interest" is sent to the CTA Plan Processor prior to the opening of trading in an ITS security or reopening following a trading halt, even if the anticipated price change is not greater than the "applicable price change," as defined in the Plan. Under the revised Plan and rule, the indication to the consolidated last sale reporting system would constitute the notice required under the Pre-Opening Application. Market makers would be expected to continue the practice of sending notifications through ITS whenever an indication is sent through the Consolidated Tape System. Isolated failures to do do would not obviate the rule's notification requirement.

The amendments to section 7(a) also provide that a market maker must accept only those pre-opening responses sent to that Participant market by market makers in other Participant markets that have not yet opened trading in that security or, in the case of a trading halt, that halted trading in the security contemporaneously with the halted market and that had not resumed trading when the pre-opening response is sent. However, where a market maker receives such a pre-opening response, he may, in his discretion, accept this pre-opening response. The amendments also include a general provision that market makers should not respond if they already opened or reopened their markets.

In the event that a Participant market opens or resumes trading after a market maker in that Participant market has sent a pre-opening response but before the opening or reopening on the Participant market that halted trading, the market maker who sent the pre-opening response to that Participant market must confirm the response by sending an administrative message through the system. If the responding market maker fails to confirm the pre-opening response, the receiving market maker need not, but may in his discretion, accept the original response for the purpose of inclusion in the opening or reopening transaction. The model rule states that the market in a security is opened (or reopened) with either a trade or quotation, if trades are being reported to the CTS and quotes are being disseminated to the Consolidated Quotation System ("CQS"), respectively. The purpose of this provision is to afford the opening market maker the ability to independently rely on firm quotations being disseminated via CQS or transactions being reported via CTS as a means of determining whether other markets are open.

The dispute resolution amendment replaces section 4(e) with a new section 4(e), and provides for a procedure by which participants can obtain a non-binding opinion on a dispute between ITS participants on the application or interpretation of the ITS Plan and model rules. The current section 4(e), which grants pre-opening experiment authority to the ITS Operating Committee, is being deleted; the authority granted under the provision expired on December 31, 1981.

Under this procedure, disputes will be presented by the members of the ITS Operating Committee representing the affected Participants to one or more other agreed upon Committee members for a non-binding, non-precedent setting opinion. The dispute must pertain to an ITS trade situation involving a minimum loss of $5,000, which must have been established pursuant to the ITS Plan and rules (including applicable mitigation provisions). All routine self-regulatory organization surveillance reviews respecting the initial ruling must be completed before parties can seek assistance pursuant to this procedure. Opinions would be subject to periodic review by the ITS Operating Committee.

The Commission finds that approval of these amendments is consistent with the Act, in particular, with sections 11A(a)(1)(C)(ii) and (D) which provide

[1] The participants in the ITS include the American Stock Exchange, Inc., the Boston Stock Exchange, Inc., the Chicago Board Options Exchange, Inc., the Cincinnati Stock Exchange, Inc., the Midwest Stock Exchange, Inc., the National Association of Securities Dealers, Inc., the New York Stock Exchange, Inc., the Philadelphia Stock Exchange, Inc., and the Pacific Stock Exchange, Inc. Related proposed rule changes were submitted by these self-regulatory organizations and were published for comment and described in Securities Exchange Act Release No. 29052 (April 5, 1991), 55 FR 15115. In a separate release issued today the Commission approved those proposed rule changes. See Securities Exchange Act Release No. 34-29193 (May 15, 1991).

[2] The Commission has consistently encouraged the ITS Participants to resolve the issue of pre-opening notifications after order-imbalance trading halts, and to implement an effective dispute resolution mechanism. See, *e.g.*, letter from Richard G. Ketchum, Director, Division of Market Regulation, SEC, to Richard L. Fogel, Assistant Comptroller General, GAO, dated January 11, 1989, in which the Commission's efforts are outlined.

[3] Section 7(a) of the Plan sets forth the substance of the Pre-Opening Application, whereby a market maker in a participant market who wishes to open his market in an ITS stock may obtain any pre-opening interest in that stock of other market-makers registered in that stock in other participant markets.

for fair competition among the Participants and their members, and the linking of all markets for qualified securities through communications and data processing facilities which foster efficiency, enhance competition, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors orders, and contribute to the best execution of such orders. Further, the Commission finds that the amendments are consistent with rule 11Aa3–2(c)(2) because they are necessary and appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect mechanisms of, a national market system or otherwise in furtherance of the Act.

It is therefore ordered, pursuant to section 11A(a)(3)(B) of the Act, that the amendments be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30(a)(29).

Dated: May 15, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–11930 Filed 5–20–91; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–29193; File Nos. SR–Amex–90–27; SR–BSE–90–18; SR–CBOE–91–04; SR–CSE–91–01; SR–MSE–91–02; SR–NASD–91–11; SR–NYSE–90–56; SR–Phlx–90–37; SR–PSE–90–40]

Self-Regulatory Organizations; Order Approving Proposed Rule Changes by the American Stock Exchange, Inc., et al.; Relating to the Pre-Opening Application in the Intermarket Trading System

The American Stock Exchange, Inc., the Boston Stock Exchange Inc., the Chicago Board Options Exchange, Inc., the Cincinnati Stock Exchange, Inc., the Midwest Stock Exchange, Inc. ("MSE"), the National Association of Securities Dealers, Inc. ("NASD"), the New York Stock Exchange, Inc., the Philadelphia Stock Exchange, Inc., and the Pacific Stock Exchange, Inc., who are participants in the Intermarket Trading System ("ITS"), filed with the Securities and Exchange Commission ("Commission") proposed rule changes [1] pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), to conform their ITS rules on pre-opening application to recent amendments to the ITS Plan.[2] The proposed rule change would amend the participants' rules governing the pre-opening application following trading halts in certain situations in ITS.[3]

The proposed rule changes were published in the **Federal Register.**[4] The Commission received no comments on the proposals. This order grants approval of the proposed rule changes.

These rules set forth procedures relating to the Pre-Opening Application under section 7(a) of the ITS Plan, which has been filed with and approved by the Commission for the purpose of creating and operating an intermarket communicatons linkage pursuant to section 11A(a)(3)(B) of the Act. The current rules contain basic definitions pertaining to ITS, prescribe the sorts of transactions that may be effected through ITS and the pricing of commitments to trade, and specify the procedures pertaining to the "Pre-Opening Application." The Pre-Opening Application procedures enable a market maker in any ITS Participant market who wishes to open his market in an ITS security to obtain any pre-opening interest of other market makers registered in that stock in other Participant markets.

The rules provide that whenever a specialist [5] anticipates that an opening transaction in an ITS security on the exchange will be at a price that represents a change from the security's previous day's consolidated closing price of more than the "applicable price change," then the specialist must notify other ITS Participant markets by sending a "pre-opening notification" through the System. The applicable price changes are:

Security	Consolidated closing price	Applicable price change (more than)
Network A	Under $15	⅛ point.
	$15 or over [1]	¼ point.
Network B	Under $15	⅛ point.
	$5 or over	¼ point.

[1] If the previous day's consolidated closing price for a stock exceeded $100 and the stock does not underlie an individual stock option contract listed and currently trading on a national securities exchange, the "applicable price change" is one point.

The Pre-Opening Application currently applies where a market maker reopens trading in a security following a Regulatory Halt as defined in the CTA Plan. The proposed rule changes amend the participants' rules to also mandate the use of the Pre-Opening Application whenever an "indication of interest" is sent to the CTA Plan Processor prior to the opening of trading in an ITS security or reopening following a trading halt—even if the anticipated price change is not greater than the "applicable price change," as defined in the Plan. The amended rules define trading halt to include both an operational halt due to order influx, order imbalance, or equipment changeover and a regulatory halt due to news pending or news dissemination.

The amended rules provide that, following a trading halt on the exchange and compliance with Pre-Opening Application procedures, a specialist must accept only those pre-opening responses sent to the exchange from other Participant markets that halted trading in the security at the same time as the exchange and that had not resumed trading when the pre-opening response is sent. If a specialist receives responses from markets that either never halted, or have opened trading in the security, he may use his discretion to include or exclude them at the opening.

Currently all market centers, including the NASD, have the authority to halt trading for regulatory purposes; the NASDAQ market is not authorized to halt trading for operational reasons, however, and NASD rules prohibit withdrawal of quotations in recognition of an operational trading halt. Thus, the NASD also proposed amending its authority to halt trading so that ITS/CAES market makers may participate in the Pre-Opening after an operational trading halt. The NASD's proposed rule change allows the NASD to withdraw quotations and halt trading in listed securities traded through ITS/CAES in recognition of a primary market operational halt, thereby enabling ITS/CAES market makers to receive and respond to pre-opening indications. If all ITS/CAES market makers remain closed

[1] The proposed rule changes were filed on November 23, 1990, November 19, 1990, February 8, 1991, February 27, 1991, January 9, 1991, February 19, 1991, December 12, 1990, December 14, 1990, and December 18, 1990, respectively.

[2] The corresponding amendments to the ITS Plan were published for comment and described in Securities Exchange Act Release No. 29053 (April 5, 1991), 56 FR 15114 and are being approved today in a separate release. *See* Securities Exchange Act Release No. 29194 (May 15, 1991).

[3] The Commission has consistently encouraged the ITS participants to resolve the issue of pre-opening notifications after order-imbalance trading halts. *See, e.g.,* letter from Richard G. Ketchum, Director, Division of Market Regulations, SEC, to Richard L. Fogel, Assistant Comptroller General, GAO, dated January 11, 1989, in which the Commission's efforts are outlined.

[4] Securities Exchange Act Release No. 29052 (April 5, 1991), 56 FR 15115.

[5] On the CBOE, the provision applies to Order Book Officials, as well as specialists, and on the NASD, to ITS/CAES market makers.

during the primary market's operational halt, all will be permitted to participate in the pre-opening application; if one or more ITS/CAES market makers reopen prior to the primary market's reopening, this action will preclude all ITS/CAES market makers from participating in the pre-opening application, unless the primary market specialist elects to accept their pre-opening responses.[6]

The Commission finds that approval of the proposed rule changes is consistent with and furthers the objectives of section 6(b)(5) and section 15A(b)(6) of the Act as they are designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and in general to protect investors and the public interest. Further, these rule changes are consistent with section 11A(a)(1)(D) of the Act, which calls for the linking of all markets for qualified securities through communications and data processing facilities which foster efficiency, enhance competiton, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors orders, and contribute to the best execution of such orders.

It is therefore ordered, pursuant to section 19(b)(2) of the Act that the rule changes be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: May 15, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–11929 Filed 5–20–91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34–29196; Filed No. SR–MSE–91–09]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change of the Midwest Stock Exchange, Incorporated, Relating to Orders Received Over the MAX System

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 1, 1991, the Midwest Stock Exchange, Incorporated, filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons, and simultaneously publishing an order granting accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Midwest Stock Exchange, Incorporated ("MSE") proposes to extend its pilot program, whereby the guaranteed execution price of small agency market orders received over the Midwest Automated Execution System (MAX) are automatically improved from the consolidated best bid or offer according to certain pre-defined criteria (SuperMAX) until November 14, 1991. The Commission first approved SuperMAX on a six-month pilot basis on May 14, 1990.[1] The current six-month extension of the pilot program [2] expires on May 14, 1991.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On November 14, 1990, the Commission approved the extension of SuperMAX on a pilot basis.[3] The MSE proposes to extend the pilot program for another six-month period. SuperMAX allows for small agency market orders to be guaranteed an execution at a price that is better than the consolidated best bid or offer according to certain pre-defined criteria. The six-month extension of the pilot period will allow the Exchange to better analyze the effectiveness of SuperMAX and provide the SEC with requested trading data.

The proposed rule change is consistent with section 6 of the Securities Exchange Act of 1934 (the "Act") in that it is designed to promote just and equitable principles of trade and will help to perfect the mechanism of a free and open market and a national market system and will foster competition among markets.

(B) Self-Regulatory Organization's Statement on Burden on Competition

Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments on SuperMAX were informally received from Members and were unanimously favorable.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The MSE requests that the Commission find good cause for approving the proposed rule change extending its pilot program until November 14, 1991, prior to the thirtieth day after publication of the notice in the **Federal Register.** The proposed rule change implementing the pilot program has been published for comment in the **Federal Register** [4] previously, and there have been no adverse comments on it. The MSE believes it appropriate to approve the extension of the pilot program so that the Exchange can better analyze the effectiveness of SuperMAX and provide the SEC with requested trading data.

The Commission finds that the proposed rule change extending the pilot program is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSE and, in particular, the requirements of section 6, and the rules and regulations thereunder.

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[6] In its filing, however, the NASD noted that trading effected by market makers that are not ITS/CAES market makers will not jeopardize the ITS/CAES market makers' ability to respond to pre-opening applications.

[1] See Securities Exchange Act Release No. 28014 (May 14, 1990), order approving File No. SR–MSE–90–05.

[2] See Securities Exchange Act Release No. 28617 (November 14, 1990), order partially approving MSE–90–17.

[3] See Securities Exchange Act Release No. 28617 (November 14, 1990), order partially approving SR–MSE–90–17.

[4] See Securities Exchange Act Release No. 28014 (May 14, 1990), 55 FR 20880

The Commission finds good cause for extending the pilot program prior to the thirtieth day after the date of publication of the notice of filing thereof, in that accelerated approval is appropriate to extend the pilot program until November 14, 1991, without interruption.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by (insert date 21 days from the publication date).

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change extending the pilot program until November 14, 1991, be and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: May 15, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-12024 Filed 5-20-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18147; 811-4990]

Eaton Vance Corporate High Income Dollar Fund, L.P.; Application for Deregistration

May 14, 1991.

AGENCY: Securities and Exchange Commission (SEC).

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (Act).

APPLICANT: Eaton Vance Corporate High Income Dollar Fund, L.P.

RELEVANT ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N-8F was filed on May 6, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personnally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 10, 1991, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, 24 Federal Street, Boston, Massachusetts 02110.

FOR FURTHER INFORMATION CONTACT: Barry A. Mendelson, Staff Attorney, at (202) 504-2284, or Jeremy N. Rubenstein, Branch Chief, at (202) 272-3033 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Delaware limited partnership. On January 23, 1987, applicant filed a notification of registration on form N-8A pursuant to section 8(a) of the Act. On the same date, applicant filed a registration statement on Form N-1A under the Securities Act of 1933. The registration statement was declared effective on April 28, 1987, and applicant's initial public offering commenced on May 7, 1987.

2. On October 9, 1990, applicant's managing general partners authorized the termination of applicant pursuant to applicant's agreement of limited partnership, and applicant provided written notice of the termination to its shareholders. No shareholder authorization was required or obtained in connection with applicant's liquidation.

3. Applicant redeemed the shares of all shareholders (except the shares held by Eaton Vance Management, its investment adviser and non-managing general partner) as of the close of business on December 21, 1990 for $6.28 per share, the net asset value thereof on such date. The shares held by Eaton Vance Management were liquidated on December 31, 1990 for $3.52 per share, the net asset value thereof on such date reduced by remaining unamortized organization expenses and other expenses.

4. Pursuant to Delaware law, a certificate of cancellation of applicant's certificate of limited partnership was filed in the Office of the Secretary of State of Delaware on April 3, 1991.

5. The expenses incurred in connection with the liquidation and dissolution of applicant were borne by applicant's investment adviser.

6. As of the date of the application, applicant had no shareholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-11926 Filed 5-20-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18146; 811-4988]

Eaton Vance U.S. Government Income Dollar Fund, L.P.; Application for Deregistration

May 14, 1991.

AGENCY: Securities and Exchange Commission (SEC).

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (Act).

APPLICANT: Eaton Vance U.S. Government Income Dollar Fund, L.P.

RELEVANT ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N-8F was filed on May 6, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 10, 1991, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a

certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, 24 Federal Street, Boston, Massachusetts 02110.

FOR FURTHER INFORMATION CONTACT: Barry A. Mendelson, Staff Attorney, at (202) 504–2284, or Jeremy N. Rubenstein, Branch Chief, at (202) 272–3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Delaware limited partnership. On January 23, 1987, applicant filed a notification of registration on form N–8A pursuant to section 8(a) of the Act. On the same date, applicant filed a registration statement on Form N–1A under the Securities Act of 1933. The registration statement was declared effective on April 28, 1987, and applicant's initial public offering commenced on May 7, 1987.

2. On October 9, 1990, applicant's managing general partners authorized the termination of applicant pursuant to applicant's agreement of limited partnership, and applicant provided written notice of the termination to its shareholders. No shareholder authorization was required or obtained in connection with applicant's liquidation.

3. Applicant redeemed the shares of all shareholders (except the shares held by Eaton Vance Management, its investment adviser and non-managing general partner) as of the close of business on December 21, 1990 for $10.89 per share, the net asset value thereof on such date. The shares held by Eaton Vance Management were liquidated on December 31, 1990 for $8.07 per share, the net asset value thereof on such date reduced by remaining unamortized organization expenses and other expenses.

4. Pursuant to Delaware law, a certificate of cancellation of applicant's certificate of limited partnership was filed in the Office of the Secretary of State of Delaware on April 3, 1991.

5. The expenses incurred in connection with the liquidation and dissolution of applicant were borne by applicant's investment adviser.

6. As of the date of the application, applicant had no shareholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–11927 Filed 5–20–91; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC—18145; 812–7097]

Shearson Lehman Brothers Inc., et al.; Notice of Application

May 14, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("Act").

APPLICANTS: Shearson Lehman Brothers Inc. ("Sponsor"), and all presently outstanding and subsequently issued series (except any short term series with a maturity at the time of purchase not exceeding 280 days and any other series on which the maximum applicable sales charge is less than 3.00%) of Directions Unit Investment Trust, E.F. Hutton Corporate Income Trust, E.F. Hutton Tax-Exempt Trust, E.F. Hutton Trust for Government Guaranteed Securities, Hutton Investment Trust, Hutton Telephone Trust, Hutton Utility Trust, Michigan Fund, Penn State Tax-Exempt Investment Trust, Pennsylvania Fund, Shearson Lehman Brothers Unit Trusts, Shearson Lehman Hutton Unit Trusts, Tax-Exempt Municipal Trust, The Tax-Exempt Trust and The Uncommon Values Unit Trust (collectively, the "Funds").

RELEVANT 1940 ACT SECTIONS: Approval requested pursuant to section 11(a), permitting certain offers of exchange, and an exemption pursuant to section 6(c) from section 14(a) requested by certain applicants.

SUMMARY OF APPLICATION: Applicants seek orders (1) approving certain offers of exchange ("Exchange Option") to be made between the Funds, (2) approving an additional offer of exchange ("Conversion Option") to holders of any registered unit investment trust carrying a specified sales load, and (3) excepting the Sponsor from any requirement to take and hold for its own account or privately place at least $100,000 of units in each series of the Funds that do not hold exclusively "eligible trust securities."

FILING DATE: The application was filed on August 16, 1988 and amended on July 10, 1989 and April 11, 1991, and supplemented by a letter from applicant's counsel dated May 2, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 10, 1991, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, c/o Shearson Lehman Hutton Inc., Two World Trade Center, New York, New York 10048.

FOR FURTHER INFORMATION CONTACT: Kimberly Warren, Staff Attorney, at (202) 272–3026, or Max Berueffy, Branch Chief, at (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. Each of the Funds is registered as a unit investment trust under the Act and consists of one or more separate series, each holding a separate portfolio of securities and having a separate registration statement under the Securities Act of 1933 ("1933 Act"). While the structures of the Funds and the various series are similar in most respects, the investment objectives are different. For example, some series seek taxable interest income, others seek tax-exempt interest income, and still others, capital appreciation. Subgroupings of series have more particularized investment objectives within these general categories.

2. Nearly 500 series of the Funds are currently outstanding. Additional series

are being created and offered to the public at a rate of two or more per quarter. To create a series, the Sponsor usually acquires a portfolio of securities believed to satisfy the investment objective of the particular series, and then deposits the securities with a bank ("Trustee") in exchange for units of fractional undivided interest ("Units") in the deposited portfolio. The Sponsor offers Units to the public at a price that is initially based on the offering prices of the underlying securities plus a sales charge. In the secondary market, the price of a unit is generally based on the bid prices of the underlying securities or, for listed common or preferred stock, the closing sale price, plus a sales charge.

3. The sales charge in the primary market is currently as high as 4.5% of the public offering price. This sales charge is reduced on purchases of 100,000 or more Units to 4.0% of the public offering price on purchases of less than 250,000 Units, to 3.50% on purchases of 250,000 to 499,999 Units, to 3.00% on purchases of 500,000 to 999,999 Units and to 2.5% on purchases of 1,000,000 or more Units. The secondary market sales charge on these series is typically 1% higher at each level. The sales charge in the secondary market on certain other series ranges between 5.50% and 3.0% of the public offering price with reductions based on the number of Units purchased.

4. The Sponsor maintains a secondary market for Units of outstanding series and continually offers to purchase those Units at prices normally based on the bid side evaluation of the underlying securities in the particular series. If the Sponsor discontinues maintaining this market, Units of the series can be liquidated by their holders ("Holders") by direct presentation to the Trustee at redemption prices also based on the bid side evaluation of the underlying securities. The evaluations are determined by an independent evaluator except in the case of series comprised principally of securities traded on a national securities exchange or for which over-the-counter quotations are readily available, in which case the Unit price is based on the closing sale prices of the underlying securities, as determined by the Trustee.

5. Units purchased in the secondary market by the Sponsor may be reoffered to the public, at a price generally based on the aggregate bid side evaluation of the underlying securities plus the applicable sales charge. Those Units may also be presented to the Trustee for redemption. If the Sponsor does not elect to repurchase Units, the Holder can present them to the Trustee for redemption at the repurchase price. The Sponsor may from time to time redeem Units that it has repurchased.

6. The Sponsor intends to allow Holders to exchange their Units of any series for Units of other series of Funds in which a secondary market is maintained ("Exchange Funds") at a reduced sales charge equal to 1.5% of the public offering price of Units. Applicants reserve the right to change these fixed charges subject to the terms and conditions of rule 22d–1 and may otherwise modify, amend or terminate the Exchange Option, provided that the existing Holders will be given prior notice if required by Condition 1 for the Exchange and Conversion Offers, described below.

7. The Exchange Option will provide Holders with a convenient means of transferring interests into Exchange Funds as their investment requirements change. It will also serve as an alternative to disposition of a Holder's interest either in the secondary market or through redemption.

8. The Exchange Option would operate in a manner similar to any secondary market transaction except for the reduced sales charge. The Exchange Option would only be available on series for which the Sponsor is maintaining a secondary market. The Sponsor does not currently anticipate that the Exchange Option would be offered with respect to Units of any Series currently available on original issue. However, the Sponsor may permit such exchanges in the future.

9. The Exchange Option would permit the Holder to acquire only those Units which the Sponsor has acquired in the secondary market and has legally available for sale in the sate in which the Holder resides. Exchanges would be effected for whole Units only, but if the cash proceeds of Units exchanged is insufficient to acquire an even number of whole Units of the Exchange Fund selected, the Holder would be permitted to add cash sufficient to round up to the next higher number of whole Units of the Exchange Fund.

10. The applicable sales charge for Units exchanged within five months from the date of purchase for Units of an Exchange Fund with a higher sales charge than that paid on the Units being exchanged, will be the greater of 1.50% exchange fee, or an amount ("Alternative Charge") that together with the sale scharge actually paid on the acquisition of the Units being exchanged, equals the sales charge applicable to the direct purchases of the quantity of Exchange Fund Units being acquired, determined as of the date of the exchange.

11. The Sponsor proposes to offer the Conversion Option to holders of registered unit investment trusts (other than the Exchange Funds) which were offered at a maximum applicable sales charge of at least 3.0% of the public offering price ("Conversion Trusts") under terms essentially identical to the Exchange Option as described above. All holders of Conversion Trusts would be eligible to participate in the Conversion Option, regardless of whether they are or were retail customers of the Sponsor or whether the Sponsor participated as an underwriter or selling dealer in the original public offering of Units of the Conversion Trust.

12. The Conversion Option provides a means for those holders to exchange their Units at a reduced sales charge for Units of any series in which the Sponsor maintains a secondary market. The holder of Conversion Trust units would order his or her broker to sell those units by presentation to the Trustee and apply the proceeds to purchase whole Units of an Exchange Fund available in the secondary market. The broker must certify to the Sponsor that the purchase is pursuant to the Conversion Option and therefore eligible for the reduced sales charge. The Sponsor intends to hold the Conversion Option open under most circumstances. Applicants, however, reserve the right to modify, suspend or terminate the Conversion Option at any time without further notice. The reduced sales charge for the Conversion Option will be identical to that for the Exchange Option. The Sponsor also reserves the right to change the reduced sales charge from time to time subject to the terms and conditions of rule 22d–1. The Alternative Charge would also apply to the exercise of the Conversion Option within five months of purchase of the units exchanged.

13. A prospectus for each series subject to the Exchange and Conversion Options will describe the reduced sales charge and the procedures to exercise the options. Upon request, the Sponsor will deliver a current prospectus for those series in which the holder indicates an interest and of which the Sponsor has Units lawfully available for sale in the state in which the holder resides.

14. The Sponsor has offered shares of three series of Uncommon Values Unit Trust, two series of Utility Value Trusts and one series of Real Estate Value Trust and requests relief from the

provisions of section 14(a) of the Act as it applies to them.

15. The Sponsor states that each series covered by this request, including subsequent and similar series, is intended to, at the date of deposit of the underlying securities and before any Unit is offered to the public, have a net worth far in excess of $100,000. Each of these series also contemplates subsequent deposits of securities in connection with the creation of additional Units, maintaining to the extent practicable the original proportionate relationship among the number of shares of each security as originally deposited. Thus, the initial assets of the series can be expected to increase.

Applicants' Legal Analysis

1. Applicants are prohibited by reason of sections 11(a) and 11(c) of the Act from making an offer to the holders of Units of a series to exchange such Units for the securities of any other investment company unless the terms of the offer have first been submitted to and approved by the Commission.

2. Applicants submit that the effect of the requested order will be that participants in the Exchange Option and the Conversion Option will purchase and sell units of the Funds based upon the same portfolio pricing terms as all other investors who purchase and sell fund units through the Sponsor or the underwriters in regular transactions.

3. Applicants assert that the reduced sales charge is a reasonable and justifiable expense to be allocated for the professional assistance and operational expenses which are contemplated in connection with the Exchange Option. Applicant submits that the reduced sales charge will achieve the goal of passing savings on to investors.

4. Applicants further submit that the requirement that a person who has acquired Units at a lower sales charge pay the difference, if greater than the reduced fixed charge, upon exercising the Exchange Option during the first five months in which he or she has held the Units to be exchanged, is appropriate in order to maintain the equitable treatment of various investors in each series. Applicants claim that the imposition of the Alternate Charge until Units have been held for a sufficient time to lessen any discrimination against persons acquiring Units of an Exchange Fund in direct purchases at the full sales charge is appropriate because the sales charge on the original purchase is less than that for a direct purchase of the Exchange Fund Units.

5. Applicants submit that the selling effort required to explain the advantages and operations of this type of security and to identify the investment needs of an investor who already holds securities of another unit investment trust is less than the selling effort required for investors unfamiliar with unit investment trusts. Thus, the Conversion Option reflects these savings in selling expenses and in preparation of advertising and selling literature. The Sponsor believes that the proposed charge is a reasonable and justifiable expense to be allocated for the professional assistance and operational expenses which are contemplated in connection with Conversion Option transactions.

6. Applicants further submit that the Conversion Option should have little or no competitive effect on the unit investment trust market. Applicants state that Holders of Conversion Trusts will not be induced or encouraged to participate in the Conversion Option through an active advertising or sales campaign. The Sponsor recognizes its responsibility to its customers against generating excessive commissions through churning and claims that the sales charge collected will not be a significant economic incentive to salesmen to promote conversions.

7. Applicants claim that the Conversion Option will not be used to disrupt the markets of other sponsors. Applicants assert that the Conversion Option is expected to appeal to a limited group of Holders, principally of trusts were the Exchange Funds offer a better investment opportunity because of the greater variety available and the services offered by the Sponsor (such as an active secondary market).

8. With respect to its request for an exemption from the requirements of section 14(a) of the Act, the Sponsor believes that because each series will have a net worth far in excess of $100,000 fully invested in securities on the date of deposit, each series will comply, at the time of its creation, fully with section 14(a)(1). The Sponsor, therefore, submits that any requirement that it take for its own account or sell $100,000 worth of Units as suggested by section 14(a)(3) of the Act would be double compliance. However, applicants recognize that the Commission may not agree with this position. Consequently, applicants seek an exemption from section 14(a) permitting them to sell the Units of the six series previously offered which they hold and to exempt them from such a requirement on the creation of any subsequent or similar Series.

9. The applicants submit that any requirement that the Sponsor invest $100,000 or more in Units of each series under an investment letter representing that those Units are purchased for investment and not for resale to the public or to make a private placement, will only increase the costs to the Sponsor of marketing the Units without creating any significant increase in the protection of Holders.

10. The Sponsor submits that its history in the securities business and its intention to maintain a secondary market demonstrate that the problem of undercapitalization, to which section 14(a) is directed, will not occur.

11. Applicants submit that the orders requested are fair and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants' Conditions for the Exchange and Conversion Offers

If the requested exemption from section 11(c) is granted, the applicants agree to the following conditions:

1. Whenever the Exchange Option is to be terminated or its terms are to be amended materially, any holder of a security subject to that privilege will be given prominent notice of the impending termination or amendment at least 60 days prior to the date of termination or the effective date of the amendment, provided that:

(a) No such notice need be given if the only material effect of an amendment is to reduce or eliminate the sales charge payable at the time of an exchange, to add one or more new series eligible for the exchange option, or to delete a series which has terminated; and

(b) No notice need be given if, under extraordinary circumstances, either—

(i) There is a suspension of the redemption of units of the Exchange Fund under section 22(e) of the Act and the rules and regulations thereunder, or

(ii) An Exchange Fund temporarily delays or ceases the sale of its units because it is unable to invest amounts effectively in accordance with applicable investment objectives, policies and restrictions.

2. The sales charge collected at the time of any exchange or conversion shall not exceed 1.5% of the public offering price of the unit being acquired on each exchange.

3. The prospectus of each Exchange Fund and any sales literature or advertising that mentions the existence of the Exchange Option will disclose that the Exchange Option is subject to modification, termination or suspension

Applicant's Conditions for Relief from Net Worth Requirements

If the requested exemption from section 14(a) is granted, the applicants agree to the following conditions:

1. The Sponsor will refund, on demand and without deduction, all sales charges to

purchasers of Units of any series holding other than "eligible trust securities" from the Sponsor or any underwriter or dealer participating in the distribution, and liquidate the securities held by that series and distribute the proceeds thereof, if, within ninety days from the effectiveness of the registration statement under the 1933 Act, the net worth of the series is reduced to less than $100,000 or the series is terminated.

2. The Sponsor will instruct the Trustee to terminate any such series in the event redemption by the Sponsor of Units which have not been sold in the initial distribution results in the series having a new worth of less than 40% of the net worth of securities in its original portfolio, and in that event, the Sponsor will refund, on demand and without deduction, all sales charges to purchasers of Units of that series from the Sponsor or from any underwriter or dealer participating in the distribution.

3. The Sponsor agrees to require any future sponsor, as a condition of becoming a sponsor, to agree to the foregoing conditions.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-11928 Filed 5-20-91; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA General Docket No. 86-1]

Association of American Railroads; Report and Order

In accordance with 49 CFR 211.51, notice is hereby given that the Federal Railroad Administration (FRA) is authorizing, in response to a petition from the Association of American Railroads (AAR), a test program that will permit some freight car wheels to remain in service despite having reddish brown discoloration on the face of the wheel that extends more than four inches into the plate area of the wheel. To conduct the type of test program contemplated by AAR, a waiver of compliance with FRA regulations is needed.

FRA's Report

For the reasons explained below, FRA is granting a limited, conditional waiver of compliance with its Freight Car Safety Standards (49 CFR part 215). The waiver will permit railroads to continue operating freight cars enrolled in this test program that do not comply with the requirements of the § 215.103(h) which provides that a railroad may not use a freight car if "a wheel on the car shows signs of having been overheated as evidenced by a reddish brown discoloration, to a substantially equal extent on both the front and the back face of the rim, that extends on either face more than four inches into the plate area of that wheel measured from the inner edge of the front or back face of the rim".

For a number of years, FRA has been involved in a cooperative wheel safety research effort. Data from that research effort indicate significant variations in the ability of freight car wheels to resist thermal and mechanical damage. Freight car wheels designed with a curved plate, with rims that have been subjected to heat treatment, appear to be the most resistant to thermal and mechanical damage and therefore less likely to experience in-service failure. Laboratory research involving the saw cutting of freight car wheels and field research involving drag braking of such wheels strongly support the superior safety performance of curved-plate, heat-treated wheels. These findings are consistent with FRA's evaluation of data concerning freight car wheel failures that have resulted in reportable accidents.

At present, FRA's regulatory provision (§ 215.103(h)) does not differentiate between freight car wheels of differing plate designs. In addition, the rule does not differentiate between heat-treated and non-heat-treated wheels. AAR data indicate that about 875,000 cars (approximately 73 percent of the roughly 1.2 million freight cars currently in the national freight car fleet) are equipped with curved-plate wheels. Of these, approximately 260,000 cars (roughly 30 percent) are equipped with wheels that are both curved-plate and heat-treated, and this number has been increasing and can be expected to continue to increase, since the AAR recommends such a design as the standard to be used when railroads are acquiring new wheels.

To better quantify the relative safety performance of heat-treated, curved-plate wheels and assess the effectiveness of FRA's rule, an in-service test is needed. The purpose of this test program is to compare the safety performance of curved-plate, heat-treated wheels that have more than four inches of discoloration and such wheels that have less discoloration or no discoloration. The results of the test should permit FRA to assess the appropriateness of its current rule.

Prior to deciding to authorize the test program described in this report and order, FRA sought public comment on the test proposal. FRA published a notice describing the proposed test program on January 25, 1988 (53 FR 1974). Only limited response to that notice was received, and FRA has incorporated commenter suggestions in its design of this program.

The test effort FRA is authorizing will permit up to 300,000 freight cars to be enrolled in the program. In order to control such a potentially large fleet, FRA is limiting the number of entities that can place equipment in the test fleet. Only Trailer Train Company and the individual railroad companies that currently are members of the Association of American Railroads are eligible to place freight cars in this test program. Freight cars selected by these companies must either be owned by that company or operated by that company under long term lease arrangements. Railroad tank cars will be used as a control group for this test program and no tank cars are eligible for inclusion in the test fleet. A car may be enrolled in the test program if it is (1) completely equipped with heat-treated, curved-plate wheels, (2) inspected and detailed information about the condition of the car recorded, and (3) clearly marked to identify it as part of the test fleet. When a test car wheel develops discoloration that exceeds the threshold value contained in § 215.103(h), a second marking must be added to the car. That second marking will identify the designated cars as being subject to the terms and conditions of this report and order. Only cars having both markings are covered by the waiver of compliance granted by this order. No more than 60,000 cars in the test fleet may have this second marking applied and be operated under the terms of this waiver.

FRA is imposing detailed operational constraints on the test fleet. Among the more significant constraints is one that limits the types of commodities waivered test cars may transport. Once a car is placed in the waiver portion of the test fleet, that car shall not be used to transport any commodity that requires placarding as a hazardous material under Department of Transportation regulations (49 CFR parts 171-179). Although FRA is granting a waiver of compliance to all railroads that encounter a test car with both markings, thereby relieving a railroad of the duty to remove the car from service, FRA is requiring that a railroad that replaces a wheel on a test car install a heat-treated, curved-plate wheel as the replacement. Additional operational controls for the design and conduct of the test program and the operation of test cars are specified below.

The date for initiation of the test program is September 1, 1991, unless

circumstances preclude AAR from commencing on that date. The duration of the test program will not exceed five years and may be terminated at an earlier date. Failure of the AAR (including a participating railroad) to adhere to the terms and conditions of this report and order, or a determination by FRA that continuation of the test program is not in the public interest based on its evaluation of the test data, shall be sufficient basis for terminating this test program in whole or in part. In addition, if at any time during the test interval, the rate of removal of waivered wheels (heat-treated, curved-plate, excessive discoloration wheels) from test cars exceeds the rate of removal of non-excessively discolored wheels from test cars, the test will be suspended. During the suspension, a determination will be made concerning the safety implications for this test program of such wheel removal data. Unless FRA concludes that there is an appropriate basis for believing that the test program may safely continue, FRA will terminate the test. Such a termination decision will be provided in writing to AAR and a notice to that effect published in the **Federal Register.**

FRA's order contains reporting requirements to document the conduct of this test program. Both initial and periodic reports on test progress and annual program reviews are provided for. Summaries of those reports will be placed in the public docket for this proceeding and will be available for public inspection purposes.

In prior instances in which FRA has granted waivers of compliance to permit the conduct of test programs there have been isolated incidents in which FRA has detected a failure to adhere to the conditions that were attached to the waiver. In those cases parties asserted that FRA had not made explicit the possibility that it would seek to impose civil penalties for failure to comply with such conditions. Thus, all parties are hereby notified that during the pendency of this test program, FRA reserves the right to institute civil penalty action against a railroad that does not comply with the terms and conditions of this report and order. In such an instance, FRA will consider a failure to comply with the provision of Freight Car Safety Standards being waived by this order. In such circumstances, FRA will proceed in accordance with the provisions of part 209 (49 CFR part 209), including its statement of enforcement policy contained in appendix A.

FRA's order granting this waiver contains the detailed conditions that apply to the conduct of this test program. The conditions have been organized as follows: Section A involves fleet composition; section B involves control of information concerning the test fleet; section C involves operational control of the test fleet; and section D involves administrative details.

FRA's Order

In consideration of the foregoing, a waiver of compliance with the provisions of § 215.103(h) is hereby granted to any person (including a railroad) who is obligated to comply with 49 CFR 215.103(h). The waiver is conditioned on adherence to the following terms and conditions:

Section A—Composition of Test Fleet

The conditions concerning composition of the test fleet are:

1. Freight cars included in the test fleet must be owned or leased by a railroad that is a member of the AAR or be a car owned or leased by Trailer Train Company and, in the aggregate, can not exceed a total of 300,000 cars.

2. The number of freight cars in the test fleet from any one railroad or Trailer Train Company shall not exceed that contributors proportional share of the national fleet of freight cars available for interchange service.

3. The AAR shall be responsible for monitoring the number of cars being placed in the test fleet and shall immediately notify FRA and all railroads (including Trailer Train Company) when the limit of 300,000 test cars and the limit of 60,000 waivered test cars has been reached.

4. No railroad (including Trailer Train Company) shall place a tank car, a car equipped with any type of straight-plate wheel, or a car equipped with any type of non-heat-treated, curved-plate wheel in the test program.

5. The AAR shall monitor the selection of cars for the test fleet and take appropriate action to ensure that the composition of the test fleet does not contain serious anomalies in terms of the composition of the national freight car fleet and that the proportionality provision of condition A–2 is not violated.

6. In order for a freight car to qualify for inclusion in the waiver portion of this test program, the car must be fully equipped with heat-treated, curved-plate wheels and have one or more wheels with discoloration of more than four inches into the plate of the wheel as described in 49 CFR 215.103(h).

Section B—Control of Test Fleet Data

The conditions concerning composition of the test fleet are:

1. The following information shall be recorded for any freight car being placed in the test program:

- Car number.
- Car type.
- Car capacity.
- Brake shoe type (composition or hi-phosphorous cast iron).
- Air brake type (AB, ABD, ABDW, DB60).
- Wheel manufacturer and ID number.
- Wheel type (cast steel or wrought steel).
- Wheel design (single wear, two wear or multiwear).
- Wheel diameter (28", 30", 33", 36").
- Wheel class (A, B or C).
- Wheel installation date and location (facility).

2. Any freight car placed in this test program shall be periodically examined, and if any subsequent wheel removal occurs the following information shall be recorded:

- Initial test car and wheel inventory data as detailed in condition number 1 shall be furnished to the AAR Research and Test Department, in a suitable format for data base entry prior to the cars entering the test.
- Subsequent wheel removal data reports shall be submitted to the AAR within 5 days of removal using forms provided by the AAR.
- All inventory and wheel removal data shall be made available to the FRA Office of Safety.

3. Each railroad (including Trailer Train Company) shall submit copies of inventory data acquired in compliance with condition B–1 to the AAR in a format suitable for data base entry. The submission shall occur prior to the car being allowed to operate as part of the test fleet.

4. Each railroad (including Trailer Train Company) shall submit copies of wheel removal data acquired in compliance with condition B–2 to the AAR in a format suitable for data base entry or on forms provided by the AAR. The submission shall occur within 5 days of wheel removal.

5. Within 45 days following the beginning of the test program and at subsequent 45-day intervals during the remainder of the test period, the AAR shall provide FRA a summary of the test progress and an evaluation of the results obtained during the preceding month of the progam.

6. The AAR shall notify the FRA Office of Safety as soon as practicable of any derailment or accident resulting from the failure of a heat-treated, curved-plate wheel included in the test, and the result of the AAR investigation

regarding the failure mode of the subject wheel.

7. Within 12 months following the beginning of the test program, and at subsequent 12-month intervals during the remainder of the waiver period, the AAR shall provide a program review to the FRA summarizing the test progress and results obtained during the preceding 12 months of the test program. The program review presentations may be written and/or oral in format.

8. Each railroad participating in this test shall designate at least one location where test cars will receive inspection to detect thermal cracks in wheels and inform AAR of that location(s) prior to placing any car in the test fleet.

9. The AAR shall be responsible for acquainting all parties (member railroads, non-member railroads, contract maintenance facilities, and others such as railroad traffic personnel and car distribution personnel) of the FRA approved test program, the purpose of the test, test plans and required conditions. Additionally, the AAR shall provide for the necessary education and training to ensure that the test conditions are understood and met. All participants will be alerted by the AAR to ensure that intensified efforts are maintained to find thermal cracks on any wheel.

Section C—Operational Control of Test Fleet

The conditions concerning composition of the test fleet are:

1. Each car identified as meeting the criteria for inclusion in the test fleet shall be marked, in letters not less than 3-inches high, on the BL and AR side of the car to read as follows:

AAR TEST—HEAT-TREATED, CURVED-PLATE WHEELS ONLY

2. To the extent possible, test cars must be operated in representative service that requires moderate to heavy braking conditions such as that experienced by the national freight car fleet. In judging representative service, consideration should also include:

- Train consist (unit or designated, general)
- Terrain
- Train speed
- Annual car mileage
- Climate (Temperature, precipitation, etc.)

3. Any car that is part of the test fleet and requires wheel replacement shall have its wheel(s) replaced with a heat-treated, curved-plate wheel(s).

4. When a test car is found to have one or more wheels that have a discoloration of more than four inches into the plate of the wheel as described in 49 CFR 215.103(h), that car shall be considered to be a waivered car once it has been marked as provided below. The marking shall be in letters not less than 3-inches high on the BL and AR side of the car and read as follows:

WAIVER H–81–1

That marking shall be placed directly above the marking that reads:

AAR TEST—HEAT-TREATED, CURVED-PLATE WHEELS ONLY as provided for under condition one of this section.

5. Any car that is part of the waiver portion of the test fleet shall not be used to haul any commodity requiring placarding as a hazardous material under the provisions of 49 CFR part 171 to 179.

6. To the extent possible, waivered test cars shall be routed to avoid operation over the tracks owned and operated by the National Railroad Passenger Corporation (Amtrak) Northeast Corridor tracks between Washington, DC, and New York City. Trains containing test cars that are traveling over that trackage shall only be operated during the hours between 11 p.m. and 6 a.m.

Section D—Administrative Details

1. The waiver is effective September 1, 1991 and shall expire on September 1, 1996.

2. If at any time during the test period, the rate of removal of waivered wheels (heat treated, curved plate, excessively discolored wheels) from test cars equals or exceeds the rate of removal of non-waivered wheels (heat treated, curved plate, non-excessively discolored wheels) from test cars, the test will be suspended. During the period of suspension a determination will be made to see if there is a basis for safely permitting continuation of the test. Absent the finding by FRA that there is such a basis, the AAR will be notified that the test is terminated.

3. As soon as possible after receipt of a termination notice by AAR, all waivered test cars must be removed from service until brought into compliance. The period for removing cars from service shall not exceed 120 days. During this interval cars may be moved as necessary to allow cars under load to be off-loaded and then brought into compliance.

4. The failure of the AAR or any participating railroad to adhere to the conditions contained in this order throughout the duration of the test period shall be sufficient grounds for the FRA to terminate this waiver in whole or part.

5. Failure to adhere to the conditions of this waiver by a railroad shall be deemed to be the same as non-compliance with the provisions of 49 CFR 215.103(h) for the purposes of imposing civil penalties in accordance with the provisions of 49 CFR 215.7.

Issued in Washington, DC, on May 15, 1991.

Phil Olekszyk,

Deputy Associate, Administrator for Safety.

[FR Doc. 91–11945 Filed 5–20–91; 8:45 am]

BILLING CODE 4910–06–M

National Highway Traffic Safety Administration

Petition for Exemption from the Vehicle Theft Prevention Standard; Porsche Cars North America, Inc.

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Grant of petition for exemption.

SUMMARY: This notice grants in full the petition by Porsche Cars North America, Inc. (Porsche) for an exemption from the parts marking requirements of the vehicle theft prevention standard for a new Porsche car line for Model Year (MY) 1992. The agency grants this exemption under section 605 of the Motor Vehicle Information and Cost Savings Act. The agency has determined that the antitheft device that the petitioner intends to install on this line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts marking requirements. Therefore, the agency grants the petition.

DATES: The exemption granted by this notice will become effective beginning with the 1992 model year.

SUPPLEMENTARY INFORMATION: On December 12, 1990, this agency received from Porsche a petition for exemption from the theft prevention standard for a new Model Year (MY) 1992 Porsche car line pursuant to 49 CFR part 543, Exemption from Vehicle Theft Prevention Standard. The agency reviewed the December 12, 1990 submission and requested further information on the reliability and durability of the device (§ 543.6(a)(3)(v)), reasons that would support Porsche's belief that the antitheft device will be effective in reducing and deterring motor vehicle theft (§ 543.6(a)(4)), and asked Porsche to provide information in support of its belief that NHTSA should determine that the antitheft device is likely to be as effective as compliance with parts-marking in reducing and deterring motor vehicle thefts (§ 543.6(a)(5)). The agency also requested information that would fulfill § 543.6(b), which requires the

manufacturer to provide an explanation of its belief that the submitted data are sufficiently representative and reliable to warrant NHTSA's reliance upon them. The agency received this additional information on January 21, 1991. The agency reviewed both the December 12, 1990 and January 21, 1991 submissions and concluded that together they constituted a complete petition. Accordingly, January 21, 1991 is the date on which the statutory 120 day period for processing Porsche's petition began.

On January 15, 1991, this agency granted Porsche's request under 49 CFR part 512 to treat certain information in its petition regarding the nameplate of the new car line, the company's product plans for MY 1992, and certain details about the antitheft system, as confidential business information.

In its petition, Porsche included a detailed description and diagrams of the identity, design, and location of the components of the antitheft device for the new Porsche car line. Porsche stated that the antitheft system proposed for the new MY 1992 car line is identical to the system for which an exemption was granted by NHTSA for the MY 1990 Porsche 911 and 928 car lines (See 54 FR 23727; June 2, 1989). The antitheft device is a comprehensive security alarm system that is activated by removing the key from the ignition and locking either the driver or passenger door with the key. The central locking system then locks the remaining door and arms the alarm. The alarm monitors the doors, front hood, rear hatch, radio, and ignition switch. If a door, front hood or hatch is opened, the radio removed, or the ignition switch moved from the off position without the alarm first being disarmed with the key, the alarm will go off. When this happens, the horn sounds intermittently and the side marker lights and interior lights flash. After a maximum of four minutes, the horn shuts off. After a maximum of eight minutes, the side marker and interior lights turn off and the alarm resets. The car will not start as long as the alarm remains armed. If the system again senses another door, hood, or hatch being opened, the radio removed, or the engine trying to be started, the alarm will again activate. This cycle continues for as long as the vehicle has electrical power.

Porsche also stated that the system is designed to make attempts to defeat the system difficult and time consuming. The battery in the Porsche cannot be accessed from outside the car. The power lines from the battery to the alarm system are inside the vehicle and cannot be accessed from outside the car. The releases for the hood and the rear hatch of the new car line are all located in the passenger compartment. Porsche stated that a thief cannot gain access to the lock switches from outside the car, even if the lock cylinders are removed, without physically breaching the outer metal panels surrounding the locks.

Porsche states that the alarm control unit is solid state and located inside the passenger compartment. If a thief should enter the car through a broken window, Porsche asserts that it would take a minimum of 15 minutes to gain access to the alarm control unit and would require specific knowledge of the system in order to successfully bypass it. The thief would then need to bypass the ignition lock to start the car, taking even more time.

Porsche asserts that all system components are of high quality and tested to ensure reliability and durability to Porsche's standards. Porsche examined the reliability and durability of this system by subjecting it to the following tests: Environmental conditions; installation in car; ID marking; control unit construction; temperature and voltage statement; service voltage range; wiring current variation; contact insulation; over voltage and short circuit stability idle current consumption; electronic compatibility; wire directed interference; test with mobile radios; radio interference protection; utilization durability (duty cycle); durability testing; hot and cold tests; temperature and temperature change shock tests; climatic test; vibration (sine wave and random) tests; impact; and shock tests. Porsche stated that if the system did not pass these tests, the design would not have been deemed acceptable.

Porsche provided statistical data (issued by NHTSA) to support its belief that the alarm system for the new car line will be as effective in reducing and deterring theft as compliance with the parts-marking requirements of the theft prevention standard (49 CFR part 541). Porsche stated that in MY 1989, Porsche lines 944, 911, and 928 were equipped with alarm systems as standard equipment. The MY 1989 system was identical to that used on MY 1990 944, 911, and 928 model lines and for which NHTSA granted an exemption for the 911 and 928 lines under part 543 (See 54 FR 23727; June 2, 1989). Porsche provided statistical data depicting a 70.7 percent decrease for the 944 car line from MY 1988 to MY 1989, a 47.4 percent decrease for the 911 line for the same model years, and a 60 percent decrease for the 928 line for the same model years. Porsche stated it believes that a large part of the significant decrease in the theft rate from MY 1988 to 1989 for all three car lines is due to the alarm system.

Porsche also identified other manufacturers' car lines with alarm systems with features similar to those described in its petition. One such system is installed on the Audi 5000 and 100/200 lines. Porsche stated that since Audi was granted an exemption in MY 1987 for the 5000 line and subsequently for the 100/200 lines (which replaced the Audi 5000), the theft rate has declined. For the Audi 5000, the theft rate for MY 1987 was 1.9827, for MY 1988 it was 1.2642, and for MY 1989 it was 1.2304.

Based on the above described substantial evidence, the agency believes that the antitheft device for the new Porsche car line in MY 1992 is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the theft prevention standard (49 CFR part 541).

This determination is based on the information that Porsche submitted with its petition, and on other available information. The agency believes that the device will provide the types of performance listed in § 543.6(a)(3): Promoting activation; attracting attention to unauthorized entries; preventing defeat or circumventing of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

As required by section 605(b) of the statute and § 543.6(a)(4), the agency also finds that Porsche has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information Porsche provided on its device. This information included a description of reliability and functional tests conducted by Porsche for the antitheft system and its components. The function and design of the Porsche antitheft device is similar to those of other devices, such as that on the Nissan 300ZX, General Motors Allante, and Audi 5000S that the agency previously has considered likely to be at least as effective as complying with part 541 would be.

For the foregoing reasons, the agency hereby exempts the new MY 1992 Porsche car line in whole from the requirements of 49 CFR part 541.

If Porsche decides not to use the exemption for the new car line, it should formally notify the agency. If it so decides, these car lines must be marked according to the requirements under 49

CFR §§ 451.6 and 541.5 (marking of major component parts and replacement parts).

The agency notes that the limited and apparently conflicting data on the effectiveness of the pre-standard parts making programs continue to make it difficult to compare the effectiveness of an antitheft device with the effectiveness of compliance with the theft prevention standard. The statute clearly invites such a comparison, which the agency has made on the basis of the limited data available.

NHTSA notes that if Porsche wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a part 543 examination applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption was based. Further, § 543.9(c)(2) provides for the submission of petitions "(t)o modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption."

The agency wishes to minimize the administrative burden which § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting part 543 to require the submission of a modification petition for every change in the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if Porsche contemplates making any changes the effects of which might be characterized as *de minimis*, then the company should consult the agency before preparing and submitting a petition to modify.

Authority: 15 U.S.C. 2025, delegation of authority at 49 CFR 1.50).

Issued on: May 15, 1991.

Jerry Ralph Curry,

Administrator.

[FR Doc. 91-11946 Filed 5-20-91; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

May 15, 1991.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Office of Thrift Supervision

OMB Number: 1550-0003.
Form Number: OTS Form 366.
Type of Review: Revision.
Title: Criminal Referral Reporting/ Recordkeeping Requirement.
Description: Information must be reported to the OTS, Justice and the U.S. Attorney whenever a crime occurs or is suspected at an OTS-regulated thrift institution. The information is used to determine if further investigation is warranted. In addition, the information must be maintained for ten years at the affected institution for use by the OTS.
Respondents: Businesses or other for-profit.
Estimated Number of Respondents: 2,000.
Estimated Burden Hours Per Response/ Recordkeeping: 2 hrs., 36 mins.
Frequency of Response: Other (whenever a crime is suspected).
Estimated Total Recordkeeping/ Reporting Burden: 7,600 hours.
Clearance Officer: John Turner (202) 906-6840, Office of Thrift Supervision, 1700 G Street, NW., 3rd Floor, Washington, DC 20552.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 91-11976 Filed 5-20-91; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 98
Tuesday, May 21, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, May 22, 1991.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: Mid-Year Review.

The staff will brief the Commission on FY 1991 mid-year review issues including proposed operating plan changes and new funding proposals.

For a Recorded Message Containing the Latest Agenda Information, Call: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207, 301–492–6800.

Dated: May 15, 1991.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 91–12179 Filed 5–17–91; 1:50 pm]

BILLING CODE 6355–01–M

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, May 23, 1991.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: Automatic Residential Garage Door Openers.

The staff will brief the Commission on a final rule specifying requirements for automatic residential garage door openers as stated in Section 203 of the Consumer Protection Safety Improvement Act of 1990.

For a Recorded Message Containing the Latest Agenda Information, Call: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207, 301–492–6800.

Dated: May 15, 1991.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 91–12180 Filed 5–17–91; 1:50 pm]

BILLING CODE 6355–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of a Matter To Be Withdrawn From Consideration at an Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the following matter will be withdrawn from the agenda for consideration at the open meeting of the Board of Directors of the Federal Deposit Insurance Corporation scheduled to be held at 2:00 p.m. on Tuesday, May 21, 1991, in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.:

Memorandum and resolution re: Rulemaking petition for policy regarding state and local property taxes.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Deputy Executive Secretary of the Corporation, at (202) 898–6757.

Dated: May 17, 1991.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 91–12168 Filed 5–17–91; 3:23 pm]

BILLING CODE 6714–01–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

May 16, 1991.

TIME AND DATE: 10:00 a.m., Thursday, May 23, 1991.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Bulk Transportation Service, Inc.*, Docket No. PENN 89–143. (Issues include whether Bulk is an "operator" under Section 3(d) of the Mine Act, and whether the Secretary of Labor abused her discretion by citing Bulk for a violation of 30 C.F.R. § 77.807–3.)

Any person intending to attend this meeting who requires special accessibility features, and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR § 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Jean Ellen, (202) 653–5629/(202) 708–9300 for TDD Relay 1–800–877–8339 Toll Free.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 91–12201 Filed 5–17–91; 3:27 p.m]

BILLING CODE 6735–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Tuesday, May 28, 1991.

PLACE: Marriner S. Eccles Federal Reserve Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Cosed.

MATTERS TO BE CONSIDERED:

1. Proposed purchase of check processing and computer equipment wihin the Federal Reserve System. (This item was originally announced for a closed meeting on May 20, 1991.)
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward form a previous announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: May 17, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91–12171 Filed 5–17–91; 1:26 pm]

BILLING CODE 6210–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m., Wednesday, May 29, 1991.

PLACE: Board Room, Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

5458—Revised Probable Cause: Aircraft Accident Report—Runway Collision of Eastern Airlines Flight 111 and Epps Air Service Beechcraft King Air A100, Atlanta, Georgia, January 18, 1990.

5167A—Railroad Accident Report: Derailment of CSX Freight Train and Release of Hazardous Materials, Freeland, Michigan, July 22, 1989.

NEWS MEDIA CONTACT: Item #1—Brent Bahler and Item #2—Alan Pollock—Telephone (202) 382–6600.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382–6526.

Dated: May 17, 1991.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 91–12174 Filed 5–17–91; 1:44 pm]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of May 20, 27, June 3, and 10, 1991.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of May 20

Monday, May 20

9:00 a.m.
Briefing on Final Rule on Performance Based QA—Part 35 (Public Meeting)

Tuesday, May 21

10:00 a.m.
Briefing on BRC Consensus Process (Public Meeting)

2:00 p.m.
Briefing on Final Rule on License Renewal—Part 54 (Public Meeting)

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Return of Topaz II Reactor System to the Soviet Union (Tentative)

Week of May 27—Tentative

Friday, May 31

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of June 3—Tentative

Friday, June 7

1:30 p.m.
Periodic Meeting with the Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting)

3:00 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of June 10—Tentative

Monday, June 10

2:00 p.m.
Briefing on Proposed Rule on Training and Qualification of Nuclear Power Plant Personnel (Public Meeting)

Tuesday, June 11

10:00 a.m.
Briefing by Agreement States on Compatibility Issues (Public Meeting)

Wednesday, June 12

10:00 a.m.
Briefing on Progress of Design Certification Review and Implementation (Public Meeting)

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this issue.

To Verify the Status of Meetings Call (Recording)—(301) 492–0292

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 492–1661.

Dated: May 16, 1991.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 91–12150 Filed 5–17–91; 1:24 pm]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [56 FR 22512 May 15, 1991].

STATUS: Open/closed meetings.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Monday, May 13, 1991.

CHANGE IN THE MEETING: Additional items.

The following additional matter will be considered at an open meeting on Monday, May 20, 1991, at 3:00 p.m.

Consideration of whether to issue a release proposing for comment amendments to Rule 31–1 under the Securities Exchange Act of 1934 ("Act"), which governs exemptions from Section 31 transaction fees. The proposal would exempt from the imposition of Section 31 fees transactions effected after regular trading hours involving orders of 15 securities or more executed at one aggregate price. For further information, please contact Sharon Lawson at (202) 272–2406.

The following additional item will be considered at a closed meeting on Tuesday, May 21, 1991, at 2:30 p.m.

Formal order of investigation.

Commissioner Roberts, as duty officer, determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Ronald Mueller at (202) 272–2200.

Dated: May 16, 1991.

Jonathan G. Katz,

Secretary.

[FR Doc. 91–12169 Filed 5–17–91; 1:25 pm]

BILLING CODE 8010–01–M

federal register

Tuesday
May 21, 1991

Part II

Department of Education

Minority Teacher Training Project (FIPSE Program); Proposed Priority for Fiscal Year 1991; Notice

DEPARTMENT OF EDUCATION

Minority Teacher Training Project (FIPSE Program); Proposed Priority for Fiscal Year 1991

AGENCY: Department of Education.

ACTION: Notice of proposed priority for fiscal year 1991.

SUMMARY: The Secretary proposes a Minority Teacher Training Project priority for fiscal year 1991. The priority is intended to encourage activities to increase the number of Hispanics, Blacks and other minorities in the teaching profession.

DATES: Comments must be received on or before June 20, 1991.

ADDRESSES: All comments concerning this proposed priority should be addressed to: Mr. John L. Hunt, U.S. Department of Education, 400 Maryland Avenue, SW., room 3042, ROB–3, Washington, DC 20202–5336.

FOR FURTHER INFORMATION CONTACT: John L. Hunt, Telephone: (202) 708–8863. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington DC 202 area code, telephone 708–9300 between 8 a.m. and 7 p.m., Eastern time.)

SUPPLEMENTARY INFORMATION: The conference report accompanying Public Law 101–517, The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1991, states that the Department should use $1,000,000, later reduced to $976,000, of the appropriation for the Fund for the Improvement of Postsecondary Education (FIPSE), for a minority teacher training project.

Congress appropriated the funds for this project under the authority for FIPSE, and the competition for this project will be conducted under the FIPSE regulations in 34 CFR part 630. The minority teacher training project is the only project that will be funded under this competition.

The Secretary will announce the final priority in a notice in the **Federal Register.** The final priority will be determined by responses to this notice, available funds, and other considerations of the Department. Funding of a particular project depends on the availability of funds, the nature of the final priority, and the quality of the applications received. The publication of this priority does not preclude the Secretary from proposing additional priorities, nor does it limit the Secretary to funding only this priority, subject to meeting applicable rulemaking requirements.

Note: This notice of proposed priority does not solicit applications. A notice inviting applications under this competition will be published in the **Federal Register** concurrent with or following publication of the notice of final priority.

Priority: Under 34 CFR 75.105(c)(3) the Secretary proposes to give an absolute preference to applications that meet the following priority. The Secretary proposes to fund under this competition only an application that meets this absolute priority:

Minority Teacher Recruitment and Training Project

The Secretary proposes to give absolute preference to a minority teacher recruitment and training project that has the following components:

(a) Activities by an institution or institutions of higher education to identify minority students at the secondary and postsecondary levels and to encourage them to enter teacher training programs. One of the recruitment activities must be collaboration of the institution or institutions of higher education providing the teacher training with participating local educational agencies (LEAs), including an in-service program for teachers in the participating LEAs.

(b) Specialized teacher training designed to meet the needs of all participating students in teacher training programs to which the minority students are recruited. The teacher training program must include, but is not limited to, instructional and support service activities that address—

(1) Socio-psychological concerns in learning, including learning by minority students;

(2) Language and cultural differences among students;

(3) Culture-sensitive instructional materials for use by participants in the teacher training;

(4) Training in the effective use of culture-sensitive instructional materials in the classroom; and

(5) Joint restructuring of methodology courses between the liberal arts and education faculties.

Funds awarded under this priority are not available for tuition or other costs of the participating students' attendance at institutions of higher education.

For the purpose of this project, "minority" is defined as "American Indian, Alaskan Native, Asian, Black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban and Central or South American origin), or Pacific Islander."

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding this proposed priority. The Secretary is particularly interested in comments on the proposed definition of "minority."

All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in room 3042 ROB–3, 7th & D Streets, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

Applicable Program Regulations

34 CFR part 630, and the Education Department General Administrative Regulations, in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, and 86.

Program Authority: 20 U.S.C. 1135–1135a–3.

(Catalog of Federal Domestic Assistance Number—84.116—Fund for the Improvement of Postsecondary Education)

Dated: April 19, 1991.

Lamar Alexander,

Secretary of Education.

[FR Doc. 91–11924 Filed 5–20– 1; 8:45 am]

BILLING CODE 4000–01–M

federal register

Tuesday
May 21, 1991

Part III

Department of Education

Proposed Priorities for the National Institute on Disability and Rehabilitation Research for Fiscal Years 1991-92; Notices

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research for Fiscal Years 1991-92; Proposed Priorities

AGENCY: Department of Education.

ACTION: Proposed Priorities for the National Institute on Disability and Rehabilitation Research for Fiscal Years 1991–92.

SUMMARY: The Secretary of Education proposes funding priorities under the National Institute on Disability and Rehabilitation Research (NIDRR) for fiscal years 1991–1992 for a program of activities to support the implementation of the Americans With Disabilities Act (ADA).

DATES: Interested persons are invited to submit comments or suggestions regarding the proposed priorities on or before June 20, 1991.

ADDRESSES: All written comments and suggestions should be sent to Betty Jo Berland, National Institute on Disability and Rehabilitation Research, Department of Education, 400 Maryland Avenue, SW., Switzer Building, room 3422, Washington, DC 20202–2601.

FOR FURTHER INFORMATION CONTACT: David Esquith, National Institute on Disability and Rehabilitation Research (Telephone: (202) 732–5801). Deaf and hearing-impaired individuals may call (202) 732–5316 for TDD services.

SUPPLEMENTARY INFORMATION: Authority for the dissemination of information that will assist in improving the lives of individuals with disabilities is contained in sections 202 and 204 of the Rehabilitation Act of 1973, as amended. The specific provisions concerning the establishment of projects that will assist in the implementation of the ADA are included in the House and Senate Reports accompanying the Appropriations bills for the Departments of Labor, Health and Human Services, and Education for Fiscal Year 1991.

NIDRR proposes the priorities for these projects, as well as special selection criteria for these awards, in this notice. The projects will be supported under the Knowledge Dissemination and Utilization Program. Under this program, awards are made to public and private nonprofit and for-profit agencies and organizations, including institutions of higher education, Indian tribes, and tribal organizations. NIDRR may make awards for up to 60 months, through grants or cooperative agreements. NIDRR regulations authorize the Secretary to establish priorities by reserving funds to support particular activities (see 34 CFR 355.32). NIDRR is proposing the following absolute priorities, as authorized by the Education Department General Administrative Regulations (EDGAR) is § 75.105(c)(3). Only applications that are responsive to these priorities can be funded. NIDRR invites public comment on the priorities individually and collectively, including suggested modifications to the proposed priorities. Interested respondents also are invited to suggest the types of expertise that would be needed for independent experts to review and evaluate applications under these proposed priorities.

NIDRR will review the comments received on these proposed priorities and will then announce final funding priorities, which will be based on the responses to this notice, available funds, and other Departmental considerations. The publication of these proposed funding priorities does not bind the Department of Education to fund projects under any or all of these priorities, except as otherwise provided by statute. Funding of particular projects depends on both the final priorities and the quality of the applications received.

In this notice, NIDRR is proposing priorities for three types of projects. There are two priorities to establish national peer training projects to enhance the capacity of persons with disabilities and their organizations to facilitate the implementation of the ADA; there are three priorities for projects to develop and test technical assistance and training programs in three areas of the Act; and a priority that proposes ten Regional Disability and Business Accommodation Centers (RDBACs) that would focus on providing information and technical assistance to employers and other covered entities to facilitate appropriate implementation of the ADA, successful employment outcomes for individuals with disabilities, and greater accessibility in public accommodations.

Proposed Priorities

Background

Since its establishment in 1978, the National Institute on Disability and Rehabilitation Research (NIDRR; formerly the National Institute on Handicapped Research) has supported research to improve the employment status and promote the independence of persons with disabilities. Along with other research initiatives, NIDRR has supported research addressing accessible environments, assistive technology, job accommodation strategies, worksite modifications, information dissemination and utilization techniques, independent living, empowerment and self-representation, and the nature of various specific disabilities.

Public Law 101–336, the Americans with Disabilities Act (ADA), was enacted on July 26, 1990, and prohibits discrimination against individuals with disabilities in employment, public accommodations, transportation, State and local government services, and telecommunications. The ADA requires a number of Federal agencies to issue regulations and undertake technical assistance efforts. In most cases, the ADA requires responsible agencies to issue their final regulations within one year of the date of enactment and develop technical assistance manuals and make them available no later than 180 days after the final regulations have been published. Because of NIDRR's experience in supporting information dissemination and technical assistance on issues related to disability, and its information base of knowledge resulting from NIDRR-supported research and demonstration efforts, Congress provided additional funds to NIDRR for FY 1991 to support a technical assistance initiative related to the implementation of the ADA.

The Senate Report accompanying the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 1991 (Senate Report No. 101–516) frames NIDRR's task in broad terms, referring to funding for "technical assistance related to implementation of the Americans with Disabilities Act." The House Appropriations Report (H.R. 101–591) is more specific and oriented to employment, directing NIDRR to fund " * * * up to ten new regional centers on disability. The primary focus of this new program is to ensure that information and expertise are available on how to make reasonable accommodations for disabled employees in the work setting." The Conference Report did not discuss the issue.

As suggested by the House in its 1991 Appropriations Report, NIDRR has consulted with a range of relevant Federal agencies, including the Department of Justice, the Equal Employment Opportunity Commission, the President's Committee on the Employment of People with Disabilities, and the National Council on Disability, as well as with representatives from business and disability organizations, to develop a responsive and meaningful program that will complement the planned efforts of other public and private agencies. The proposed priorities were developed on the basis of these

consultations along with references to NIDRR's existing knowledge base of disability-related information. NIDRR intends to continue to coordinate activities under this program with other Federal agencies and with other public and private initiatives to implement the ADA.

In response to the Congressional directives and the needs expressed by the representatives of disability and business organizations that NIDRR has consulted, NIDRR is proposing to establish a program of regional centers—the Regional Disability and Business Accommodation Centers (RDBACs)—that will address a wide range of issues related to implementation of the ADA, but will place particular emphasis on employment and public accommodation issues. At the same time, NIDRR will support three projects to produce a core set of training materials, resources, and references that will be used by the centers in their technical assistance efforts and by others providing training and technical assistance related to the employment, public accommodations, and telecommunications requirements of the ADA. In addition, NIDRR will support national peer training projects aimed at enhancing the knowledge of the ADA and, thereby, the capacity of organizations of and for persons with disabilities, as well as the capacities of individuals with disabilities, to facilitate the implementation of the ADA.

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National Peer Training Projects

Local Capacity-Building in Independent Living Centers
Peer and Family Training Network

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Communication and Telecommunication

Regional Disability and Business Accommodation Centers

Proposed Priorities for National Peer Training Projects

NIDRR believes that the full potential of the ADA can be realized only if the individuals who are protected under the Act are aware of the provisions of the law and of their rights and responsibilities under the Act. Further, persons with disabilities and organizations of and for individuals with disabilities have both an incentive to see the law successfully implemented and the experience and knowledge to facilitate that implementation.

Applicants for peer training projects must present a plan that describes a national target population, equitably dispersed geographically throughout the nation, for the training, presents a method for reaching a diverse target population, describes types of training approaches, which may include training-the-trainers, multimedia designs, providing training at national, State, or regional meetings of organizations representing the target population, or other approaches that maximize impact with the available resources. Applicants must detail their plans for dissemination and utilization of their products as well as evaluation. Applicants for these projects must provide evidence that they include individuals with disabilities or their family members or representatives in all aspects of the planning, management, implementation, and evaluation of the training activity. Applicants must identify key staff that are available and will be assigned as project staff. Grantees will be expected to submit reports and materials to NIDRR, the National Rehabilitation Information Center and other appropriate clearinghouses.

Peer Training for Local Capacity-Building in Independent Living Centers

It is imperative that we take advantage of existing resources in local communities and develop their capacity to facilitate the smooth implementation of the ADA. There are over 400 Independent Living Centers (ILCs) in the United States that emphasize consumer control and peer services. These ILCs are natural resources that will have an awareness of the ADA and a strong incentive to promote its full implementation. However, ILC staff, peer associates, and volunteers can be more effective in these ADA facilitation roles if they develop a solid expertise.

Applicants for funding under this priority must provide a plan for peer training that maximizes the roles of individuals with disabilities in the planning and operation of the training program. Applicants must provide evidence of their ability to have a nationwide scope, and must demonstrate the availability of staff and facilities to begin immediately to implement the grant activities. The project must develop training materials and curricula that apply to all individuals with disabilities who are covered under the ADA and that can be used by all ILCs.

A project to be funded under this priority will:

- Provide training to ILC staff, associates, and volunteers on the requirements of the ADA;
- Provide the ILC staff, associates, and volunteers with general awareness training on types of accommodations that can be made, innovative approaches to accommodations, and low cost accommodations;
- Provide training and technical assistance to ILC staff, associates, and volunteers to enhance their capacity to deliver training, information, publicity, and educational programs in their communities about the ADA;
- Provide followup and reinforcement of training, consultation, or technical assistance to ILC staff, associates, and volunteers as needed by trainees;
- Assist ILC staff, associates, and volunteers as needed by trainees to select and maintain resource files of instructional materials for various types of audiences, such as individuals with various types of disabilities and their families or representatives and service providers from various service systems, including in these resource files videotapes, audiocassettes, visual presentations, posters, brochures, computer demonstrations, and other media presentations;
- Provide training to ILC staff, associates, and volunteers in various methods to promote awareness and implementation of the ADA, such as displays of model accommodations in malls or at fairs, recognition and award ceremonies, use of local media presentations, and poster or essay contests;
- Provide training to ILC staff, associates, and volunteers on ways to use existing community facilities and resources, such as community colleges, voluntary associations, or public access channels to promote implementation of the ADA;
- Begin training of ILC staff, associates, and volunteers within three months of the grant award and have trained an adequate number of ILCs that can respond to community needs at the effective dates of specific titles of the Act; and
- Coordinate their technical assistance and training activities with those of other agencies that provide technical assistance on the ADA, such as the Equal Employment Opportunity Commission and the Department of Justice, the Architectural and Transportation Barriers Compliance Board (ATBCB) and with the Peer and Family Training Network project, the Materials Development Projects, and the RDBACs to be funded under these priorities.

Peer and Family Training Network

In order for the potential benefits of the ADA to be fully realized, the intended beneficiaries must be aware of the provisions of the statute, the

practical interpretation of those provisions, methods to facilitate implementation of the statute, and sources of assistance. This priority is intended to accomplish those objectives by developing a peer and family training network in which individuals with disabilities or their parents or other family members will provide training to their peers throughout the country to enhance their awareness of: (1) The provisions of the ADA; (2) their rights and responsibilities under the Act; (3) effective ways in which the employment, public accommodations, and telecommunication provisions of the Act can be implemented; and (4) local and national resources available for expert assistance in resolving issues such as interpretation, reasonable accommodations, or technical aspects of compliance, that may arise concerning the implementation of the provisions of the ADA.

This training network must apply innovative approaches to the delivery of training, including training-the-trainers, training the target population in such settings as organization meetings and conventions, supported employment programs, school transition programs, parent and advisory groups involved in special education programs, parent outreach projects, and similar programs that reach the target population. The project shall prepare individuals with disabilities and their family members or representatives to develop their own skills and awareness, and also prepare them to train other groups in the community, including peers and covered entities. The training may include developing the capacity of local disability organizations to serve as community resources.

Applicants for support under this project must demonstrate representation of and an ability to reach individuals with various types of disabilities—including developmental, cognitive, emotional, physical, and sensory impairments—and their families. Applicants may propose various effective means of delivering the training, including through subcontracts that are made with organizations that also represent individuals with disabilities and their families. The training provided for under this priority must begin within three months of the grant award and additional training and related activities will be phased in over the three year period of the grant.

A project to be funded under this priority will:

- Provide training to individuals with disabilities and their families, by individuals with disabilities or family members, on the provisions of the ADA and on methods to facilitate the implementation of the ADA;
- Train individuals with disabilities and their family members to become trainers of their peers and of other key individuals in their communities, including employers and public or private service providers and administrators;
- Develop the capacity of organizations of and for individuals with disabilities to provide information, training, technical assistance, and education about the ADA within their communities, particularly to persons with disabilities and their families, or to organizations representing individuals with disabilities or those who provide services to them;
- Coordinate and cooperate with the Peer Training for Local Capacity-Building in Independent Living Centers project, the Materials Development Projects, and the RDBACs described in this notice, and share information with these and other relevant entities; and
- Coordinate their technical assistance and training activities with those of other agencies that provide technical assistance on the ADA, such as the Equal Employment Opportunity Commission, the Department of Justice, and the Architectural and Transportation Barriers Compliance Board.

Selection Criteria

The regulations that apply to the Knowledge Dissemination and Utilization program, 34 CFR 355, apply to these priorities. However, because of the specialized nature of these activities and the potential importance of these projects to the successful implementation of the Americans with Disabilities Act, NIDRR proposes to add several factors to the selection criteria in 34 CFR 350.34 by which applications under these priorities will be evaluated. NIDRR proposes to add 60 points to the selection criteria for these projects, so that the maximum possible score for an application in § 350.33(e) is increased to 160 points. NIDRR proposes to distribute the additional points as follows:

(1) The applicant demonstrates that individuals with disabilities, or where appropriate, their family members will plan, manage, implement, and evaluate the project. (Weight: 4; Total Points: 20)

(2) The applicant proposes an effective approach to the timely delivery of training in formats and styles that are accessible to individuals with a range of sensory, communication, cognitive, and learning disabilities. (Weight: 4; Total Points: 20)

(3) The applicant demonstrates an ability to begin immediate project operations, demonstrates that key staff and facilities are currently available, and demonstrates an ability to achieve a comprehensive nationwide program within the three-year period of the project. (Weight: 4; Total Points 20)

Proposed Priorities for Materials Development Projects

In order to ensure that the RDBACs have high quality, uniform materials to distribute and to make accessible training materials available to various segments of the population that need to know about the ADA, NIDRR proposes priorities to develop and test new informational and instructional materials.

NIDRR expects that the target audiences for the RDBACs, as well as the other populations likely to make use of these materials, will have a wide range of information processing styles and interests. As a result, the materials that the RDBACs distribute and the training that they provide must cover a broad range of topics, use a number of different visual, auditory, and experiential media, be available in a variety of accessible formats, and be presented so as to be understandable to a range of target audiences with cognitive or linguistic differences. In order to ensure the usefulness and appropriateness of the materials developed by these projects, NIDRR requires that persons with disabilities and their families must be involved in the development of these materials and resources to the maximum extent feasible.

NIDRR plans to support three two-year grants or cooperative agreements for materials and resource development and testing. These materials and resources will be available to the RDBACs and to the national peer training projects for reproduction to be distributed and disseminated regionally and nationally. They will also be available for use in further public information, technical assistance, and training activities conducted by the grantees or by other interested entities. Grantees will be expected to submit reports and materials to NIDRR, the National Rehabilitation Information Center and other appropriate clearinghouses.

Using a variety of media, these grantees will develop materials and resources for use by, and with, employers, disability organizations, commercial establishments, labor unions, State and local government agencies, service providers, voluntary organizations, and the general public. In addition, the grantees will develop

training materials that can be used by trainers, employers, and disability groups. These materials and resources will include, but not be limited to: Checklists, self-assessment guides, videotapes, audiotapes, self-guided instructional materials, information guides, manuals, curricula, and reference lists. The products of the grants must be developed in a variety of media and formats so as to be understandable by a wide audience with varying information processing styles and abilities. Each of the materials developed by the grants must be field-tested prior to final production. In order for these materials to have maximum impact on the implementation of the ADA, NIDRR requires that grantees be capable of producing high quality materials in a short time period, and be able to complete initial materials in the first three months of the projects.

NIDRR proposes three priority areas for materials development projects and intends to make one award in each of the three areas: (1) Accessibility and public accommodation; (2) employment; and (3) communication and telecommunication. NIDRR has identified four primary target audiences for the materials and resources grants and recognizes that numerous secondary target audiences exist. These four principal audiences are: Persons with disabilities and their families; employers; public and private entities that operate public accommodations; and public and private service providers. Some of the secondary target populations include health care providers, educators, journalists, and the general public. Each of the grantees must ensure that its products are tailored to the primary target audiences identified by NIDRR.

1. Accessibility and Public Accommodation

The concepts of accessibility and public accommodation must be viewed within the context of implementing the ADA. Examples of issues that are likely to emerge include: The accessibility of places of public accommodation—e.g., stores, restaurants, hotels; the accessibility of public facilities owned and operated by State and local governments—e.g., parks, museums, office buildings; and the adaptation of equipment, instructions, guidelines, and informational materials used by health care providers. The primary target audiences for this material are the general business community and State and local governments.

The project to be funded under this priority will:

- Develop or identify and adapt self-administered survey guides, checklists, and other instruments that can be used by the target audiences to evaluate the accessibility of a facility to individuals of all ages with disabilities and have these materials in trial application within three months of the date of the award;
- Develop or adapt training materials and resources that will enhance the skills and ability of the recipients of the technical assistance or training to make an environment, function, or service accessible to persons of all ages with disabilities, and place at least some of these materials into trial applications within six months of the date of the award;
- Develop or package information on design alternatives for renovations, refurbishing, refurnishing, or construction, including low-cost options, and begin trial application of these materials within nine months of the date of the award;
- Pilot test the materials developed on appropriate target audiences, which in all cases must include individuals with various types of disabilities and representatives of covered entities, evaluate their effectiveness, and modify the materials as needed;
- Coordinate the development, repackaging, and dissemination of materials with the Architectural and Transportation Barriers Compliance Board, the Department of Justice, and other agencies that provide technical assistance on the public accommodations provisions of the ADA;
- Assure that all materials are developed in more than one format to accommodate various individual communication modes;
- Provide copies of all materials along with a final report to NIDRR and file the final report with the National Rehabilitation Information Center (NARIC); and
- Coordinate their technical assistance and training activities with those of other agencies that provide technical assistance on the ADA, such as the Equal Employment Opportunity Commission and the Department of Justice.

(2) Employment

The ADA establishes a number of important safeguards regarding the employment of a person with a disability. These provisions affect the entire continuum of employment, from intitial activities such as job development, recruitment and interviewing, through all aspects of employment, including the use of reasonable accommodations, employee benefits, and job structure and retention. In order for these safeguards to promote opportunities for employment, employers and persons with disabilities need information, training, and materials that will enable them to transform the ADA's safeguards into routine business practices. To meet the requirements of the ADA, employers will need to be flexible and resourceful regarding job accommodations that do not result in undue hardship; must be familiar with the array of job and employment strategies and have a readily available pool of expertise and information about existing technology and strategies for individuals of all ages.

The ADA is expected to lead to increased employment among persons with disabilities, and as a result a wider audience of employers will need information addressing workplace issues relating to employees with disabilities. These include, among others, issues of employee benefits, insurance coverage, labor relations, tax incentives, promotions, job retention, and physical accommodations at the workplace.

The principal target populations for these materials are individual employers and employer organizations, individuals with disabilities and their organizations, vocational rehabilitation agencies, insurance providers, and State and local governments. The materials shall address particularly the needs and resources of small businesses.

The project to be funded under this priority will:

- Develop training programs, materials and resources, or repackage appropriate existing materials, that address job structuring, advertising, job recruitment, interviewing, testing, drug testing, medical examinations, assessing job qualifications and hiring in order to attract and retain qualified persons with disabilities, emphasizing low-cost options, and begin the trial application of some of these materials within three months of the award;
- Develop training programs that include model interview guides and job descriptions as well as a model process for developing job descriptions and establishing job qualifications, and begin trial application of some of these materials within three months of the award;
- Develop training programs, materials, resources, strategies and models addressing work schedules, job analysis, job restructuring, and job reassignment, and begin trial applications within six months of the award;

• Develop training programs, materials, and resources addressing retooling, specialized equipment, auxiliary aids, assistive devices, and assistive services, with emphasis on low-cost options and funding resources, and place these materials into trial applications within nine months of the award;

• Develop training programs, materials, and resources that address workers' compensation, tax incentives, liability insurance, health insurance, medication at the workplace, employee benefits, and labor relations as they relate to employees with disabilities, and begin trial applications of these materials within nine months of the award;

• Pilot test the materials developed on appropriate target audiences, which in all cases must include individuals with various types of disabilities and representatives of covered entities, evaluate their effectiveness, and modify the materials as needed;

• Assure that all materials are developed in more than one format to accommodate various individual communication modes;

• Provide copies of all materials along with its final report and file the final report with the National Rehabilitation Information Center (NARIC); and

• Coordinate with the Equal Employment Opportunity Commission, the Rehabilitation Services Administration, the President's Committee on Employment of People With Disabilities, the Job Accommodations Network (JAN) and the Architectural and Transportation Barriers Compliance Board in the development and repackaging of materials.

3. Accessibility in Communications

The relationship between opportunity and communication is clearly recognized in the ADA. While our potential ability to overcome barriers to communication is substantial, the successful implementation of the communication requirements of the ADA will depend on the extent to which the public is educated as to not only the communication problems facing persons with disabilities, but also the variety of strategies and technologies available to solve those problems. The target audiences for this project will be public and private operators of public accommodations, individuals with disabilities and their families, State and local governments, and public and private service providers.

The project to be funded under this priority will:

• Develop training programs, materials, resources, and strategies addressing telecommunication (including telephone relay systems), sensory aids, safety/emergency communication systems, signage, alternative methods of communication, and assistive technology, with emphasis on low-cost options;

• Pilot test the materials developed on appropriate target audiences, which in all cases must include individuals with various types of disabilities, including auditory and visual disabilities, evaluate their effectiveness, and modify the materials as needed;

• Assure that all materials are developed in more than one format to accommodate various individual communication modes;

• Coordinate with the Federal Communications Commission and other relevant agencies in the development and dissemination of materials; and

• Provide copies of all materials along with its final report and file the final report with the National Rehabilitation Information Center (NARIC).

Selection Criteria

The regulations that apply to the Knowledge Dissemination and Utilization program, 34 CFR 355, apply to these priorities. However, because of the specialized nature of these activities and the potential importance of these projects to the successful implementation of the Americans with Disabilities Act, NIDRR proposes to add several factors to the selection criteria in 34 CFR 350.34 by which applications under these priorities will be evaluated. NIDRR proposes to add 60 points to the selection criteria for these projects, so that the maximum possible score for an application in § 350.33(e) is increased to 160 points. NIDRR proposes to distribute the additional points as follows:

(1) The applicant proposes an effective approach to the timely development and production of materials and instructional content in formats and styles that are accessible to individuals with a range of sensory, communication, cognitive, and learning disabilities. (Weight: 4; Total Points: 20)

(2) The applicant presents an effective plan to pilot test, and evaluate and modify as needed, materials and training programs on appropriate target audiences, including individuals who have various types of disabilities and parents of individuals with disabilities, employers with various sized work forces, and appropriate representatives of service providers, business, labor, State and local governments, and the general public. (Weight: 4; Total Points: 20)

(3) The applicant involves individuals with disabilities, parents or other family members of individuals with disabilities, as well as representatives of the covered entities and other target populations, in the design and delivery of the informational and instructional content and format. (Weight: 4; Total Points: 20)

Proposed Priority for Regional Disability and Business Accommodation Centers (RDBACs)

The ADA is expected to provide a new impetus to current efforts to improve the employment status and independence of persons with disabilities. However, the full realization of the potential impact of the ADA on the lives of persons with disabilities will require both education and technical expertise. For example, the implementation of the employment provisions of the ADA (title I) in an efficient and cost-effective manner is a goal that NIDRR shares with the business community, individuals with disabilities, and others. Implementation of the employment provisions of the ADA could be a complex process, since the ADA not only prohibits policies, procedures, and activities that discriminate against persons with disabilities but also requires employers to make "reasonable accommodations" to permit individuals with disabilities to perform the "essential functions" of a job. Similarly, the implementation of other titles of the ADA is likely to require an understanding of the types of changes that are needed and knowledge of the range of options available to make those changes. Implementation of the accessibility aspects of the legislation will require a variety of public and private entities to take actions to make their facilities and services accessible. The RDBACs are proposed as one vehicle to facilitate the implementation process.

A regional center approach to providing technical assistance has a number of advantages. This approach attempts to make an equitable distribution of resources to all parts of the country and promotes the adaptation of the content and format of technical assistance to the unique needs and characteristics of a region.

NIDRR intends to exploit the advantages of the regional center approach while maintaining consistency and quality by providing all of the centers with a core set of technical assistance materials, resources, and references and establishing a national coordinating body (the Technical Assistance Coordinator, or TAC) whose

function it will be to identify and address issues, needs, and expertise that emerge in a number of regions.

NIDRR expects that the RDBACs will perform four basic functions: disseminate information; provide direct technical assistance; where appropriate, provide referrals for specialized information and technical assistance; and conduct training for interested and affected parties. The RDBAC will carry out these functions at the request of a potential client as well as on a proactive basis depending upon the needs of a locality or region.

NIDRR believes that in order for the RDBACs to be successful they must establish networks involving the business and disability communities in their activities, as well as linkages to State and local governments, service providers, and other relevant populations of potential information users. NIDRR believes that the operation of a successful RDBAC is likely to require the cooperation and collaboration of both organizations of and for persons with disabilities and covered entities, or organizations representing covered entities. Potential applicants are encouraged to consider forming consortia or other joint efforts.

This proposed priority will establish, by grant or cooperative agreement, one Regional Disability and Business Accommodation Center in each of the ten Federal regions. The RDBAC may be located anywhere within the region, but must provide evidence that the entire region will be covered by the Center's activities. Each RDBAC is encouraged to develop programs geared specifically to the needs of employers, with special attention to small businesses, other covered entities, and individuals with disabilities within its region, but each RDBAC must provide common core of functions. In providing information and technical assistance, the RDBAC and the experts to whom it makes referrals for specialized technical assistance, will provide the client with a range of options and will act only in an advisory capacity; the advice will not be considered a formal policy directive of any Federal agency, including NIDRR.

Each RDBAC will cooperate with the materials development projects to be funded under this program in providing information about needs for materials and in helping to test informational and instructional materials. Each RDBAC will cooperate with the technical assistance coordinator (TAC) that NIDRR intends to establish through grant or contract, that will provide technical information to the RDBACs, establish a network for coordination and information sharing among the RDBACs, and respond to the RDBACs' needs for information. Each RDBAC will be expected to disseminate accurate and current information as provided through the TAC. Grantees will be expected to submit reports and materials to NIDRR, the National Rehabilitation Information Center and other appropriate clearinghouses.

The RDBACs will be dynamic organizations, with a changing and expanding scope of responsibilities over the five-year life of the centers. The centers initially will disseminate existing information, provide general training to organizations in their regions about the requirements of the ADA, and promote the concepts and a general awareness of ADA. They will develop local and regional networks and establish a viable system for the delivery of Center activities throughout the region. Each RDBAC will develop a local resource pool, including experts in public accommodations and job accommodations. These expert pools will include rehabilitation engineers, representatives of independent living programs, architects, representatives of organizations of and for individuals with disabilities, management analysts, designers and engineers, and service providers. The RDBACS will continue throughout their five-year spans to provide general education and information, and will also provide, either directly or through referrals or brokerage, hands-on technical assistance to covered entities that must make accommodations for employees or the public.

Each center to be funded under this proposed priority will:

- Provide general education and distribute information about the ADA and disseminate informational materials that have been developed by various Federal and private agencies, including the Architectural and Transportation Barriers Compliance Board, or by the materials development projects and the peer training projects, beginning this activity within three months of the award of the grant;
- Provide information, using a variety of media, including materials developed by the materials development projects in this program, and such techniques as public speeches, graphic and audio materials, media announcements, telecommunications, hotlines, or computer databanks, to employers, the business community, individuals with disabilities and organizations that represent them, State and local government, and other target populations in the region, on the topics of: Disability awareness; the provisions of the ADA; public accessibility; ADA's impact on the hiring process; job accommodations; accessibility and accommodation in communications; and empowerment for individuals with disabilities in successful implementation of the ADA beginning these services within three months of the award of the grant;
- Provide and distribute information about the existence and future plans of the RDBAC, orient disability, business, and other groups in the region to the ADA and its general implications, and provide information as requested by the various target audiences in the region within three months of the award of the grant;
- Develop linkages to business organizations, disability organizations, State and local governments, service providers, labor organizations, educational institutions, regional and local media, voluntary organizations, and others that will be potential outlets or conduits for the dissemination of information, and develop a plan for marketing the RDBAC services to the primary target populations in the region within six months of the award of the grant;
- Conduct an assessment of the informational needs and preferred information conduits of employers and commercial establishments, and of the disability, public agency, labor, and service provider communities within the region within six months of the award of the grant;
- Provide training to organizations of employers, disability organizations, State and local governments, service providers, commercial establishments, labor organizations, voluntary associations, educators, and other appropriate target groups, on general issues of disability, provisions of the ADA, accessibility, hiring, early intervention in disability at the workplace, job accommodations, communications accessibility, and empowerment for individuals with disabilities in implementing the provisions of the ADA, beginning this activity within six months of the award of the grant;
- Develop information resources, databanks, reference guides, and expert pools that will serve as resources within the region for the implementation of the technical assistance program;
- Provide referrals immediately, if appropriate, to any of the target populations for additional specialized information or for expert assistance;
- Provide technical assistance, or arrange for technical assistance, directly to employers on issues of hiring, early intervention in disability at the

workplace, a job accommodation and to business on accessibility and public accommodations, ensuring that inquirers will be offered a range of options wherever feasible; and

• Apply materials developed by the materials development projects, the coordinating entity, the RDBAC itself, or other sources that are presented in a variety of accessible media and formats.

Selection Criteria

The regulations that apply to the Knowledge Dissemination and Utilization program, 34 CFR 355, apply to these priorities. However, because of the specialized nature of these activities and the potential importance of these projects to the successful implementation of the Americans with Disabilities Act, NIDRR proposes to add several factors to the selection criteria in 34 CFR 350.34 by which applications under these priorities will be evaluated. NIDRR proposes to supplement those criteria by adding an additional possible 60 points to the score for each application. Each application could then receive a maximum of 160 points under § 350.33(e). NIDRR proposes to award the additional 60 points as follows:

(1) Demonstrates the capacity of the applicant entity in the delivery of technical assistance and training to each of the primary target populations. (Weight: 4; Total Points: 20)

(2) Demonstrates the capacity of the applicant entity to reach the range of covered entities in the region in a timely manner. (Weight: 4; Total Points: 20)

(3) Proposes a collaboration of organizations of or for people with disabilities that have knowledge of the provisions of the ADA with entities, or associations representing such entities that are covered by the provisions of the Act, particularly the employment, public accessibility, and telecommunications provisions of the Act. (Weight: 4; Total Points: 20)

(Authority: 29 U.S.C. 760–762)

(Catalog of Federal Domestic Number 84.133D; National Institute on Disability and Rehabilitation Research)

Dated: May 15, 1991.

Lamar Alexander,

Secretary of Education.

[FR Doc. 91–11923 Filed 5–20–91; 8:45 am]

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May 21, 1991

Part IV

Department of Education

34 CFR Part 307

Special Education and Rehabilitative Services: Individuals With Disabilities Education Act, Implementation; Service for Children With Deaf-Blindness Program; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 307

RIN 1820-AA96

Services for Children With Deaf-Blindness Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations for the Services for Children With Deaf-Blindness Program to incorporate changes to section 622 of the Individuals with Disabilities Education Act (IDEA), as amended by Public Law 101-476. The proposed regulations add LEAs and part H lead agencies to SEAs as beneficiaries of assistance provided by recipients; add references to infants and toddlers and early intervention services to the scope of the program; expand the age of youth with deaf-blindness whose transition from educational to other service options is facilitated by the program; provide a definition of children with deaf-blindness; add authority for pilot supplementary activities by single and multi-State projects; authorize establishment of a national clearinghouse; add authority to support pilot, research, demonstration, replication, preservice and inservice training, and parental involvement activities; and provide selection criteria for evaluation of newly authorized activities.

DATES: Comments must be received on or before June 20, 1991.

ADDRESSES: Send comments to Charles Freeman, Severely Handicapped Branch, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, room 4617), Washington, DC 20202-2734.

FOR FURTHER INFORMATION CONTACT: Charles Freeman, telephone (202) 732-1165. TDD (202) 732-1169.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act Section of this preamble.

SUPPLEMENTARY INFORMATION: These proposed regulations implement changes in section 622 of part C of the Individuals with Disabilities Education Act (IDEA), as amended by Public Law 101-476. These changes do not alter principal objectives of the program but clarify and expand upon the types of activities the program supports.

In addition to other technical amendments, the most significant changes made in order to conform with Public Law 101-476 are:

- Specific inclusion of infants and toddlers and early intervention services to the scope of the program;
- Addition of more flexibility in the provision of services to facilitate transition from educational to other services by making "adolescents" and "young adults" as opposed to only "youth, upon attaining age twenty-two" eligible for such services and by explicitly adding competitive employment and independent living as examples of these services.
- Addition of LEAs and part H lead agencies as recipients of technical assistance;
- Addition of a definition of children with deaf-blindness;
- Addition of authority for pilot supplementary services for children with deaf-blindness and their families by single and multi-State projects;
- Addition of authority to establish a national clearinghouse for children with deaf-blindness with responsibility to emphasize information concerning effective practices in working with these children;
- Addition of authority to support pilot; research; development, improvement, or demonstration; replication; preservice and inservice training; and parental involvement activities;
- Addition of language indicating that the Secretary shall take into consideration the availability and quality of existing services for children with deaf-blindness in the country, and, to the extent practicable, ensure that all parts of the country have an opportunity to receive assistance under the program; and
- Addition of language promoting appropriate dissemination of information concerning activities of funded projects.

In addition, these regulations propose the following program changes:

- Addition of selection criteria for evaluating applications proposing to conduct activities newly authorized by the amendments, with varied weights on certain criteria that reflect their relative importance in differing types of competitions; and
- Inclusion within the definition of children with deaf-blindness of those infants and toddlers who have been identified as having deaf-blindness, to clarify those children eligible to partipate under this program.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act of 1980

Sections 307.33, 307.35, 307.36, and 307.42 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these sections to the Office of Management and Budget (OMB) for its review.

(44 U.S.C. 3504(h))

Information described at sections 307.33, 307.35, 307.36, and 307.42 is required to be provided by applicants seeking support to conduct activities authorized under section 622 of the Individuals with Disabilities Act. This information will be used to determine grant eligibility, acceptability of proposals, and award. Respondents eligible to submit applications are public or nonprofit private agencies, institutions, or organizations. Respondent data burden is estimated to be the same as that required under current program regulations, and is included in the data burden estimated for all OSEP programs using the OMB Form 1820-0028 (approved through June 30, 1992).

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, room 3002, New Executive Office Building, Washington, DC 20503; attention: Daniel J. Chenok.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation To Comment

Interested individuals are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in room 4617, Switzer Building, 330 C Street SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulations burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 307

Education, Education of individuals with disabilities, Education—research, Grants program—education, Reporting and recordkeeping requirements, Teachers.

(Catalog of Federal Domestic Assistance Number 84.025, Services for Children with Deaf-Blindness Program)

Dated: May 15, 1991.

Lamar Alexander,

Secretary of Education.

The Secretary proposes to amend title 34 of the Code of Federal Regulations by amending part 307 as follows:

PART 307—SERVICES FOR CHILDREN WITH DEAF-BLINDNESS

1. The title of part 307 is revised to read as set forth above.

2. The authority citation for part 307 continues to read as follows:

Authority: 20 U.S.C. 1422, unless otherwise noted.

§§ 307.1, 307.2, 307.3, 307.4, 307.11, 307.12, 307.31, 307.33, and 307.41 [Amended]

§ 307.36 [Redesignated]

3. In 34 CFR part 307 remove the words "deaf-blind children and youth" and add, in their place, the words "children with deaf-blindness" in the following places:

(a) Section 307.1 heading and twice in text;

(b) Section 307.2 heading;

(c) Section 307.3 heading;

(d) Section 307.4 heading;

(e) Section 307.11(a) (1); (2); (2) (i), (iii), (iv), (v), and (vi); (3); (c) (1), (2), and (3);

(f) Section 307.12(b);

(g) Section 307.31 (b) and (c);

(h) Section 307.33(a) (1); (2); (3); and (4); (b) (2), (3), (4), (8), (9); (c); (c)(3); (f)(2); and (g);

(i) Section 307.36, redesignated as 307.35(a); (a) (2) and (3); and

(j) Section 307.41.

4. In 34 CFR part 307 remove the words "Part B of the Education of the Handicapped Act" and add, in their place, the words "Part B of the Individuals with Disabilities Education Act" in section 307.11 (a)(1); (a)(2)(i); and (a)(3).

§ 307.1 [Amended]

5. Section 307.1 is amended by adding after the words "State educational agencies" a comma and the words "local educational agencies, designated lead agencies under Part H" and a comma, and by adding after the words "involved in the" the words "early intervention or".

§ 307.2 [Amended]

6. Section 307.2 is amended by adding after the words "or organizations" the words, "including an Indian tribe and the Bureau of Indian Affairs of the Department of the Interior (if acting on behalf of schools operated by the Bureau for children and students on Indian reservations) and tribally controlled schools funded by the Department of the Interior".

7. Section 307.4 is amended by revising the heading and the introductory paragraph (b); removing the definitions "Deaf-blind (§ 300.5(b)(2))", "Handicapped children (§ 300.5)", and "Severely handicapped children and youth (§ 315.4(d))"; and adding a new paragraph (c) to read as follows:

§ 307.4 What definitions apply to the Services for Children with Deaf-Blindness program?

* * * * *

(b) *Definitions in 34 CFR Part 300.* The following terms used in this part are defined in 34 CFR part 300.

* * * * *

(c) *Other definitions.*

Children with deaf-blindness. For the purposes of this part, the term, "children with deaf-blindness," means children and youth having auditory and visual impairments, the combination of which creates such severe communication and other developmental and learning needs that they cannot be appropriately educated in special education programs solely for children with hearing impairments, visual impairments, or severe disabilities, without supplementary assistance to address their educational needs due to these concurrent disabilities. This term also means infants and toddlers with deaf-blindness.

Children with disabilities. For the purposes of this part, the term "children with disabilities" means children with mental retardation; hearing impairments, including deafness; speech or language impairments; visual impairments, including blindness; serious emotional disturbance; orthopedic impairments; autism; traumatic brain injury; other health impairments; or specific learning disabilities; who, by reason thereof, need special education and related services.

Infants and toddlers with deaf-blindness. For the purposes of this part, the term "infants and toddlers with deaf-blindness" means individuals from birth through age 2 who are experiencing developmental delays in hearing and vision, have a diagnosed physical or mental condition that has a high probability of resulting in developmental delays in hearing and vision, or are at risk of having substantial developmental delays in hearing and vision if early intervention services are not provided.

* * * * *

8. Section 307.10 is revised to read as follows:

§ 307.10 What types of activities are considered for support under this part?

The Secretary may provide financial assistance under this part to support the following activities:

(a) Technical assistance to agencies, institutions, or organizations providing educational or early intervention services to children with deaf-blindness;

(b) Preservice or inservice training to paraprofessionals, professionals, or related services personnel preparing to serve, or serving, children with deaf-blindness;

(c) Replication of successful innovative approaches to providing educational, early intervention, or related services to children with deaf-blindness;

(d) Pilot projects that are designed to—

(i) Expand local educational agency capabilities by providing services to children with deaf-blindness that supplement services already provided to children and youth through State and local resources; and

(ii) Encourage eventual assumption of funding responsibility by State and local authorities;

(e) Development, improvement, or demonstration of new or existing methods, approaches, or techniques that contribute to the adjustment, early intervention, and education of children with deaf-blindness;

(f) Facilitation of parental involvement in the education of their children with deaf-blindness;

(g) Research to identify and meet the full range of special needs of those children;

(h) Technical assistance for transitional services, as described in § 307.13; and

(i) A national clearinghouse for children with deaf-blindness as described in § 307.15.

Authority: 20 U.S.C. 1422.

9. Section 307.11 is amended by revising the heading and paragraph (a); revising paragraph (a)(1) by adding after the words "Special education" a comma and the words "early intervention" and a comma; and by revising paragraphs (a)(1)(i), (ii), and (iii) to read as follows:

§ 307.11 What types of services and technical assistance by State and multi-State projects are considered for support under this part?

(a) The Secretary may provide financial assistance under this part to State and multi-State projects to support the following activities—

(1) * * *

(i) The diagnosis and educational evaluation of children who are likely to be diagnosed as having deaf-blindness;

(ii) Programs of adjustment, education, and orientation for children with deaf-blindness; and

(iii) Consultative, counseling, and training services for the families of children with deaf-blindness.

* * * * *

§ 307.11 [Amended]

10. Section 307.11(a)(1)(iv) is amended by removing the words "child and youth" and adding, in their place, the words "child with deaf-blindness".

§ 307.11 [Amended]

11. Section 307.11(a)(2) is amended by adding after the word "providing" the words "early intervention" and a comma.

§ 307.11 [Amended]

12. Section 307.11(a)(2)(i) is amended by adding after the words "some other authority" the words "and provide early intervention services under Part H of IDEA".

§ 307.11 [Amended]

13. Section 307.11(a)(2)(ii) is amended by removing the words "deaf-blind children or youth" and adding, in their place, the words "children with deaf-blindness".

§ 307.11 [Amended]

14. Section 307.11(a)(2)(iii) is amended by adding after the word "providing" the words "early intervention" and a comma.

§ 307.11 [Amended]

15. Section 307.11(a)(2)(v) is amended by deleting twice the words "and youth" following the words "those children".

§ 307.11 [Amended]

16. Section 307.11(a)(2)(vi) is amended by removing the words "other handicapped and nonhandicapped children and youth" and adding, in their place, the words "children with other disabilities and without disabilities".

§ 307.11 [Amended]

17. Section 307.11(b)(2) is amended by removing the words "the services described in paragraph (a)(3) of this section" and adding, in their place, the words "pilot projects".

§ 307.11 [Amended]

18. Section 307.11(c)(3) is amended by removing the words "Part H of the EHA" and adding, in their place, the words "Part H of the IDEA".

§ 307.12 [Amended]

19. Section 307.12(b) is amended by adding after the words "grantee under § 307.11" a comma and the words "the lead agency under part H" and a comma; adding after the words "§ 307.11 grantee" a comma and the words "the lead agency under Part H" and a comma; adding after the words "educational agency to" the words "local educational agencies and designated lead agencies under Part H of IDEA, and".

§ 307.12 [Amended]

20. Section 307.12(b)(1) is amended by adding after the word "education" the words "and early intervention"; and removing the words "deaf-blind and severely handicapped children and youth" and adding in their place, the words "children with deaf-blindness".

§ 307.12 [Amended]

21. Section 307.12(b)(2) is amended by adding after the word "educational" the words "and early intervention".

§ 307.12 [Amended]

22. Section 307.12(b)(3) is amended by deleting the words "deaf-blind children and youth" and adding, in their place, the words "children with deaf-blindness, and in providing early intervention services to children with deaf-blindness".

§ 307.12 [Amended]

23. Section 307.12(c) is amended by adding after the words "§ 307.11 grantee" a comma and the words "the lead agency under Part H" and a comma.

§ 307.13 [Amended]

24. Section 307.13(a) is amended by removing the words "deaf-blind youth upon attaining the age of 22" and adding, in their place, the words "adolescents and young adults with deaf-blindness".

§ 307.13 [Amended]

25. Section 307.13(b)(1) is amended by removing the words "organizations (in addition to State educational agencies providing, or proposing to provide transitional services to deaf-blind youth who have attained the age of 22)" and adding, in their place, the words "organizations that are preparing adolescents and young adults with deaf-blindness for adult placement, or that are preparing to receive adolescents or young adults with deaf-blindness into adult living and work environments, or that serve, or propose to serve adolescents and young adults with deaf-blindness".

§ 307.13 [Amended]

26. Section 307.13(b)(2) is amended by removing the word "youth" with the words "adolescents and young adults".

§ 307.13 [Amended]

27. Section 307.13(b)(3) and 307.13(c)(2) are amended by adding, after the comma following the word "rehabilitative", the word "supervised" and a comma.

§ 307.13 [Amended]

28. Section 307.13(c) (1), (2), and (3) are amended by removing the words "deaf-blind youth" and adding, in their place, the words "adolescents and young adults with deaf-blindness".

§ 307.13 [Amended]

29. Section 307.13(d) is amended by removing the words "providing services to deaf-blind youth 22 years of age and older" and adding, in their place, a comma and the words "institutions, and organizations that are preparing adolescents and young adults with deaf-blindness for adult placements, or that are preparing to receive adolescents or young adults with deaf-blindness into adult living and work environments, or that serve, or propose to serve

adolescents or young adults with deaf-blindness".

§ 307.13 [Amended]

30. Section 307.13(e) is amended by removing the words "deaf-blind children and youth" and adding, in their place, the words "adolescents and young adults with deaf-blindness".

31. A new § 307.14 is added to read as follows:

§ 307.14 What types of pilot projects are considered for support to successful § 307.11 applicants under this part?

The Secretary may provide financial assistance under this part to successful applicants under § 307.11, to support pilot projects described at § 307.10(d).

(Authority: 20 U.S.C. 1422)

32. A new § 307.15 is added to read as follows:

§ 307.15 What types of activities are supported in a national clearinghouse for children with deaf-blindness?

The Secretary may provide financial assistance under this part to support the following activities:

(a) Identification, coordination, and dissemination of information on deaf-blindness, emphasizing information concerning practices developed through research, development or demonstration activities that have produced statistical or narrative data establishing their effectiveness in working with children with deaf-blindness, including—

(1) Special educational and early intervention programs, services, and resources;

(2) Related medical, health, social, and recreational services;

(3) The nature of deaf-blindness and its early intervention, educational, and employment implications;

(4) Legal issues affecting persons with disabilities; and

(5) Information on available services and programs in postsecondary education for adolescents and young adults with deaf-blindness.

(b) Interaction with educators, professional groups, and parents to identify areas for programming, materials development, training, and expansion of specific services.

(c) Maintenance of a computerized data base on local, regional, and national resources.

(d) Responding to information requests from professionals, parents, and members of the public.

(Authority: 20 U.S.C. 1422)

§ 307.31 [Amended]

33. Section 307.31 is amended by removing the words "deaf-blind services project" and adding, in their place, the words "project for children with deaf-blindness".

§ 307.31 [Amended]

34. Section 307.31(a) is amended by removing the words "and youth".

35. Section 307.33 is amended by revising the heading to read as follows:

§ 307.33 What criteria does the Secretary use to evaluate a State or multi-State application under § 307.11?

36. Section 307.33(a)(1) is amended by removing the words "Part B of the EHA" and adding, in their place, the words "Part B of the IDEA".

§ 307.33 [Amended]

37. Section 307.33(a)(2) is amended by removing the word "Specific" and adding in its place, the word "specific"; removing the words "Parts B and H" and adding, in their place, the words "Parts B and H of the IDEA"; adding after the words "provision of" the words "early intervention" and a comma; and adding a comma after the word "educational".

§ 307.33 [Amended]

38. Section 307.33(a)(4) is amended by adding after the words "providing the" the words "early intervention" and a comma; and adding a comma after the word "educational".

§ 307.33 [Amended]

39. Section 307.33(b)(1) is amended by adding after the words "each of the" the words "early intervention" and a comma; and adding a comma after the word "educational".

§ 307.33 [Amended]

40. Section 307.33(b)(4) is amended by adding after the words "provision of" the words "early intervention" and a comma; adding a comma after the word "educational"; and adding a comma after the word "related services".

§ 307.33 [Amended]

41. Sections 307.33(b) (6) and (10) and (f) (1) and (2) are amended by removing the acronym "EHA" and adding, in its place, "IDEA".

§ 307.33 [Amended]

42. Sections 307.33(b)(7) and (c)(5) are amended by removing the word "handicapping" and adding, in its place, the word "disabling".

§ 307.33 [Amended]

43. Section 307.33(b)(8) is amended by adding after the word "providing" the words "early intervention" and a comma; and adding a comma after the word "consultative".

§ 307.35 [Removed]

44. Section 307.35 is removed.

§ 307.36 [Redesignated as § 307.35]

45. Section 307.36 is redesignated as § 307.35.

46. Redesignated § 307.35 is amended by revising the heading and introductory paragraph to read as follows:

§ 307.35 What criteria are used to evaluate a technical assistance application under § 307.10, § 307.12, or § 307.13?

The Secretary uses the following criteria to evaluate an application for the provision of technical assistance under § 307.10, § 307.12, and § 307.13. Each application may receive up to a total of 100 points:

* * * * *

§ 307.35 [Amended]

47. In redesignated § 307.35(b)(5) and (c)(1)(iv) the word "handicapping" is removed and adding in its place, the word "disabling".

48. A new § 307.36 is added to read as follows:

§ 307.36 What criteria are used to evaluate an application for other than technical assistance under § 307.10, or for an application under § 307.14 or § 307.15?

The Secretary uses the following criteria to evaluate the quality of an application submitted under § 307.10 (except for technical assistance projects), and under § 307.14 and § 307.15. Each applicant may receive up to a total of 100 points.

(a) *Importance and impact.* (20 points)

(1) The Secretary reviews each application to determine the extent to which the proposed project addresses concerns in light of the purposes of this part, including—

(i) The significance of the problem or issues to be addressed;

(ii) The extent to which the project is based on previous results, research and evaluation findings, or other information related to the problem or issue;

(iii) The contribution that project findings or products will make to current knowledge and practice; and

(iv) The extent to which findings, information, or products of the project will be designed to promote their adaptation by and usefulness to others in conducting related projects.

(2) In determining the extent of the importance and impact of the application, the Secretary also considers the relevance of proposed activities in addressing the unique needs of children targeted by the project.

(3) In determining the importance and impact of the application the Secretary considers the extent to which the project

addresses the unique needs of children with disabilities from minority backgrounds.

(b) *Technical soundness.* (1) The Secretary reviews each application to determine the technical soundness of the project, including—

(i) The quality of the design of the project;

(ii) The proposed sample or target population, including the numbers of participants involved and methods that will be used by the applicant to ensure that participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, or disabling conditions; and

(iii) The anticipated outcomes.

(2) In determining the technical soundness of an application, the Secretary also considers—

(i) For pilot projects under § 307.14—

(A) The correlation with and relevance to the activities under § 307.11 for a State or multi-State project; and

(B) The extent to which practices of the pilot project can be adopted in other settings within the State;

(ii) For the clearinghouse project under § 307.15—

(A) The extent to which the applicant evidences awareness of the magnitude and importance of effective public awareness, the existence of already existing materials and resources available to meet general and specific educator and consumer needs, and gaps in the bank of resources and materials to meet those needs;

(B) The quality of the information retrieval, assimilation, revision and dissemination systems that the applicant will utilize in meeting general requests of the public as well as the specific needs of educators, administrators, and consumers; and

(C) The adequacy of project procedures for addressing, through products and outreach procedures, the unique needs of users from traditionally underrepresented groups;

(iii) For research projects—

(A) The comprehensiveness of the review of research to the problem or issues to be addressed by the project and to the nature of the population to be included in the project;

(B) The theoretical soundness of the conceptual framework and research hypotheses upon which the research is to be conducted;

(C) The appropriateness of the data analysis, procedures, and instrumentation;

(D) The effectiveness of the research design in testing the research hypotheses; and

(E) How the anticipated research results can be utilized in subsequent research or demonstration projects, if applicable;

(iv) For model development, improvement, or demonstration projects—

(A) The extent to which the project is focused on the development or adaptation of innovative educational practices;

(B) The nature and extent to which the proposed practices to be included in the model demonstration have been identified and validated through prior research or related model developmental efforts with the same or similar target populations;

(C) The extent to which the practices to be demonstrated promote the integration of children with deaf-blindness with peers who are not disabled in least-restrictive environments; and

(D) The extent to which the project will develop materials and procedures that can be used by others to implement the model;

(v) For replication, outreach, or utilization projects—

(A) The nature and extent to which the practices to be disseminated through outreach strategies have been validated for effectiveness;

(B) The extent to which the practices to be replicated or utilized promote the integration of children with deaf-blindness with peers who are not disabled in least-restrictive environments; and

(C) The extent to which the practices to be replicated or utilized are economically feasible for other non federally supported replications, and lend themselves for adaptations with other relevant populations.

(vi) For preservice or inservice training projects—

(A) Where appropriate, the degree to which the proposed activities relate to and are coordinated with specific training needs identified by the State educational agency under part B and State lead agency under part H in its Comprehensive System of Personnel Development plan;

(B) The extent to which the training will result in certification, recertification or licensure for participants completing the training;

(C) The extent to which the curriculum is theoretically sound, incorporates validated effective practices, is appropriate in scope and sequence, incorporates appropriate practicum experiences, and can be used by others to train personnel with similar training needs;

(D) The quality of the practicum training sites, including evidence that they are sufficiently available, apply state-of-the-art services and model teaching practices, materials and technology, provide adequate supervision to trainees, and offer opportunities for trainees to teach and foster interactions between children with disabilities and their peers who are not disabled; and

(E) The extent to which training addresses the needs of a range of children including children with disabilities from minority backgrounds; and

(vii) For parent involvement projects—

(A) The extent to which the project will address specific needs and interests of those parents of children with deaf-blindness upon which the project is focused;

(B) The extent to which the project promotes the active involvement of parents in the design, implementation, and ongoing review of the educational and related services to be provided to their children with deaf-blindness for which the project is to provide benefit; and

(C) The extent to which the project is designed to meet the unique needs of parents of children with disabilities from minority backgrounds.

(3) The maximum possible score awarded under this criterion is indicated in parentheses by the type of project proposed, as follows:

(i) For pilot projects (15 points).

(ii) For the clearinghouse project under § 307.15 (10 points).

(iii) For research projects (30 points).

(iv) For development, improvement, demonstration, or other projects (20 points).

(v) For replication, outreach, or utilization projects (15 points).

(vi) For preservice or inservice training projects (15 points).

(vii) For parent involvement projects (15 points).

(c) *Plan of operation.* (1) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The extent to which the plan of management is effective for the type of project proposed and ensures proper and efficient administration of the project;

(ii) The adequacy of the applicant's resources and plan for use of resources and personnel to achieve project objectives;

(iii) How the budget proposed by the applicant is adequate to support the activities and that the costs are

reasonable in relation to the objectives of the project;

(iv) The adequacy of the applicant's procedures for initiating and maintaining coordination with relevant State, local and professional organizations and agencies, for the purpose of furthering achievement of the project objectives;

(v) The adequacy of the applicant's plan to involve project participants with disabilities and, as appropriate, family members in the development, implementation, and on-going review of project outcomes; and

(vi) The adequacy of the applicant's plan to determine the effectiveness and timeliness in completion of the managerial procedures and objectives of the project's plan of operation.

(2) The maximum possible score awarded under this criterion is indicated in parentheses by the type of project proposed, as follows:

(i) For pilot projects (30 points).

(ii) For the clearinghouse project under § 307.15 (35 points).

(iii) For research projects (15 points).

(iv) For development, improvement, demonstration, or other projects (25 points).

(v) For replication, outreach, or utilization projects (30 points).

(vi) For preservice or inservice training projects (30 points).

(vii) For parent involvement projects (30 points).

(d) *Key personnel.* (20 points) (1) The Secretary reviews each application to determine the qualifications of the key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director or principal investigator;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) the time that each person referred to in paragraphs (d)(1) (i) and (ii) of this section will commit to the project; and

(iv) Strategies of the applicant to identify and recruit personnel with disabilities or from traditionally under-represented groups.

(2) In determining the qualifications of each person referred to in paragraphs (d)(1) (i) and (ii) the Secretary also considers—

(i) Experience and training in conducting, documenting, and applying the types of activities to be conducted; and

(ii) Knowledge of the results and findings of relevant projects and potential for application of this information in addressing the unique needs of the children with deaf-blindness to be included in the project.

(e) *Evaluation.* (15 points) (1) The Secretary reviews each application to determine the quality of the plan for evaluating the project, including—

(i) The adequacy of the applicant's plan to determine, to the extent relevant, the effectiveness of the project in achieving measurable change and positive outcomes for children with deaf-blindness who were served by the project and others for whom the project was designed to benefit;

(ii) The adequacy of the applicant's plan to determine the effectiveness and timeliness in completion of the managerial procedures and objectives of the project's plan of operation; and

(iii) The procedures for recording, reviewing, analyzing, and interpreting for relevant audiences, data generated through conducting project activities.

(Authority: 20 U.S.C. 1422)

49. A new § 307.37 is added to read as follows:

§ 307.37 What additional consideration will be given by the Secretary in carrying out this part?

In carrying out this part, the Secretary takes into consideration the availability and quality of existing services for children with deaf-blindness in the country, and, to the extent practicable, ensures that all parts of the country have an opportunity to receive assistance under this part.

(Authority: 20 U.S.C. 1422)

§ 307.41 [Amended]

50. In § 307.41 the introductory paragraph is amended by removing the words "deaf-blind child or youth" and adding, in their place, the words "child or youth with deaf-blindness".

51. A new § 307.42 is added to read as follows:

§ 307.42 What other conditions must be met by a grantee under this program?

(a) The Secretary, if appropriate, requires grantees to prepare reports describing their procedures, findings, and other relevant information in a form that will maximize the dissemination and use of those procedures, findings, and information.

(b) The Secretary requires delivery of those reports, as appropriate, to—

(1) The regional and Federal resource centers, the clearinghouses, and the technical assistance to parents programs assisted under parts C and D of the Act;

(2) The National Diffusion Network;

(3) The ERIC Clearinghouse on the Handicapped and Gifted;

(4) The Child and Adolescent Service Systems Program (CASSP) under the National Institute of Mental Health;

(5) Appropriate parent and professional organizations;

(6) Organizations representing individuals with disabilities; and

(7) Such other networks as the Secretary may determine to be appropriate.

(Authority: 20 U.S.C. 1410(g))

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Tuesday
May 21, 1991

Part V

Department of Education

34 CFR Part 347

Technology-Related Assistance for Individuals with Disabilities; Training and Public Awareness Projects of National Significance; Proposed ru e

DEPARTMENT OF EDUCATION

34 CFR Part 347

RIN 1820-AA93

Technology-Related Assistance for Individuals with Disabilities: Training and Public Awareness Projects of National Significance

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes regulations to implement the Training and Public Awareness Projects of National Significance under the Technology-Related Assistance for Individuals with Disabilities Program. The regulations implement part C of title II of the Technology-Related Assistance for Individuals with Disabilities Act of 1988 (Pub. L. 100-407). The regulations describe the purposes of the program, the types of activities that may be supported, how the Secretary establishes priorities under the program, application requirements, the selection criteria by which the Secretary evaluates applications, and the requirements that must be met by those applicants that receive awards under the program.

DATES: Comments must be received on or before June 20, 1991.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Betty Jo Berland, National Institute on Disability and Rehabilitation Research, Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Carol Cohen; Telephone: (202) 732-5607; deaf or hearing-impaired persons who use telecommunication devices for the deaf (TDD) may call (202) 732-5316.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

SUPPLEMENTARY INFORMATION: The Technology-Related Assistance for Individuals with Disabilities Act of 1988 (Pub. L. 100-407) was enacted on August 19, 1988. In the Act, the Congress noted that there have been major advances in technology during the past decade. The Congress found that the provision of assistive technology devices and services can enable some persons with disabilities to have greater control over their own lives, increase their participation in education, employment, family, and community activities, interact to a greater extent with individuals who do not have disabilities, and otherwise benefit from opportunities that are commonly available to individuals who do not have disabilities. On August 9, 1989, the Secretary published final regulations to implement title I of the Act, the State Grants Program for Technology-Related Assistance for Individuals with Disabilities. That program provides funds to States, on a competitive basis, to develop consumer-responsive comprehensive statewide programs of technology-related assistance for individuals of all ages who have disabilities. On August 13, 1990, the Secretary published final regulations to implement part D of title II of the Act—Demonstration and Innovation Projects.

These proposed regulations are to implement part C of title II of the Act. These proposed regulations describe the activities that may be supported under each of the three project types and state the priorities that may be applied to each of them. From time to time, the Secretary will publish a notice in the **Federal Register** requesting applications for awards under this program; the notice may specify particular priorities under one or more of the project types. The Secretary will refer complete applications to one or more panels of expert peer reviewers, which will evaluate the applications according to the selection criteria in §§ 347.31, 347.32, or 347.33, as appropriate. The Secretary will seek the involvement, as members of the peer review panels, of: Individuals with disabilities, members of the families of individuals with disabilities, and others who have expertise, by reason of training or experience, in such areas as the provision of assistive technology devices or services; public administration; development and implementation of public systems; evaluation of service delivery programs; education, training, and public information; provision of services to individuals with disabilities and their families; health care and benefits administration; personal use of assistive technology; administration of direct loan programs; rehabilitation research; engineering, especially rehabilitation engineering; product testing; and other areas related to the purposes of the program.

In the Act, the Congress specified that the Secretary should seek public input in the development of the priorities under this program, and should publish in **Federal Register** a description of how the priorities were derived. In order to develop these priorities, NIDRR held a public hearing on September 28, 1990 in Washington, DC. This meeting was announced in the **Federal Register** and NIDRR mailed copies of the meeting announcement along with invitations to testify to an extensive list of organizations and individuals who had expressed interest in technology assistance in the past. The mailing went to title I State technology projects, State vocational rehabilitation agencies, applicants and grantees in the title II part D program, Rehabilitation Engineering Centers, Rehabilitation Research and Training Centers, and consumer organizations. Thirty-three organizations presented oral testimony. NIDRR also accepted and considered written comments for one month after the hearing. In all, over one hundred comments and letters of recommendation were received. On the basis of an analysis of the testimony and written comments, NIDRR developed the proposed priorities contained in this document. As provided by § 75.105 of the Education Department General Administrative Regulations (EDGAR), the Secretary may elect to establish other priorities in the future by proposing additional priorities for public comment.

The selection criteria for applications for technology training and public awareness projects are detailed in §§ 347.31, 347.32, and 347.33 and include the extent to which the proposed project addresses an important need; provides a plan of activities that indicates a likelihood of achieving the goals and objectives of the project; includes an appropriate plan for managing the activities under the grant; substantively involves individuals with disabilities or their families or representatives; and has a plan for disseminating the project results and a plan for evaluating the project that will provide an assessment of the extent to which the project has met its goals. The proposed regulations also clarify the obligations of a grantee with respect to information sharing and reporting. Grantees are required by EDGAR to provide final reports to NIDRR. The Department may also require individual grantees to provide reports and documents to information clearinghouses as appropriate to the purpose of the grant.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Intergovernmental Review

This program is excluded from the intergovernmental review provisions of

section 204 of the Demonstration Cities and Metropolitan Development Act because these are demonstration projects of national significance and do not directly affect State and local governments.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

Only a small number of discretionary awards would be made under this program. Although small entities could apply for these grants, the grants would not have a significant economic impact on the recipients nor any impact on most small entities.

Paperwork Reduction Act of 1980

Sections 347.31, 347.32, 347.33, 347.40, and 347.41 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these sections to the Office of Management and Budget (OMB) for its review.

(44 U.S.C. 3504(h))

These regulations affect private nonprofit and for-profit entities and institutions of higher education, which are the types of entities eligible to receive awards under this program. The Department needs and uses the information to evaluate the applications and select the entities that will receive the awards.

Annual public reporting and recordkeeping burden for this collection of information is expected to average 16 hours per response for 40 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, room 3002, New Executive Office Building, Washington, DC 20503; Attention: Daniel Chenok.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in room 3422, 330 C Street, SW., Washington, D.C., between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirements for reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burden found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 347

Administrative practice and procedure, Education, Educational research, Grant programs—education, Handicapped, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Number 84.236, National Institute on Disability and Rehabilitation Research)

Dated: May 15, 1991.

Lamar Alexander,

Secretary of Education.

The Secretary proposes to amend title 34 of the Code of Federal Regulations by adding a new part 347 to read as follows:

PART 347—TRAINING AND PUBLIC AWARENESS PROJECTS OF NATIONAL SIGNIFICANCE IN TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES

Subpart A—General

Sec.

347.1 What is the training and public awareness projects program?
347.2 What are the purposes of the training and public awareness projects program?
347.3 Who is eligible for assistance under this program?
347.4 What regulations apply to this program?
347.5 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Department Support Under This Program?

347.10 What types of projects may be supported under this program?
347.11 What are the priorities under the technology training program?
347.12 What are the priorities under the technology careers program?
347.13 What are the priorities under the public awareness projects program?

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make an Award?

347.30 How does the Secretary evaluate applications under this program?
347.31 What selection criteria are used to evaluate applications for technology training projects under this program?
347.32 What selection criteria are used to evaluate applications for technology careers development projects under this program?
347.33 What selection criteria are used to evaluate applications for public awareness projects under this program?

Subpart E—What Conditions Must Be Met After an Award?

347.40 What are the requirements of a grantee for coordination and information sharing?
347.41 What are the reporting requirements for a grantee?

Authority: 29 U.S.C. 2201–2271, unless otherwise noted.

Subpart A—General

§ 347.1 What is the training and public awareness projects program?

(a) The technology training program provides awards to nonprofit or for-profit entities to develop, demonstrate, disseminate, and evaluate curricula, materials, and methods used to train individuals with disabilities, their family members or representatives, employers, insurers, and persons providing services to or otherwise having contact with persons with disabilities, regarding the provision of technology-related assistance. This program also supports the conduct of training sessions related to technology-related assistance for these entities.

(b) The technology careers program provides support to institutions of higher education to prepare personnel for careers relating to the provision of technology-related assistance to individuals with disabilities.

(c) The public awareness program provides awards to for-profit and nonprofit entities, to carry out national projects that recognize and build awareness of the importance and efficacy of assistive technology devices and assistive technology services for individuals of all ages with disabilities functioning in various settings in daily life.

(Authority: 29 U.S.C. 2251 and 2252)

§ 347.2 What are the purposes of the training and public awareness projects program?

(a) The purposes of technology training projects are to develop and test curricula, materials, and techniques, and to conduct projects to train individuals

of all ages with disabilities functioning in various settings of daily life.

(b) The purpose of technology careers projects is to prepare individuals for careers relating to the provision of technology-related assistance to individuals with disabilities through undergraduate and graduate level education, continuing education, and in-service training.

(c) The purpose of public awareness projects is to build awareness of the importance and efficacy of assistive technology devices and services for individuals of all ages with disabilities functioning in various settings of daily life.

(Authority: 29 U.S.C. 2251–2252)

§ 347.3 Who is eligible for assistance under this program?

(a) Nonprofit and for-profit entities are eligible to receive awards under the technology training program. Public agencies are not eligible to receive awards under the technology training program.

(b) Institutions of higher education are eligible to receive awards under the technology careers program.

(c) Nonprofit and for-profit entities are eligible to receive awards under the public awareness projects program. Public agencies are not eligible to receive awards under the public awareness projects program.

(Authority: 29 U.S.C. 2251 and 2252)

§ 347.4 What regulations apply to this program?

The following regulations apply to the Training and Public Awareness Projects program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations), Part 75 (Direct Grant Programs), Part 77 (Definitions that Apply to Department Regulations), Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), Part 81 (General Education Provisions Act—Enforcement), Part 82 (New Restrictions on Lobbying), Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for a Drug-Free Workplace (Grants)), and Part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 347.

(Authority: 29 U.S.C. 2201–2253)

§ 347.5 What definitions apply to this program?

(a) Definitions in EDGAR. The following terms used in this part are defined in 34 CFR 77 [1]:

Applicant
Application
Award
Department
EDGAR
Fiscal year
Grant
Grant period
Nonprofit
Nonpublic
Private
Project
Project Period
Public

(b) Definitions in the Technology-Related Assistance for Individuals with Disabilities Act of 1988. The following terms used in the part are defined in section 3 of the Act.

Assistive technology device
Assistive technology service
Individual with disabilities
Institution of higher education
Secretary
Technology-related assistance
Underserved group

(c) Additional definition. As used in this part—"Act" means the Technology-Related Assistance for Individuals with Disabilities Act of 1988 (Pub. L. 100–407).

(Authority: 29 U.S.C. 2201–2271)

Subpart B—What Kinds of Activities Does the Department Support Under This Program?

§ 347.10 What types of projects may be supported under this program?

Under this program, the Secretary awards funds to support the following types of projects:

(a) Technology training projects that may include—

(1) Development, demonstration, delivery, evaluation, and dissemination of training modules on the use of technology-related assistance for consumer organizations, individuals with disabilities or their families or representatives, and advocates;

(2) In-service training for individuals who provide services to or representation for individuals with disabilities, including in-service training for health care workers, teachers, rehabilitation engineers, and other rehabilitation workers;

(3) Training for policymakers and administrators in public and private agencies that have contact with or impact on individuals with disabilities; and

(4) Training regarding the provision of technology-related assistance for employers, manufacturers, and insurers, including training related to product use, financing, and marketing.

(b) Technology career development projects that may include undergraduate and graduate level instructional courses, curriculum development, traineeships, or fellowships and other educational stipends or allowances to prepare personnel for careers relating to the provision of technology-related assistance to individuals with disabilities, especially projects that will train individuals who will provide technical assistance, administer programs, or prepare personnel necessary to support the development and implementation of consumer-responsive, statewide programs of technology-related assistance for individuals with disabilities.

(c) Public awareness projects of a national scope that use: general or specialized media to disseminate information on the benefits and availability of technology-related assistance; techniques to prepare and disseminate analyses of the efficacy of technology-related assitance; national or regional conferences to promote knowledge and interest in technology-related assistance; and award and recognition programs to promote public credit for sustained outstanding effort in the development and use of technology-related assistance.

(Authority: 29 U.S.C. 2251–2253)

§ 347.11 What are the priorities under the technology training program?

(a) Each year the Secretary may establish priorities to support training for individuals with disabilities, their families or representatives, service providers, and other relevant parties, including projects in one or more of the following areas:

(1) Development and implementation of training programs for the purpose of informing consumers and their families about assistive technology services and devices, including training in self-advocacy, funding sources, and policy development.

(2) Development and dissemination of instructional materials for consumers and their families, including self-instruction and multimedia materials, on a range of available technologies and technology information resources, using a variety of accessible formats.

(3) Development and evaluation of training programs that include use of telecommunications, TDD, computer conferences, and other available technologies to instruct consumers and their families about assistive technology.

(4) Development, testing, and dissemination of models for consumers to evaluate different approaches to assistive technology training, including consumer training.

(5) Development, evaluation, and dissemination of models using consumers and their families to train other consumers and their families about the availability and utility of assistive technology.

(6) Development and implementation of approaches to involve manufacturers of assistive technology in improved training of consumers and their families in the use of assistive technology.

(7) Development and implementation of methods for training consumers in rural areas in the use of assistive technology.

(8) Conduct of inservice training for rehabilitation counselors in the provision of assistive technology.

(9) Development, evaluation, implementation, and dissemination of training for representatives of business, industry, and employers on the availability and value of assistive technology for persons with disabilities in employment and in work settings.

(10) Development and implementation of training programs for private insurers and other third party payment representatives on the availability and benefits of assistive technology.

(11) Development, evaluation, implementation, and dissemination of inservice training programs on assistive technology for persons with disabilities for physical therapists.

(12) Development, evaluation, implementation, and dissemination of inservice training programs on assistive technology for persons with disabilities for speech-language pathologists.

(13) Development, evaluation, implementation, and dissemination of inservice training programs on assistive technology for persons with disabilities for occupational therapists.

(14) Development, evaluation, implementation, and dissemination of inservice training programs on assistive technology and application of technology for persons with disabilities for rehabilitation engineers and other engineers who have contact with persons with disabilities in the provision of assistive technology.

(15) Development, evaluation, implementation, and dissemination of models for training low-incidence disability groups on the uses and benefits of assistive technology.

(16) Development, evaluation, implementation, and dissemination of training programs for underserved populations, including economically disadvantaged populations. in the uses of assistive technology.

(17) Development, evaluation, implementation, and dissemination of training modules for older Americans with disabilities who can benefit from assistive technology.

(18) Development, evaluation, implementation, and dissemination of training programs on the use and adaption of commercially available, mass-marketed technologies that have application for persons with disabilities.

(19) Development, evaluation, implementation, and dissemination of training programs about assistive technologies with special application for employment specifically for persons with disabilities who are preparing to enter the job market.

(b) The Secretary will announce the priorities, if any, in an application notice in the **Federal Register.**

(Authority: 29 U.S.C. 2201–2271)

§ 347.12 What are the priorities under the technology careers program?

(a) Each year the Secretary may establish priorities to support training for individuals with disabilities, their families or representatives, service providers, and other relevant parties, with special emphasis on training individuals who will administer programs, provide technical assistance to, or prepare personnel necessary to support the consumer-responsive, statewide programs of technology-related assistance for individuals with disabilities, including projects in one or more of the following areas:

(1) Development of curricula that will ensure competency in rehabilitation technology for engineers.

(2) Development of curricula for speech-language pathologists to ensure competency in the provision of assistive technology.

(3) Development of curricula for occupational therapists to ensure competency in the provision of assistive technology.

(4) Development of curricula for career training programs for physical therapists to ensure competency in the provision of assistive technology.

(5) Development of curricula to prepare personnel for assistive technology careers, including careers in program administration.

(6) Development of training curricula that focus on funding, policy, and advocacy of persons training to be involved in direct service delivery.

(7) Implementation of curricula involving classroom instruction and clinical experience in community-based and at-home settings for either physical therapists, occupational therapists, nurses, physicians in specialities relevant to disability, rehabilitation counselors, speech-language-hearing pathologists, rehabilitation educators, or rehabilitation engineers.

(8) Development and implementation of technology career training programs for students from underserved population groups, including minorities, who are preparing to become service delivery professionals.

(9) Conduct of training programs for individuals preparing to become administrators of programs that provide technology-related assistance.

(10) Implementation of training programs for individuals who will prepare personnel for work in programs that provide technology-related assistance.

(11) Implementation of scholarships, fellowships, and traineeships for undergraduate or graduate students preparing for careers in the management or delivery of technology-related assistance to individuals with disabilities.

(b) The Secretary will announce the priorities, if any, in an application notice in the **Federal Register.**

(Authority: 29 U.S.C. 2201–2271)

§ 347.13 What are the priorities under the public awareness projects program?

(a) The Secretary may establish annual priorities for public awareness projects, including projects in one or more of the following areas:

(1) Development and implementation with consumer involvement, of a multimedia public awareness campaign using national media such as radio, TV, newspapers, and other publications.

(2) Development and implementation of a model public awareness campaign using specialized media, including minority media, to reach previously underserved populations.

(3) Conduct of national or regional conferences that focus on public awareness of the benefits of assistive technology and that include manufacturers, industry representatives, and employers.

(4) Conduct of national or regional conferences for third party payers and private insurance representatives that focus on awareness of the benefits of assistive technology.

(5) Development and dissemination of useful marketing strategies to increase public awareness of assistive technology.

(6) Development of a series of videotapes on assistive technology designed to inform and change attitudes that could be used by medical

practitioners and other clinical service providers.

(7) Development and dissemination of a course for training service providers and consumers to improve and foster public awareness.

(8) Development and dissemination of a public awareness campaign for use by general service organizations, professional associations, and other representational and information groups to increase public awareness of techniques for the provision of assistive technology.

(b) The Secretary will announce the priorities, if any, in an application notice in the **Federal Register**.

(Authority: 29 U.S.C. 2201–2271)

Subpart C [Reserved]

Subpart D—How Does the Secretary Make an Award?

§ 347.30 How does the Secretary evaluate applications under this program?

(a) The Secretary evaluates each application—

(1) For technology training project according to the selection criteria in § 347.31;

(2) For technology career project according to the criteria in § 347.32;

(3) For a public awareness project according to the criteria in § 347.33.

(b) The Secretary awards each application a value of zero to five (0–5) for each of the criteria listed in §§ 347.31, 347.32, and 347.33 respectively. These values are based on how well the application addresses each criterion, as follows: Outstanding (5); Superior (4); Satisfactory (3); Marginal (2); Poor (1); or not addressed in the application (0). In this way, each criterion is judged according to a uniform scale.

(c) Because the Secretary considers certain criteria to be more important than others, the Secretary has weighted each criterion as indicated in §§ 347.31, 347.32, and 347.33 respectively. The value awarded to each criterion in an application is multiplied by the standard weight accorded to that criterion in § 347.31, § 347.32, or § 347.33 as appropriate.

(d) The final score for each application is determined by totaling the scores computed for each criterion.

(e) The maximum score for each application is 100 points.

(Authority: 29 U.S.C. 2251)

§ 347.31 What selection criteria are used to evaluate applications for technology training projects under this program?

The Secretary reviews each application for a model technology training project award to determine the degree to which—

(a) *Importance and significance of proposed activity (Weight: 3; Total Points: 15).* (1) The project responds adequately to all of the requirements of the announced priority, if any;

(2) The proposed activity addresses a significant need in the provision of technology-related training, and the development, dissemination, and evaluation of curricula, materials, and methods used to train individuals with disabilities, their families, and the professionals who work with persons with disabilities; and

(3) The proposed project is likely to result in new, improved, and useful techniques for training individuals about assistive technology services, devices, and information resources;

(b) *Plan of activities* (Weight: 4; Total Points: 20). (1) Indicates a likelihood that the proposed activities will accomplish the goals and objectives of the project;

(2) Is based on a sound conceptual and instructional model;

(3) Uses appropriate materials and populations;

(4) Provides appropriate review of literature and related activities and indicates a familiarity with state-of-the-art in assistive technology services, devices, and information; and

(5) Uses appropriate methodology for measurement and analysis of the effectiveness of the training program;

(c) *Inclusion of individuals with disabilities and their families or representatives* (Weight: 4; Total Points: 20). (1) In the development of the project, including the assessment of problems and needs;

(2) In the establishment of goals and objectives for the project;

(3) In the planning and implementation of the functions and activities to be carried out under the project grant;

(4) In the evaluation of activities under the grant and the assessment of the training program; and

(5) In the dissemination of training models and curricula;

(d) *Management plan* (Weight: 4; Total Points: 20). (1) Includes an adequate number of staff qualified by training and experience to implement the proposed activities;

(2) Appropriately manages and accounts for the fiscal resources of the project;

(3) Details internal procedures for the management of the resources under the grant, including specification of responsibilities and administrative authority, and provisions for internal monitoring of progress;

(4) Includes realistic timelines for the implementation of project activities so as to ensure accomplishment of proposed goals and objectives within the time period proposed in the application;

(5) Allots sufficient and appropriate resources from the grant or other sources for the accomplishment of the proposed project activities; and

(6) Details resources, experience, and capabilities of the institution or organization to accomplish the goals and objectives proposed in the application;

(e) *Dissemination plan* (Weight: 2; Total Points: 10). (1) Provides for the dissemination of findings and the documentation of the project for replication purposes;

(2) Provides indications that the model curricula, training programs, and informational materials, if successful, are likely to be replicable in other settings involving training in the use of technology-related assistance;

(3) Indicates with appropriate analysis and support the potential for program expansion, enhancement, and replication of any special strategies or materials developed; and

(4) Provides mechanisms to assure the likely adoption and use of the curricula;

(f) *Evaluation plan* (Weight: 3; Total Points: 15). (1) Specifies adequate indicators of accomplishment for each of the goals and objectives;

(2) Specifies appropriate measures to be used and the data elements needed for these measures;

(3) Specifies appropriate and feasible data sources and data collection methods;

(4) Specifies appropriate methods of data analysis that are likely to yield objective and meaningful evaluation results; and

(5) Allocates sufficient resources including personnel, funds, and administrative priority, to the evaluation.

(Authority: 29 U.S.C. 2201–2271)

§ 347.32 What selection criteria are used to evaluate applications for technology career development projects under this program?

The Secretary reviews each application for a technology career development project award to determine the degree to which—

(a) *Importance and significance of proposed activities* (Weight: 3; Total Points: 15). (1) The project responds adequately to all of the requirements of the announced priority, if any;

(2) The applicant proposes to develop or provide career training in an

assistive-technology-related discipline or in an area of study in which there is a shortage of qualified and trained personnel, or to provide training to a trainee population in which there is a need for more qualified personnel; and

(3) The proposed project is likely to result in new, improved and useful programs for preparing personnel for careers relating to the provision of technology-related assistance for persons with disabilities;

(b) *Plan of activities* (Weight: 4; Total Points: 20). (1) Indicates a likelihood that the proposed activities will accomplish the goals and objectives of the project;

(2) Is based on a sound conceptual and instructional model;

(3) Uses appropriate materials and populations; and

(4) Provides appropriate review of literature and related activities and indicates a familiarity with state-of-the-art in assistive technology, services, information, and related studies.

(c) *Inclusion of individuals with disabilities and their families or representatives* (Weight: 4; Total Points: 20). (1) In the development of the project, including the assessment of problems and needs;

(2) In the establishment of goals and objectives for the project;

(3) In the planning and implementation of the functions and activities to be carried out under the project grant;

(4) In the evaluation of activities under the grant and the assessment of the demonstration model; and

(5) In the dissemination of project findings and of replicable models;

(d) *Management plan* (Weight: 4; Total Points: 20). (1) Includes an adequate number of staff qualified by training and experience to implement the proposed activities;

(2) Appropriately manages and accounts for the fiscal resources of the project;

(3) Details internal procedures for the management of the resources under the grant, including specification of responsibilities and administrative authority, and provisions for internal monitoring of progress;

(4) Includes realistic timelines for the implementation of project activities so as to ensure accomplishment of proposed goals and objectives within the time period proposed in the application;

(5) Allots sufficient and appropriate resources from the grant or other sources for the accomplishment of the proposed project activities; and

(6) Details resources experience, and capabilities of the institution to accomplish the goals and objectives proposed in the application;

(e) *Dissemination plan* (Weight: 2; Total Points: 10). (1) Provides for the dissemination of findings and the documentation of the project for replication purposes;

(2) Provides indications that the model, if successful, is likely to be replicable in other settings involving training for careers in the provision of assistive technology services to persons with disabilities;

(3) Indicates with appropriate analysis and support the potential for program expansion, enhancement, and replication of any special strategies or materials developed; and

(4) Provides mechanisms to assure the likely adoption and use of the curricula;

(f) *Evaluation plan* (Weight: 3; Total Points: 15). (1) Specifies adequate indicators of accomplisment for each of the goals and objectives;

(2) Specifies appropriate measures to be used and the data elements needed for these measures;

(3) Specifies appropriate and feasible data sources and data collection methods;

(4) Specifies appropriate methods of data analysis that are likely to yield objective and meaningful evaluation results; and

(5) Allocates sufficient resources including personnel, funds, and administrative priority, to the evaluation.

(Authority: 29 U.S.C. 2201–2271)

§ 347.33 What selection criteria are used to evaluate applications for public awareness projects under this program?

The Secretary reviews each application for a public awareness project award to determine the degree to which—

(a) *Importance and significance of proposed activities* (Weight: 3; Total Points: 15). (1) The project responds adequately to all of the requirements of the announced priority; in any;

(2) The proposed activity addresses a significant problem not now being addressed or addresses problems in a new and different way;

(3) The applicant proposes to carry out projects that recognize and build awareness of the importance and efficacy of assistive technology devices and assistive technology services for individuals with disabilities; and

(4) The proposed project is likely to result in new, improved, and useful programs for informing individuals about assistive technology.

(b) *Plan of activities* (Weight: 5; Total Points: 25). (1) Indicates a likelihood that the proposed activities will accomplish the goals and objectives of the project;

(2) Uses appropriate media and materials and addresses appropriate target populations;

(3) Demonstrates a thorough knowledge of the statute and of the literature and related activities, and indicates a familiarity with state-of-the-art in consumer needs, assistive technology services, information, and related activities;

(4) Demonstrates familiarity with needs assessment research as it relates to public awareness about assistive technology services, devices, and information; and

(5) Indicates an awareness of and familiarity with various general and specialized media necessary to achieve the project's public awareness objectives;

(c) *Inclusion of individuals with disabilities and their families or representatives* (Weight: 4; Total Points: 20). (1) In the development of the project, including the assessment of problems and needs;

(2) In the establishment of goals and objectives for the project;

(3) In the planning and implementation of the functions and activities to be carried out under the project grant;

(4) In the evaluation of activities under the grant and the assessment of the demonstration model; and

(5) In the dissemination of project findings and of replicable models;

(d) *Management plan* (Weight: 4; Total Points: 20). (1) Includes an adequate number of staff qualified by training and experience to implement the proposed activities;

(2) Appropriately manages and accounts for the fiscal resources of the project;

(3) Details internal procedures for the management of the resources under the grant, including specification of responsibilities and administrative authority, and provisions for internal monitoring of progress;

(4) Includes realistic timelines for the implementation of project activities so as to ensure accomplishment of proposed goals and objectives within the time period proposed in the application;

(5) Allots sufficient and appropriate resources from the grant or other sources for the accomplishment of the proposed project activities; and

(6) Details resources experience, and capabilities of the institution or organization to accomplish the goals and objectives proposed in the application;

(e) *Dissemination plan* (Weight: 2; Total Points: 10). (1) Provides for the dissemination of findings and the documentation of the project for replication purposes;

(2) Provides indications that the model, if successful, is likely to be replicable or adaptable in other settings involving the provision of assistive technology services to persons with disabilities;

(3) Indicates, with appropriate analysis and support, the potential for program expansion, enhancement and replication of any special strategies or materials developed; and

(4) Provides mechanisms to assure the likely adoption and use of the model;

(f) *Evaluation plan* (Weight: 3, Total Points: 15). (1) Specifies adequate indicators of accomplishment for each of the goals and objectives;

(2) Specifies appropriate measures to be used and the data elements needed for these measures;

(3) Specifies appropriate and feasible data sources and data collection methods;

(4) Specifies appropriate methods of data analysis that are likely to yield objective and meaningful evaluation results; and

(5) Allocates sufficient resources including personnel, funds, and administrative priority, to the evaluation.

(Authority: 29 U.S.C. 2201–2271)

Subpart E—What Conditions Must Be Met after an Award?

§ 347.40 What are the requirements of a grantee for coordination and information sharing?

(a) The Secretary may require each grantee under this program to provide information, including data about program activities and results, to—

(1) Grantees under the State Grants for Technology-Related Assistance for Individuals with Disabilities Program;

(2) The entity providing technical assistance to the State Grants for Technology-Related Assistance for Individuals with Disabilities program as prescribed in section 106(b)(1) of the Act;

(3) Agencies designated by Governors to make applications under the State Grants for Technology-Related Assistance for Individuals with Disabilities program;

(4) Entities conducting evaluations of the State Grants for Technology-Related Assistance for Individuals with Disabilities program for the Secretary;

(5) The Secretary; and

(6) Any other entity designated by the Secretary.

(b) Grantees receiving assistance under this program that are located in States with State Grants for Technology-Related Assistance for Individuals with Disabilities shall provide evidence of their efforts to coordinate activities with those grantees.

(c) Grantees must share information on project activities and findings with any technical assistance and information network designated by the Secretary if such a network is established.

(Authority: 29 U.S.C. 2211–2271)

§ 347.41 What are the reporting requirements for a grantee?

(a) Each grantee shall submit a copy of its final report to the National Rehabilitation Information Center.

(b) Each grantee shall submit to the Department a copy of any curriculum or training program that is developed or implemented, as well as copies of any media materials, videotapes, audio-visual materials, scripts, or other training and public awareness materials developed under the grant.

(Authority: 29 U.S.C. 2211–2271)

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Part VI

Nuclear Regulatory Commission

10 CFR Part 20 et al.
Standards for Protection Against Radiation; Final Rule

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 19, 20, 30, 31, 32, 34, 35, 39, 40, 50, 61 and 70

RIN 3150-AA38

Standards for Protection Against Radiation

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is revising its standards for protection against ionizing radiation. This action is necessary to incorporate updated scientific information and to reflect changes in the basic philosophy of radiation protection. The revision conforms the Commission's regulations to the Presidential Radiation Protection Guidance to Federal Agencies for Occupational Exposure and to recommendations of national and international radiation protection organizations.

EFFECTIVE DATE: This regulation becomes effective on (30 days after publication in the **Federal Register**). However, licensees may defer implementation of this rule until January 1, 1993. The information collection requirements are not effective until NRC publishes the OMB Clearance in the **Federal Register** (see § 20.1009).

ADDRESSES: Copies of documents relating to the proposed rule published on January 9, 1986 (51 FR 1092), or this document may be examined and copied for a fee in the Commission's Public Document Room at 2120 L Street NW. (Lower-Level), Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Harold T. Peterson, Jr., Division of Regulatory Applications, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-3640.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Purpose of the Revision

The purpose of this amendment to 10 CFR part 20 is to modify the NRC's radiation protection standards to reflect developments in the principles and scientific knowledge underlying radiation protection that have occurred since part 20 was originally issued more than 30 years ago. These developments not only include updated scientific information on radionuclide uptake and metabolism, but also reflect changes in the basic philosophy of radiation protection. Incorporation of these changes will ensure that part 20 continues to provide adequate protection of public health and safety.

It is also the purpose of this final rule to implement the 1987 Presidential guidance on occupational radiation exposure (see section II.D). The Atomic Energy Commission (AEC) and the NRC have followed past Federal radiation protection guidance, and conformance with the guidance is viewed by the Commission as being necessary to ensure that NRC licensees are using levels of protection comparable to those used by Federal agencies.

The AEC and the NRC have generally followed the basic radiation protection recommendations of the International Commission on Radiological Protection (ICRP) and its U.S. counterpart, the National Council on Radiation Protection and Measurements (NCRP), in formulating basic radiation protection standards. In 1977, ICRP issued revised recommendations for a system of radiation dose limitation. This system, which was described in ICRP Publication 26,[1] introduced a number of significant modifications to existing concepts and recommendations of the ICRP and the NCRP that are now being incorporated in the NRC regulations. In particular, this amendment to part 20 puts into practice recommendations from ICRP Publication 26 and subsequent ICRP publications. The Federal radiation protection guidance signed by the President on January 20, 1987, is also based upon the ICRP 1977 recommendations in ICRP Publication 26.

In adopting the basic tenets of the ICRP system of dose limitation, the Nuclear Regulatory Commission recognizes that, when application of the dose limits is combined with the principle of keeping all radiation exposures "as low as is reasonably achievable," the degree of protection could be significantly greater than from relying upon the dose limits alone.

B. Fundamental Radiation Protection Principles

The radiation protection standards in this final rule are based upon the assumptions that—

(1) Within the range of exposure conditions usually encountered in radiation work, there is a linear relationship, without threshold, between dose and probability of stochastic health effects (such as latent cancer and genetic effects) occurring;

(2) The severity of each type of stochastic health effect is independent of dose; and

(3) Nonstochastic (nonrandom) radiation-induced health effects can be prevented by limiting exposures so that doses are below the thresholds for their induction.

The first assumption, the linear nonthreshold dose-effect relationship, implies that the potential health risk is proportional to the dose received and that there is an incremental health risk associated with even very small doses, even radiation doses much smaller than doses received from naturally occurring radiation sources. These health risks, such as cancer, are termed stochastic because they are statistical in nature; i.e., for a given level of dose, not every person exposed would exhibit the effect. The second assumption means that when a stochastic effect is induced, the severity of the effect is not related to the radiation dose received. The third assumption implies that there are effects, termed nonstochastic effects, for which there is an apparent threshold; i.e., a dose level below which the effect is unlikely to occur. An example of a nonstochastic effect is the formation of radiation-induced cataracts of the eyes.

The above assumptions are necessary because it is generally impossible to determine whether or not there are any increases in the incidence of disease at very low doses and low dose rates, particularly in the range of doses to members of the general public resulting from NRC-licensed activities. It is firmly established, both from animal studies and human epidemiological studies (such as those of the radium dial painters, radiologists, and the atomic bomb survivors) that there is an increased incidence of certain cancers associated with radiation exposure at high doses and high dose rates. However, whether these effects occur at very low doses and, if they occur, whether their occurrence is linearly proportional to dose are not firmly established. This creates considerable uncertainty in the magnitude of the risk at low doses and low dose rates. There is no clear human evidence of radiation-induced genetic damage to the children of irradiated parents. Such effects are inferred from studies of mice and nonmammalian species (e.g., fruit flies).

In the absence of convincing evidence that there is a dose threshold or that low levels of radiation are beneficial, the Commission believes that the assumptions regarding a linear nonthreshold dose-effect model for

[1] Recommendations of the International Commission on Radiological Protection, January 13, 1977, ICRP Publication No. 26 (1977). (Available for sale from Pergamon Press, Inc., Elmsford, NY 10523.)

cancers and genetic effects and the existence of thresholds only for certain nonstochastic effects remain appropriate for formulating radiation protection standards and planning radiation protection programs.

C. Background

Standards for radiation protection were originally issued by the former AEC in the late 1950s (22 FR 548, January 29, 1957) and republished in 1960. These standards have been modifed since that time by a series of amendments relating to specific issues; however, no complete revision of part 20 has been made since the original standards were issued.

The NRC issued an advance notice of proposed rulemaking (ANPRM) in the **Federal Register** of March 20, 1980 (45 FR 18023). This ANPRM requested comments on possible topics in part 20 that should be revised. The responses received to this announcement were considered in the formulation of the proposed rule.

During the development of this rule, early comments from licensees, labor unions, public interest groups, other Federal agencies, and scientific organizations were solicited, discussed, and considered in formulating the proposed rule. In addition, the NRC staff has benefited from its participation in several public meetings held by the Environmental Protection Agency (EPA) in connection with the guidance for occupational radiation exposure. These amendments to part 20 and the Federal guidance on occupational exposure were developed in parallel and are both based primarily on the ICRP recommendations. The comments made in these EPA-sponsored meetings and those received by EPA on the draft guidance published by EPA in the January 23, 1981 **Federal Register** (46 FR 7836) were reviewed by the NRC staff and considered in preparing the proposed part 20.

The NRC published the proposed revision of the 10 CFR part 20 rule in the **Federal Register** on January 9, 1986 (51 FR 1092). More than 800 sets of public comments were received on the proposed revision. The public comments on the proposed revision were categorized, analyzed, and taken into account in developing the final rule. The principal public comments and the NRC staff responses to them are discussed in section VI.

II. Developments Since the Proposed Revision Was Issued

A. ICRP 1985 Paris Meeting

In March 1985, the International Commission on Radiological Protection (ICRP) held a meeting in Paris, France, to review the work of the various ICRP task groups and committees. One of the outcomes of this meeting was an ICRP statement [2] that the ICRP intended the principal dose limit for members of the general public to be 1 millisievert (100 millirems) in a year, rather than 5 millisieverts (500 millirems). This clarification has been taken into account for the limits adopted for members of the public in the final rule and is discussed more fully in the discussion on proposed § 20.301.

A second recommendation of the ICRP made at that time concerned the appropriate quality factor for converting the absorbed dose from neutrons (in rads or grays) to a dose equivalent (in rems or sieverts). The ICRP statement recommended increasing the quality factor for high-energy neutrons by a factor of 2. The quality factor for fast neutrons, for example, would be increased from 10 to 20. This change has the effect of doubling the apparent biological effectiveness of high-energy neutrons. For reasons explained in the discussion of quality factors (see the discussion of proposed § 20.4), the NRC has not adopted this recommendation in this final rule.

B. ICRP 1987 Washington Meeting

The primary focus of the statement issued by the ICRP following the 1987 meeting in Washington [3] was ICRP Publication No. 48.[4] That publication discussed higher transfer factors for transport of certain transuranic elements across the intestinal walls. These higher fractional absorption factors have been incorporated in revisions to the annual limits on intake (ALIs) and derived air concentrations (DACs) in appendix B to §§ 20.1001–20.2401 of this final rule. The changes resulting from the use of these revised factors would not change either the ingestion or inhalation ALIs for plutonium in the oxide or nitrate forms, but would lower the ALIs for other compounds or mixtures by a factor of 10. The transfer factor for the gut transfer of neptunium was found to be an order of magnitude lower than the value used in ICRP–30 and, consequently, the ingestion ALI can be increased by almost an order of magnitude. The transfer factors for americium, curium, and californium were found to be a factor of 2 higher than the ICRP–30 value so the ingestion ALIs are reduced by a factor of 2. Parameters applicable to inhalation ALIs and DACs are less affected by the new intestinal absorption factor than the ingestion ALIs as the transfer from the gastrointestinal (GI) tract to the blood for these radionuclides is generally far less significant than transfer from the lung to the blood.

C. ICRP 1987 Como Meeting

Following its 1987 meeting in Como, Italy, the ICRP issued a statement [5] that reviewed the existing estimates of the biological risks of ionizing radiation and, in particular, the preliminary data from the reanalysis of the Hiroshima-Nagasaki atomic bomb followup studies. Reanalysis of these data indicated that the risks from gamma radiation are approximately a factor of 2 higher than previous estimates for the general population and are also higher, but by a smaller factor, for workers. The ICRP concluded in 1987 that this information alone was "not considered sufficient at that time to warrant a change in the dose limits for occupational exposure and, for the general population, the increase in risk indicated by the new data is not considered to require an immediate change in the recommended dose limits, following the reduction by the ICRP (in 1985) in the principal limit from 5 to 1 mSv in a year (from sources other than medical and natural background radiation)." The ICRP also noted that the potential higher risks indicated by the reanalysis of the atomic bomb data should not be a major consideration as the dose limits should not be of primary importance in controlling doses if the principle of keeping radiation exposures "as low as is reasonably achievable" is being practiced. This position has since been modified by the ICRP 1990 Statement (see section II.I below).

[2] International Commission on Radiological Protection, "Statement from the 1985 Paris Meeting of the [ICRP]," British Journal of Radiology, Vol. 58, page 910: 1985; also Health Physics, 48(6): 828–829 (June 1985).

[3] International Commission on Radiological Protection, "ICRP Statement from 1987 Washington Meeting," Health Physics 53(3): 335–342 (1987).

[4] International Commission on Radiological Protection, "The Metabolism of Plutonium and Related Elements," ICRP Publication No. 48 (Available for sale from Pergamon Press, Inc., Elmsford, NY 10523.) (1986).

[5] International Commission on Radiological Protection, "Statement from the 1987 Como Meeting of the [ICRP]." Health Physics, 54(1): 125–132 (1988).

D. Federal Radiation Protection Guidance on Occupational Exposure

On January 20, 1987, President Reagan approved revised guidance to Federal agencies for occupational radiation protection. This guidance, which was published in the **Federal Register** (52 FR 2822; January 27, 1987), generally adopts the philosophy and methodology of ICRP Publications 26 and 30. The amendments to part 20 in this final rule were developed in parallel with the development of the guidance. Because of this parallel development, the proposed part 20 rule conformed with the draft Federal guidance available at the time the proposed part 20 rule was written. However, because of changes made to both the draft guidance and the draft part 20 revision, there were a few differences between the guidance in its final published form and the proposed part 20 revision. As discussed in the respective sections below, changes to the proposed rule have been made in order to implement the final version of the Federal guidance.

E. NCRP Report No. 91

On June 1, 1987, the National Council on Radiation Protection and Measurements (NCRP) issued a report [6] containing updated NCRP recommendations for radiation protection limits. These recommendations replace recommendations published in 1971. The majority of these recommendations are in accord with the 1977 recommendations of the ICRP and, consequently, were already reflected in the proposed part 20 rule. There are, however, several NCRP recommendations that were not in the ICRP–26 recommendations. These NCRP recommendations are:

(1) A general "guideline" that the cumulative effective dose equivalent to a worker should not exceed 1 times the worker's age in years; i.e., 1×N instead of the former 5(N−18) formula;

(2) Use of committed effective dose equivalent for planning purposes and the use of annual (rather than committed) doses for post-(internal) exposure control;

(3) A monthly dose limit as well as a limit on total gestation dose to the embryo/fetus;

(4) Adoption of a 0.1-rem (1 mSv) effective doses equivalent limit for exposure of the general public with the condition that the "site operator" assess the total exposure to the most exposed individual if estimated or measured exposures exceed 25 percent of this limit (25 millirems or 0.25 mSv per year);

(5) The use of "reference levels" set up by the radiation user below the regulatory limits;

(6) A Negligible Individual Risk Level of 1 millirem (0.01 mSv) per year. This level is the ". . . average annual excess risk of fatal health effects attributable to irradication, below which further effort to reduce radiation exposure to the individual is unwarranted" (NCRP No. 91, p. 43).

These NCRP recommendations were issued after publication of the proposed part 20 rule and, consequently, there has not been an opportunity for public comment on them. For this reason, these NCRP recommendations are not being adopted in the amendments to part 20 presented in this final rule.

F. The 1988 Report of the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR–88)

The United Nations Scientific Committee on the Effects of Atomic Radiation has analyzed data on the sources and effects of atomic radiation and published a series of reports containing summaries of the sources of radiation, the doses received by workers and members of the general public from these sources, and an analysis of the potential health risks from exposure to ionizing radiation.

The latest report in this series is the 1988 report. The 1988 report [7] contains more recent information on the health risks of ionizing radiation determined from a reevaluation of the data on the survivors of the Hiroshima-Nagasaki atomic bombings. Based upon these data, the radiation risk at high doses and high dose rates is estimated to be 7.1×10^{-4} fatal health effects per rad (0.071 effects per gray). For estimating the risk from radiation doses below 100 rads, the UNSCEAR report recommended that a dose rate reduction factor be applied to account for the reduced effectiveness of lower doses and lower dose rates. This would lead to an estimated risk of fatality of between $(0.7 \text{ to } 3.5) \times 10^{-4}$ health effects per rad for low doses such as those encountered in routine occupational exposure and the even lower doses that might be received by members of the general public from NRC- (or Agreement State) licensed activities. The fatal cancer risk value associated with the 1977 ICRP recommendations,[1] is 1.25×10^{-4} (the proposed part 20 rule, 51 FR 1102, January 9, 1986) so that the risks as estimated by the 1988 UNSCEAR report for low doses are between 1.7 times lower to 2.8 times higher than the earlier ICRP estimate. Implications of an increased risk are discussed in section II.I.

G. The 1988 Report of the National Academy of Sciences' Committee on the Biological Effects of Ionizing Radiation (BEIR–IV) [8]

The 1988 BEIR–IV report supplements the 1980 BEIR–III report by providing a more detailed analysis of the risks from internal alpha-emitting radionuclides to complement the emphasis of the BEIR–III report on gamma and beta radiation. Revised risk estimates are given for intakes of radon, radium, polonium, thorium, uranium, and higher transuranic elements (e.g., plutonium).

The radionuclide given the greatest emphasis in the BEIR–IV report is radon (radon–222), the gaseous decay product of radium–226. The radon dose conversion factor in the BEIR–IV report for exposure conditions representative of those of the general public is consistent with the value used to derive the airborne effluent concentration limit for radon–222 in appendix B to §§ 20.1001–20.2401, table 2 of the amendments of 10 CFR part 20 contained in this final rule.

H. The 1990 Report of the National Academy of Sciences' Committee on the Biological Effects of Ionizing Radiation (BEIR–V) [9]

The BEIR–V report is another comprehensive reevaluation of the health risks of radiation exposure based upon the revised dose estimates for the survivors of the atomic bombings of Hiroshima and Nagasaki. The BEIR–V report gives risk estimates for leukemia and non-leukemia (solid cancers) that are about two to five times higher than the estimates in the 1980 BEIR–III report. The BEIR–V report gives the following factors as the principal reasons for this

[6] National Council on Radiation Protection and Measurements (NCRP), "Recommendations on Limits for Exposure to Ionizing Radiation," NCRP Report No. 91 (June 1, 1987). [Available for sale from the NCRP, 7910 Woodmont Avenue, suite 800, Bethesda, MD 20814–3095.]

[7] United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR), "Sources, Effects and Risks of Ionizing Radiation, 1988 Report to the General Assembly, Sales Section, United Nations, NY 10017 (1988).

[8] National Academy of Sciences-National Research Council, Committee on the Biological Effects of Ionizing Radiation, "Health Risks of Radon and Other Internally Deposited Alpha-Emitters, (BEIR–IV)," National Research Council, National Academy Press, Washington, DC 20418 (1988).

[9] National Academy of Sciences-National Research Council, Committee on the Biological Effects of Ionizing Radiation, "Health Effects of Exposure to Low Levels of Ionizing Radiation, (BEIR–V)," National Research Council, National Academy Press, Washington, DC 20418 (1990).

increase: (1) Use of different dose-response and risk projection models, (2) revised estimates of the doses to the individual survivors of the atomic bombings in Japan, and (3) improved epidemiological data from additional years of followup studies since the BEIR–III report was completed in 1980.

The BEIR–V Committee uses the linear dose response model and the relative risk projection model to extrapolate the fatal tumor risk to future periods. The relative risk projection model assumes the risk to be proportional to the natural cancer incidence, which generally increases with age. Because of this dependence on age, the relative risk model generally predicts higher future (lifetime) risks than the absolute risk model which employs a constant added risk per year with increasing age. Estimates are given of the risk as a function of the time since the exposure occurred and the age and sex of the exposed person. The BEIR–V report, like the UNSCEAR–88 report, indicates that a reduction factor should be applied to the risk estimates derived from high doses and dose rates in order to apply them to low dose and low dose-rate situations. Although neither the BEIR–V report nor the UNSCEAR–88 report recommends a specific value for this factor, both reports indicate that this factor should be greater than 2 (larger reduction factors would give a lower risk per unit dose). Assuming a factor of 2 reduction in the risk estimates derived from high doses and high dose rates, BEIR–V would give a lifetime risk of a radiation-induced cancer fatality of about 4×10^{-4} fatal cancers/rem (0.04 per sievert) for workers and 5×10^{-4} per rem (0.05 per sievert) for the general population, the higher value for the public being associated with the higher sensitivity and the longer period of elevated risk associated with the younger ages present in the general population. The values of 5×10^{-4} is three times as large as the recommended value in the 1980 BEIR–III report and four times as large as the estimate in the 1977 ICRP–26[1] report (see section II.F).

The BEIR–V report also summarized the data on the frequency of severe mental retardation found in the children of Hiroshima and Nagasaki atomic bomb survivors. These children were exposed *in utero* at gestational ages of 8–15 weeks and the risk of severe mental retardation during this period is about 4×10^{-3} per rem with a possible threshold for the effect in the range of 20 to 40 rem. The risk of severe retardation was less during other gestational ages; there was no evidence of increased risk in survivors exposed earlier than 8 weeks or later than 26 weeks after conception.

The estimates of genetic effects to the offspring of irradiated individuals remained similar to those in the 1972 BEIR–I and 1980 BEIR–III reports. As radiation-induced inherited abnormalities have not been observed directly in humans, estimates of genetic effects have been based primarily upon experimental studies with mice. These studies suggest that it would take a dose of about 100 rads to double the natural frequency of genetically transmitted diseases.

I. ICRP 1990 Recommendations

On June 22, 1990, the International Commission on Radiological Protection issued a press release indicating that it would issue revised recommendations for radiation protection based upon the newer studies of radiation risks (such as those described in sections F, G, and H above). The press release indicated that the ICRP would recommend a reduction in the occupational dose limit from an equivalent of 5 rems per year to an average of 2 rems per year with some allowance for year-to-year flexibility. The ICRP dose limit for long-term exposure of members of the general public would remain equivalent to the level adopted in this amendment to part 20, 0.1 rem per year.

The Nuclear Regulatory Commission does not believe that additional reductions in the dose limits are urgently required by the latest radiation risk estimates. Due to the practice of maintaining radiation exposures ALARA ("as low as is reasonably achievable"), the average radiation dose to occupationally exposed individuals is well below the limits in either the previous or amended part 20 and also below the limits recommended by the ICRP. For example, in 1987 about 97 percent of the workers in nuclear power plants, industrial radiography, reactor fuel fabrication, and radioisotope manufacturing, four of the industries having the highest potential for occupational radiation exposures, received annual doses of less than 2 rems, which is the occupational limit proposed by the ICRP.

As a result of the application of the ALARA philosophy to effluent release standards in appendix I to 10 CFR part 50 for nuclear power reactors and EPA's 40 CFR part 190 for the uranium fuel cycle, doses from radioactive effluents from fuel cycle facilities are already much less than the 0.1 rem per year standard in this final rule. The 0.1 rem per year remains as the level recommended by the ICRP for protection of the general public.

Until the final ICRP recommendations are published, and the need for further revisions in NRC standards established, the Commission believes it would be advisable to proceed with the promulgation of the proposed dose limits, rather than deferring the dose reductions that are already associated with the amendments to part 20 in this final rule. The Commission will carefully review the final recommendations of the International Commission on Radiological Protection, the comments of the scientific community and others on these recommendations, and the ICRP response to these comments. In addition, the Commission staff will review the recommendations of other expert bodies, such as the National Council on Radiation Protection and Measurements, and participate in the deliberations of the U.S. Committee on Interagency Radiation Research and Policy Coordination and any interagency task force convened by the Environmental Protection Agency to consider revised Federal radiation guidance. Any future reductions in the dose limits by the Commission would be the subject of a future rulemaking proceeding.

III. Issues Being Resolved Separately

As noted in the above discussion, there are several areas where the Commission believes a better scientific consensus is needed before adopting values different from those in the present part 20. There are also several areas where issues raised in the public comments (see section VI) are being resolved in other NRC rulemaking proceedings because of either their scope, complexity, or timing. The following issues are being or will be resolved in other NRC rulemaking proceedings:

(1) Establishment of "Below Regulatory Concern (BRC)" levels (related to *de minimis* levels and a negligible level of risk). On June 27, 1990, the Commission announced the issuance of a policy statement on Below Regulatory Concern, which was subsequently published in the **Federal Register** on July 3, 1990 (55 FR 27522). This policy statement establishes the framework for the Commission to formulate rules and licensing decisions to exempt certain practices involving small quantities of radioactive materials from some or all regulatory controls. The BRC policy statement sets forth criteria for protection of both individuals (individual dose criteria) and population groups (a collective dose criterion).

(2) Limits for decommissioning of nuclear facilities and for residual radioactive contamination. This is being actively pursued by the NRC staff by developing criteria for residual contamination of soils and structures, which are one aspect of the implementation of the Below Regulatory Concern policy and are necessary to fully implement the Commission's earlier rulemaking on General Requirements for Decommissioning Nuclear Facilities (53 FR 24018, June 27, 1988). The NRC staff is also participating in an EPA Interagency Task Force on Residual Radioactivity.

(3) Limits and calculational procedures for dealing with the "hot particle" issue (small particles found in nuclear reactors that, because of their high activity and small size, produce high localized doses to skin). The NRC notes that the National Council on Radiation Protection and Measurements (NCRP) has recently issued new recommendations regarding "hot particles" in NCRP Report No. 106, "Limit for Exposure to 'Hot Particles' On the Skin," December 31, 1989. A modified NRC enforcement policy statement with regard to the "hot particle issue" was published in the Federal Register of July 31, 1990 (55 FR 31113). The NCRP report, together with a forthcoming ICRP report on the biological effects of skin irradiation and other technical analyses, will be considered in a future rulemaking to set limits for skin irradiation.

(4) Modification of NRC incident notification requirements. A modification of the incident notification requirements was issued for public comment on May 14, 1990 (55 FR 19890). If this proposal is adopted as a final rule, it would modify both §§ 20.1–20.601 and the amendments contained in §§ 20.1001–20.2401.

(5) Publication of a separate rule for large irradiators. A new part 36 has been proposed for public comment (Federal Register of December 4, 1990, 55 FR 50008). The detailed requirements for irradiators presently in the amended part 20 (§ 20.1803) will eventually be deleted and replaced by the provisions incorporated in the new part 36.

There are also additional areas where the scientific basis is not yet resolved sufficiently to justify a change from current practice. These two areas require better scientific consensus on the appropriate position: (1) The need for and impact of a lifetime cumulative dose limit of 1 rem per year of age and (2) quality factors, especially for neutrons, low-energy beta-emitters, and high-energy gamma photons. These issues will be reconsidered as consensus positions are reached by the scientific community.

IV. Need for Additional Regulatory Guidance

The Commission recognizes that the incorporation of many new concepts into part 20 will require additional guidance and explanation on their application to practical problems in radiation protection. The Commission also notes the desirability of having such additional guidance available at the same time that the final rule is issued in effective form. However, it was impractical, both for reasons of scheduling and availability of resources, for these guides to be developed concurrently with part 20. Some of the regulatory guides being developed or revised to assist in the implementation of the amended part 20 are:

(1) Content of Radiation Protection Programs at Nuclear Power Plants;

(2) Interpretation of Bioassay Measurements (Draft Regulatory Guide 8.9, Revision 1),

(3) Criteria and Procedures for Summation of Internal and External Occupational Doses,

(4) Acceptable Criteria for Planned Special Exposures and for Satisfying Documentation Requirements;

(5) Methods and Parameters for Calculating the Dose to the Embryo/Fetus;

(6) Instructions for Recording and Reporting Occupational Radiation Exposures (includes NRC Forms 4 and 5).

The Commission has instructed the staff to have these and other draft guides published for public comment early in 1991 and published in final form by December 31, 1991.

V. Implementation and Existing License Conditions

Section 20.1008 of the amendments to part 20 in this final rule provides that NRC licensees must implement the rule on or before January 1, 1993. Until January 1, 1993, applicants seeking new licenses and holders of existing licenses have the option of complying with the new provisions of part 20 in §§ 20.1001–20.2401 or with the earlier provisions of part 20 in §§ 20.1–20.601. Early implementation may benefit applicants for new licenses or license renewals as they could avoid having to adopt and implement the earlier provisions of part 20 for only a short period of time prior to the required implementation date of the final rule. Licensees (or applicants) that wish to adopt the provisions of this final rule prior to the required implementation date should notify either the Director, Office of Nuclear Reactor Regulation (for power and research reactors) or the Director, Office of Nuclear Material Safety and Safeguards (for industrial, academic, and medical licensees, fuel cycle and waste disposal facilities).

The amendments to part 20 in this final rule have been incorporated into the existing 10 CFR part 20 while retaining the existing requirements. However, the new requirements have been renumbered to run from § 20.1001 to § 20.2401 in order to satisfy legal conditions associated with the necessity of having two sets of requirements on the same subject in effect at the same time. The existing part 20 retains its current section numbers (§§ 20.1–20.601). Licensees are required to comply with either §§ 20.1–20.601 inclusive or with the requirements in § 20.1001–20.2401 inclusive, but not both sets of requirements. Licensees cannot comply with selected requirements from both the new rule and the earlier version, but must comply with the complete set of requirements in either §§ 20.1–20.601 or in §§ 20.1001–20.2401.

The NRC will issue a regulatory guide that provides the section and paragraph identifiers in the amendments to part 20 (§§ 20.1001–20.2401) and the corresponding sections or paragraphs in the earlier part 20 (§§ 20.1–20.601). This document will be issued shortly after the publication of this rule and will enable licensees to locate sections of the amendments to part 20 that correspond to sections of the earlier part 20 cited in license conditions and technical specifications.

NRC Agreement States each have regulations compatible with the existing 10 CFR Part 20. Agreement States normally amend their regulations to preserve compatibility within three years after NRC issues final rules. In the Commission's view, it is desirable to minimize the period when different radiation standards and methods of determining doses are in effect across the nation. The States and the public have had extensive advance knowledge of the planned revision of part 20. Consequently, the Commission believes that the Agreement States must proceed as quickly as possible to conform to the amendments to part 20 presented in this final rule and should require that all Agreement State licensees comply on or before January 1, 1994. The States are encouraged to provide the flexibility for early adoption should licensees so choose. As just discussed, the Commission has provided what it believes is adequate time (until January 1, 1993) from publication of the final rule before all NRC licensees must comply. Agreement States may also wish to

provide additional time for their licensees to comply to facilitate transition and the Commission would have no objection so long as compliance is required by January 1, 1994.

VI. Summary of Public Comments and Changes from Proposed Rule

The purpose of this section is to respond to comments raised on the proposed rule and to explain and highlight the changes made to the proposed rule. This section presents, for each paragraph or section of the rule, the principal public comments on the proposed rule, an NRC staff response to the comments (where appropriate), and a summary of the principal changes that were made to the proposed rule. This section has been arranged so that it corresponds to the structure of the proposed rule. However, the following text is not intended to create any additional requirement not already in the regulatory text.

Subpart A—General Provisions

Proposed Section 20.1 Purpose [Section 20.1001 in This Final Rule]

Final rule: A new sentence was added to convey the intent of the former § 20.9 in the proposed rule (which has been removed) that the regulations in Part 20 should not hinder a licensee's actions to protect health and safety in the event of an emergency. It is the Commission's intent that the regulations be observed to the extent practicable during emergencies, but that conformance with the regulations should not hinder any actions that are necessary to protect public health and safety such as lifesaving or maintaining confinement of radioactive materials.

In this regard, the Commission notes that the Federal guidance on occupational radiation protection states that those dose standards only apply to normal operating conditions. The Commission believes that the dose limits for normal operation should remain the primary guidelines in emergencies. However, the Commission also recognizes that, in an emergency, operations that do not conform to the regulations may have to be carried out to achieve the high-priority tasks of worker, public, and facility protection. The purpose of the addition to this section is to assure licensees that their first priority should be to carry out those actions that are necessary to protect workers and the public from radiation exposure, to perform lifesaving activities, to prevent or limit the spread of radioactive contamination or the release of radioactive materials to the environment, and to preserve an adequate margin of safety. In evaluating any ensuing violations and their severity, the Commission will consider on a case-by-case basis any extenuating circumstances.

Proposed Section 20.2 Scope [Section 20.1002 in This Final Rule]

Final rule: The statement of scope remains essentially the same as in the proposed rule except that "background radiation" has replaced "natural background." This change was made to include residual global fallout and ambient radon levels within the definition of "background."

Proposed Section 20.3 Definitions [Section 20.1003 in This Final Rule]

General: Because of the large number of comments that dealt primarily with wording changes or that questioned the need for or the use of particular definition, the individual comments will not be discussed separately. However, these comments did result in substantial revisions to many of the definitions that appeared in the proposed rule. Those definitions that were added, modified, or deleted as a result of the public comments are listed below.

Comment: Differentiation among different kinds of dose equivalents. The potential for confusion among different dose equivalents was noted. Commenters noted that effective dose equivalents, committed effective dose equivalents, and doses to the lens of eye, skin, or extremities were all expressed in units of rems or sieverts and may be difficult to distinguish from one another.

Response: In the final rule the NRC staff has applied unique names for these previously undesignated quantities including: eye dose equivalent, shallow-dose equivalent (skin), shallow-dose equivalent (extremities), and total effective dose equivalent. The ICRP did not give these quantities specific names. The use of characteristic names is intended to reduce confusion in using these units. In this regard, it should be noted that the licensee is required to designate, in a clear and unambiguous manner, the quantities that are being recorded (see § 20.2101(b)).

Final rule: All the important definitions have been collected into one section, § 20.1003 Definitions. Unlike the proposed rule, which employed groups of related terms ("Area Terms," "Dose Terms," "Monitoring Terms," etc.), all of the definitions in the amended rule are listed in strict alphabetical order. This organization also avoids the presence of "local definitions" that appear only in a specific section of the regulation.

1. New Terms. The following definitions have been added to the final rule. These definitions have been added to clarify the meaning of the terms:

a. "Activity"
b. "Background radiation"
c. "Derived air concentration-hours" ("DAC-hours")
d. "Dosimetry processor"
e. "Entrance or access point"
f. "Generally applicable environmental standard"
g. "Individual monitoring device"
h. "Quality factor"
i. "Sanitary sewerage"
j. "Total effective dose equivalent (TEDE)."

2. Revised Definitions. The following definitions have been revised or modified from the definition used in the proposed rule:

a. "Absorbed dose"
b. "Annual limit *on* intake"
c. "Class"
d. "Committed dose equivalent"
e. "Committed effective dose equivalent"
f. "Derived air concentration"
g. "Dose equivalent"
h. "Effective dose equivalent"
i. "Embryo/fetus"
j. "Eye dose equivalent"
k. "Member of the public"
l. "Nonstochastic"
m. "Person"
n. "Planned special exposure"
o. "Quarter"
p. "Survey"
q. "Weighting factor"
r. "Working level"
s. "Year"

3. Definitions and terms deleted. Two definitions were deleted because the terms no longer appear in the rule: "Collective effective dose equivalent" and "Roentgen." "Natural background" has been replaced by "Background radiation."

Proposed Section 20.4 Units of Radiation Dose [Section 20.1004 in This Final Rule]

Comment: Choice of the system of units. Several commenters expressed a preference for retaining the older "special" units (the curie, rad, and rem) rather than allowing the use of the newer SI units. Reasons cited for retaining the older system included: present widespread use and licensee familiarity, potential for misunderstandings with the newer units, the need for worker retraining (particularly while learning the new ICRP system of dose limitation), and the costs associated with changing recordkeeping systems. A smaller

number of commenters favored changing over to the SI units: becquerels, grays, and sieverts.

Response: Although both the "special units" and the SI units appear in the text of part 20 (to increase the familiarity of licensees with the SI units), the Commission has decided that adoption of the SI units at this time is not necessary. The Commission recognizes that the new terms and methodological approaches in the amendments to part 20 are complex and that imposition of the SI system of units on top of this complexity would further increase the potential for confusion. Consequently, at the present time, the recordkeeping, reporting, and notification requirements require the use of the "special units," the rad, the rem, and the curie. However, as the national move to metrication continues, as anticipated in section 5164 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100–418), at some later time there may be amendments to part 20 that would require the use of SI units only (becquerels, grays, and sieverts).

Final rule: The amendments to part 20 in this final rule include the International System of Units (SI units) for distance, area, and volume. The older "special units" are retained for licensee use in records or reports, i.e., activity (curie), absorbed dose (rad), and dose equivalent (rem).

Comment: Quality factors for neutrons. The quality factor is the conversion factor between the absorbed dose (rads) and the dose equivalent (rems). Several publications [10, 11, 11a] have recommended changes in neutron quality factors that are a factor of 2 higher than those in proposed part 20. These changes would raise the quality factor for fast neutrons from 10 to 20.

Response: Increases in the quality factor for neutrons are suggested by some animal experimental data on the relative biological effectiveness (RBE) of neutrons. However, there appears to be considerable uncertainty as to whether the data actually demonstrate an increase in the hazard of neutrons. Because the RBE is defined as a ratio of doses to produce equivalent biological effects, it is not clear whether the apparent increase in the neutron RBE is due to the increased effectiveness of neutrons or whether it actually results from the decreased effectiveness of the reference gamma radiation at low doses.

Final rule: The NRC has decided not to revise the neutron quality factor at this time but to defer any change until there is greater scientific consensus on the most appropriate value. A major consideration underlying this decision is that neutron exposures at most NRC-licensed facilities are currently small and the potential increase of a factor of 2 would not have a major health or regulatory impact.

The decision to defer any change is consistent with recommendations of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC) of the Office of Science and Technology Policy that there should not be a revision of the value of the neutron quality factor at this time without more study. This position is also reflected in papers from the United Kingdom National Radiological Protection Board (UKNRPB) [12] and a statement of the neutron quality factor from the British Committee on Radiation Units and Measurements.[13]

Comment: Table of neutron quality factors. Several commenters questioned the accuracy and timeliness of the table of neutron quality factors and fluence rates (to give dose equivalents of 1 rem) that appeared in the proposed rule. Some commenters suggested that there were more appropriate tables published by the NCRP or ICRP.

Response: The tables in the proposed and amended rules were taken from NCRP Report No. 38 [14] and are appropriate for the neutron dose equivalent at a soft tissue depth of 1 centimeter (which is the depth specified for the determination of the deep dose equivalent). There are newer tables from the ICRP, but these tables incorporate the factor of 2 increase in the neutron quality factor. (See the preceding discussion of the neutron quality factor.)

Subpart B—Radiation Protection Programs

Proposed Section 20.102 "As Low As Is Reasonably Achievable" (ALARA) [Section 20.1101 Radiation Protection Programs in This Final Rule]

Comment: The concept of ALARA is a philosophical principle of radiation protection and, as such, it should not be made into a regulatory requirement. A primary objection to changing the status of ALARA from the hortatory suggestion in § 20.1(c) of §§ 20.1–20.601 ("licensees should") to a mandatory requirement ("licensees shall") in proposed § 20.102 is that there are no guidelines (except for light-water-reactor (LWR) effluents) as to what constitutes ALARA. Because of the subjective nature of an "ALARA level," there are problems in the retrospective evaluation of licensee performance by NRC inspectors and, at least in one case, interpretations by the courts concerning whether the levels achieved were truly "as low as is reasonably achievable."

Response: There were a number of comments that expressed similar concerns regarding the proposed implementation of "ALARA." The emphasis on ALARA actions has been revised from detailed requirements to document all ALARA actions to a requirement to have a radiation protection program that includes measures to keep doses and intakes "as low as is reasonably achievable." This shift is to emphasize that the ALARA concept is intended to be an operating principle rather than an absolute minimization of exposures.

Comment: Any requirement for ALARA should include a lower bound. Many commenters felt that there should be a "floor" for ALARA.

Response: The Commission agrees that there would be advantages to establishing such a "floor," below which efforts to further reduce doses would not be necessary. An NRC policy statement on "Below Regulatory Concern" was announced on June 27, 1990, and published in the **Federal Register** on July 3, 1990 (55 FR 27522). The Below Regulatory Concern levels in that policy statement delineate criteria below which additional licensee actions to further reduce doses would not be required. Specific rulemaking actions will be carried out to define operational thresholds for particular classes of activities such as disposal of very low-level contaminated materials. The BRC policy statement provides a framework for evaluating these case-specific actions. (See also discussion on proposed § 20.304.)

[10] International Commission on Radiological Units and Measurements, "The Quality Factor in Radiation Protection," ICRU Report No. 40 (1986). (Available for sale from ICRU Publications, 7910 Woodmont Avenue, suite 800, Bethesda, MD 20814–3095.)

[11] International Commission on Radiological Protection, "Data for Use in Protection Against External Radiation," ICPR Publication No. 51 (January 1988). (Available for sale from Pergamon Press, Inc., Elmsford, NY 10523.)

[11a] See footnotes 2, 3, and 4.

[12] J.A. Dennis, "The Relative Biological Effectiveness of Neutron Radiation and Its Implications for Quality Factor and Dose Limitation," Nuclear Energy 20(2). 133–149 (1967).

[13] British Committee on Radiation Units and Measurements (BCRU), "Memorandum from the BCRU: Effective Quality Factor for Neutrons," Physics in Medicine and Biology 31 (7):797–799 (1986).

[14] National Council on Radiation Protection and Measurements, "Protection Against Neutron Radiation," NCRP Report No. 38 (January 1971). (Available for sale from the NCRP, 7910 Woodmont Avenue, suite 800, Bethesda, MD 20814–3095.)

Comment: Compliance with "ALARA-based" standards should constitute being ALARA. Several commenters supported the statement in the proposed part 20 (20.102(b)) that compliance with EPA's 40 CFR part 190 and with appendix I to 10 CFR part 50 should constitute *de facto* compliance with the requirement to keep LWR effluents ALARA. Environmental Protection Agency (EPA) comments did not support this view.

Response: Appendix I to 10 CFR part 50 defines ALARA levels of radioactive materials in LWR effluents. If the design objectives of appendix I are met, it constitutes a demonstration that the effluents are ALARA and no additional effort is required to reduce the effluent levels. Although the EPA interprets 40 CFR part 190 as an "ALARA-based" standard, it also believes that 40 CFR part 190 constitutes an upper bound, not a lower bound, to ALARA efforts.[15] Consequently, compliance with 40 CFR part 190 is not in itself sufficient to demonstrate that releases and doses are ALARA.

As appendix I to part 50 defines ALARA design objectives that constitute ALARA effluent levels, meeting these levels is sufficient to demonstrate ALARA effluent releases. In order for light-water reactors to demonstrate that doses from both effluents and direct radiation are ALARA, it is necessary to demonstrate that effluents meet the design objectives of appendix I to 10 CFR part 50, that direct radiation from onsite sources (gamma radiation from external radwaste tanks and turbines ("turbine shine")) is also ALARA, and the total dose to any member of the public is within the numerical standards in 40 CFR part 190. Meeting these conditions will constitute sufficient evidence that offsite doses from LWRs are ALARA and in conformance with both appendix I and 40 CFR part 190.

Comment: The NRC should establish "reference levels" in its rules. One commenter thought that the NRC should have "reference levels" for licensee action in part 20.

Response: The Commission recognizes that licensees generally establish their own lower "reference levels" in order to keep from reaching and exceeding the Commission's formal dose limits. Based upon the public comments on the reference level for exposure of members of the public, which was in the proposed § 20.303, this approach would not be favored by a majority of licensees. Several commenters viewed the reference level for the dose to members of the public as being applied exactly as if it were a limit. Consequently, if the NRC were to specify generic reference levels for licensee action, the impact might be similar to lowering the magnitude of the dose limits. The Commission believes that the use of the ALARA philosophy is a preferable means to keep exposures well below the limits established by the Commission.

Final rule. The final rule establishes a requirement for all licensees to have a radiation protection program that includes provisions for keeping radiation doses ALARA. It is expressly intended that the level of this program and efforts to document it are commensurate with the size of the licensed facility and the potential hazards from radiation exposure and the intake of radioactive materials.

The requirement for a radiation protection program is not new; it was discussed in the proposed rule (under ALARA) and is consistent with requirements in part 33 (§§ 33.13, 33.14, and 33.15), part 34 (§ 34.11), part 35 (§§ 35.20–35.31), and part 40 (§ 40.32) of the NRC regulations, with the information requested in chapter 12 of Regulatory Guide 1.70, "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants," and with the conditions in most licenses issued by the Commission. The extent of this program and requirements for written records and procedures for operating the program are intended to be commensurate with the scope and potential hazards associated with the licensee's activities. The Commission recognizes the need to provide guidance on the scopes of radiation protection programs and such guidance will be prepared in the form of regulatory guides.

The Commission continues to emphasize the importance of the ALARA concept to an adequate radiation protection program. In order to strengthen this concept, the Commission has adopted a requirement that all licensees include provisions for maintaining radiation doses and intakes of radioactive materials as low as is reasonably achievable as part of their radiation protection programs. Compliance with this requirement will be judged on whether the licensee has incorporated measures to track and, if necessary, to reduce exposures and not whether exposures and doses represent an absolute minimum or whether the licensee has used all possible methods to reduce exposures. This shift in emphasis should reduce potential problems of retrospective evaluation of licensee performance under admittedly subjective criteria. However, the licensee should be able to demonstrate that periodic reviews of performance have been made and that efforts have been made to achieve ALARA. As noted above, the level of effort expended on the radiation protection programs should reflect the magnitude of the potential exposures, both the magnitude of average and maximum individual doses and, in facilities with large numbers of employees, collective (population) doses. A nuclear power reactor licensee would be expected to have a considerably larger program than a licensee with only small sealed sources.

The Commission has not adopted a requirement that a numerical cost-benefit analysis (optimization analysis) be used to demonstrate ALARA. The quantitative approach is useful for those situations where both costs and benefits (dose reduction) can be quantitated, such as in shielding design or analysis of decontamination methods. The Commission encourages licensees to employ quantified analyses to define ALARA, but their use is not required. One reason for this is that many ALARA procedures simply reflect sound operating practice and do not lend themselves to a numerical analysis. Another reason is that cost-benefit analyses could have a cost associated with obtaining the necessary information and carrying out the analysis that may exceed the monetary value of the dose reduction. Thus, the quantitative optimization analysis would be expected to be used primarily in situations where both the costs of control and the resultant benefits were not only quantifiable, but also appreciable compared to the cost of performing the analysis.

Subpart C—Occupational Dose Limits

Proposed Section 20.201 Occupational Dose Limits for Adults [Section 20.1201 in This Final Rule]

Comment: Elimination of the 5(N–18) age-prorated cumulative dose limit and the adoption of the 5-rem annual effective dose limit. Most commenters favored this change noting that licensees have generally succeeded in keeping doses below 5 rems per year for the past

[15] Letter of January 7, 1986, from Sheldon Meyers, Director, Office of Radiation Programs, Office of Air and Radiation, U.S. Environmental Protection Agency, to Robert B. Minogue, Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission. (This letter is reproduced as enclosure B to the comments of the Environmental Protection Agency on the 10 CFR part 20 revision (Docket PR–19, 20, 30 et al., 50 FR 51992, Comment # 769).)

few years and, therefore, are already meeting the new limit.

Comment: Lifetime dose limits. A few commenters believe that there should be a limit on the cumulative total dose that can be received by any individual in a lifetime.

Response: The Commission considered the use of a lifetime dose limit but rejected it. The EPA had proposed such a limit (100 rems) in its proposed Federal Guidance on Occupational Radiation Exposure (46 FR 7836, January 23, 1981) but withdrew it.

If the magnitude of the annual dose is limited, there is a *de facto* limitation of the lifetime dose that can be received. The Commission believes that such a *de facto* lifetime limit is preferable to an actual cumulative lifetime dose limit because the cumulative limit could act to limit employability. This, in turn, raises questions concerning the right of an individual to pursue employment in a chosen profession. If an individual were to deplete the "dose bank" provided by a lifetime dose limit, it might be difficult to obtain future employment using ionizing radiation.

Comment: Quarterly dose limit. A number of commenters noted that the ICRP system of dose limitation does not have quarterly or other limits covering periods less than a year. The public comments also noted the possibility of giving rise to two violations for the same event (i.e., the possibility of exceeding both the quarterly and annual dose limits in one event), thereby incurring two penalties.

Response: The quarterly limit (only for deep-dose equivalent) had been retained in the proposed rule as a result of suggestions received from several groups during the development of the rule. The primary protection function of retaining a quarterly limit was to reduce the potential for receiving several high doses within a relatively short period of time. However, there is not much of a radiobiological significance between 10 rems (two 5-rem doses) and 6 rems (two 3-rem doses) received in a short time period. One consideration is the employability of a worker who has exceeded the dose limit. A worker who exceeded the 5-rem annual dose limit might have to work in a job not involving radiation for a year (or take part in a planned special exposure) instead of only a calendar quarter if a quarterly dose was used.

Final rule: In order to maintain compatibility with the ICRP and to eliminate the possibility of double violations, the quarterly limit has not been kept and only annual limits are stated.

Comment: Eye dose limit. Some commenters questioned the 15-rem (0.15-sievert) eye limit used in the proposed rule noting that ICRP Publication No. 26 contains a recommended value of 0.3 sieverts (30 rems).

Response: The ICRP recommended a reduction in the limit for the eye to 0.15 sieverts (15 rems) at their Brighton, England, meeting in 1980.[16] This was done because the ICRP concluded that, for a lifetime of occupational exposure at the former 0.3-sievert (30-rem) limit, some opacities in the lens of the eye might be produced that could develop to the point of causing deterioration of vision (even without further radiation exposure). In most situations, the limits for the deep-dose equivalent and the shallow-dose equivalent to the skin should ensure that the eye dose limit is also met. Consequently, the reduction from 30 rems to 15 rems is not expected to have a significant impact on either health protection or control cost.

Comment: Parameters defining the shallow-dose equivalent ("skin dose"). The proposed rule would have established a dose limit for the skin of 50 rems averaged over 10 square centimeters (10 cm^2). There were several comments concerning the scientific basis for this area. Some commenters suggested other surface areas, such as 15 cm^2, as being better suited to measurement conditions. Proponents of the larger areas generally favored these areas because of their compatibility with either contamination survey practices or with the physical size of survey instrument detector probes.

One set of comments prepared by the developer of the NRC's VARSKIN computer program for skin dose calculation (comment letter No. 262 in the NRC Public Document Room) contains a well-documented discussion of the selection of an appropriate area over which to average the skin dose. These comments conclude that 1 cm^2 is a more appropriate area than either 10 cm^2 or 100 cm^2.

Response: ICRP Publication 26 contains two recommendations for such areas: a 100-cm^2 area and a 1-cm^2 area, the larger area being associated with routine monitoring for skin contamination and the smaller area being associated with accident dose evaluation. After reviewing these comments and various recommendations regarding skin dose measurements, the Commission has decided to use the smaller area of 1 cm^2 for routine skin dose evaluations. The 1-cm^2 area is consistent with the prior recommendations in NCRP Report No. 39 [17] and ICRP Publication No. 9 [18] as well as the smaller area recommended in ICRP Publication No. 26.

Within the past several years, there have been instances where very small (5–250 μm) "hot" particles of fuel or activated corrosion products have been discovered in reactor facilities, on workers or their clothing, and, in a few isolated cases, in workers' vehicles or homes. These particles are generally too large to pose a significant risk from inhalation, but are capable of producing intense beta-radiation doses over very small areas of the skin. The principal hazard appears to be skin ulceration if the particles remain localized on the skin surface. The primary uncertainty associated with evaluating the hazard of these small particles is determining the skin area or tissue volume to which the dose is to be computed (or even whether "dose" is the most appropriate indicator of the hazard). The NRC requested the National Council on Radiation Protection and Measurements (NCRP) to look into the hot particle issue and make recommendations. The NCRP's recommendations have been published in NCRP Report No. 106 [19] and use a criterion based upon the number of radioactive disintegrations that have occurred (μCi-hours) rather than dose. The NRC staff is reviewing these recommendations and has issued an Information Notice on a modified enforcement policy for hot particles.

Final rule: The amendments to part 20 in this final rule specify an area of 1 cm^2 for skin dose evaluations.

Comment: Effective dose equivalent for external exposure. The most prevalent comment concerning the effective dose equivalent is the restriction in the proposed rule of the risk-weighted organ dose "effective dose" concept to internal doses without

[16] International Commission on Radiological Protection, "Statement and Recommendations of the 1980 Brighton Meeting," *Annuals of the ICRP 4*(3/4) Oxford, England: Pergamon Press (1980). (Available for sale from Pergamon Press, Inc., Elmsford, NY 10523.)

[17] National Council on Radiation Protection and Measurements, "Basic Radiation Protection Criteria," NCRP Report No. 39 (January 15, 1971), page 79, paragraph 207. (Available for sale from the NCRP, 7910 Woodmont Avenue, suite 800, Bethesda, MD 20814–3095.)

[18] International Commission on Radiological Protection, "Recommendations of the International Commission on Radiological Protection (adopted September 17, 1965)," ICRP Publication No. 9 (1966), page 6, paragraph 28. (Available for sale from Pergamon Press, Inc., Elmsford, NY 10523.)

[19] National Council on Radiation Protection and Measurements, "Limit for Exposure to 'Hot Particles' on the Skin," NCRP Report No. 106 (December 31, 1989). (Available for sale from the NCRP, 7910 Woodmont Avenue, suite 800, Bethesda MD 20814–3095.)

permitting a similar approach to be employed for external doses. There were several comments that noted the desirability of using organ weighting factors for external doses.

Response: The ICRP and NCRP recommendations and the 1987 Federal guidance on occupational radiation exposure in principle permit the use of external weighting factors. However, none of the principal standard-setting organizations has included specific recommendations for the use of weighting factors for external dose.

The application of weighting factors also entails calculation of organ doses instead of whole-body doses from external radiation. One component of this calculation is estimation of the attenuation of the radiation as a function of the depth of the organ in the body. There are practical problems in the determination of the type and energies of the radiation involved and of the orientation of the individual with respect to the source of the radiation that have to be considered in making such calculations. Therefore, application of weighting factors for external exposures will be evaluated on a case-by-case basis until more guidance and additional weighting factors (such as for the head and the extremities) are recommended.

Final rule: External doses to the head, trunk (including male gonads), arms above the elbow, or legs above the knee are to be treated as whole-body doses. For the purpose of weighting the external whole-body dose (for adding it to the internal dose), a single weighting factor, $w_T = 1.0$, has been specified. The use of other weighting factors for external exposure may be approved on a case-by-case basis upon request to the NRC.

Comment: Allowance for exposure after limits are exceeded. Commenters noted that allowance of an additional 1 rem per quarter dose limit for a worker who had already exceeded the 5-rem annual limit might be counterproductive. Workers who remain under the annual limit, and whose dose was X rems, would be constrained to receive (5 − X) rems, whereas workers who received more than 5 rems in the first quarter could be allowed an additional 4 rems (1 rem in each of the four quarters). One commenter suggested that this could provide an incentive for individuals who are approaching the dose limit to deliberately exceed the limit and thereby protect their employability by taking advantage of the extra dose allowance available to those who have exceeded the limits. Another commenter believed that such a blanket authorization to exceed the limits was inappropriate and preferred prior NRC review of the use of these extra doses on a case-by-case basis.

Response: The purpose of the dose allowance was to protect the worker's employability after having received a dose above the dose limits. Although intentionally getting additional exposure might be in the worker's interest for employability reasons, such an action would not be in the worker's interest with respect to health protection. Licensees having workers with critical skills who are approaching the dose limits early in the year or workers who have received an accidental overexposure should consider use of the planned special exposure (§ 20.1206) to permit continued employment.

Final rule: The allowance of an additional 1 rem per quarter following an exposure in excess of the limits has been deleted.

Proposed Section 20.202 Compliance with Requirements for Summation of Internal and External Dose [Section 20.1202 in This Final Rule]

Comment: Implementation burden. Many commenters felt that the burden of adding external and internal doses was substantial, particularly as most licensees would be faced with either external exposure situations or internal dose situations, but not both.

Response: The NRC staff disagrees that there will be a substantial recordkeeping burden because this summation will be required only if both the internal dose and the external dose are each likely to exceed 10 percent of the dose limit. Thus, in most situations, as noted in the comments, only one component will be required to be measured and, consequently, summation of internal and external doses will not be required.

Final rule: The requirement remains that the committed effective dose equivalent and the deep-dose equivalent should be summed to give the total effective dose equivalent. However, this summation need only be performed if both components are required to be monitored (i.e., exceed 10% of an applicable dose limit). If the summation of doses is not required, then the limit applies to the component (internal or external) that is measured. The NRC is planning to issue additional guidance in the form of a regulatory guide. This guide will be on procedures to be used in estimating committed effective dose equivalents and deep-dose equivalents and guidance on when internal and external doses have to be summed.

Comment: Use of individual metabolic or dosimetric data. Several commenters thought that the proposed rule required the use of specific metabolic and dosimetric parameters for the exposed individual. One commenter also thought that the use of such parameters would "invalidate the stochastic approach of the regulation, which presumes that the effects of radiation exposure at these levels are statistical in nature."

Response: It was not intended that licensees would be required to collect and use specific metabolic or dosimetric information on exposed individuals for use in dose assessments. The intent was to permit the use of personal data for dose assessment when such data were available. The use of parameters that are more appropriate for a particular exposed individual than those assumed for the "Reference Man" should improve the accuracy of the dose estimate for that individual. This is unrelated to the concept of stochastic health effects.

The statistical nature of the potential stochastic effects of low doses of ionizing radiation does not require that the associated dose estimates be based on Reference Man doses. However, it is necessary to resort to population-averaged dose-to-risk conversion factors as there are no health risk coefficients available for specific individuals.

(Monitoring thresholds and thresholds for summation of internal and external dose—see discussion under proposed § 20.502)

Note: Section 20.1202(c) in this final rule states that: "The assigned deep-dose equivalent and shallow-dose equivalent must be for the part of the body receiving the highest exposure." This requirement is intended to apply primarily to situations where there are steep gradients in the radiation dose rate, depending upon location within the facility and spatial orientation of the worker's body. For example, good practice for a worker in a nuclear power plant who is reaching up into a radioactive steam generator would be to wear at least two personnel dosimeters: one to monitor the extremity dose (worn on the finger or wrist) and one to monitor the whole-body dose (worn on the upper arm). For routine monitoring in relatively homogeneous radiation fields, special consideration to identify the actual "highest" exposed area would not be required.

Proposed Section 20.203 Determination of External Dose from Airborne Radioactive Material [Section 20.1203 in This Final Rule]

Comment: This could be read to require that the air concentration be measured at two locations. This section appears to require that the air concentration be measured at the location of the individual and at the point of maximum concentration in the cloud. The regulation should emphasize

the reliance on personnel dosimeters or other monitoring devices.

Response and final rule: The proposed rule § 20.203 (section 20.1203 in this final rule) has been shortened considerably. The revised section emphasizes the use of survey instruments and personnel monitoring devices to evaluate the external dose. The remaining technical guidance from this section in the proposed rule will be incorporated into a regulatory guide.

Proposed Section 20.204 Determination of Internal Exposure [Section 20.1204 in This Final Rule]

Comment: Interim dose calculation factors and parameters. The portion of part 20 in §§ 20.1–20.601 was based on ICRP–2 [20] dosimetry and metabolic models. The amendments to part 20 in this final rule employ the ICRP–30 [21] dose parameters. There was concern regarding whether the more recent ICRP–30 parameters should be used, particularly when the value is to be compared with the concentration limits associated with §§ 20.1–20.601 of part 20.

Response: The NRC is planning to issue a regulatory guide that will address the use of bioassay measurements for determining compliance with part 20. Appropriate parameters for calculating organ doses from radionuclide intakes can be found in ICRP–30 and its supplements. Dose factors in Federal Guidance Report #11 [22] are also acceptable for use in calculating occupational exposures for compliance with either §§ 20.1–20.601 or with §§ 20.1001–20.2401, except that the individual organ dose values must be used for §§ 20.1–20.601. The effective dose factors can be used for evaluating compliance with §§ 20.1001–20.2401, but cannot be used in evaluating compliance with §§ 20.1–20.601.

The effective dose equivalent factors in Federal Guidance Report #11 do not employ a rounding method suggested in ICRP–30. For this reason, the dose factors in Report #11 may be slightly higher (10–20 percent) than the effective dose factors that correspond to the ALIs and DACs in both the amended part 20 and Report #11. These dose factors would be more restrictive (give slightly higher doses for the same intake) than dose factors computed using the ICRP–30 roundoff procedure, but they can be used for evaluating compliance with part 20.

Proposed Section 20.205 [Deleted] Further Provisions—Internal Exposure Involving Radionuclides With Very Long Effective Half-Lives

Comment: Exemption for long-lived radionuclides and the use of the committed dose equivalent concept. The use of the concept of a "committed dose equivalent" drew numerous comments. This approach entails assigning to the year of intake the future internal dose (the "committed dose equivalent" over 50 years) from radionuclides taken into the body during that year. The proposed rule (in § 20.205) allowed an exemption from the use of committed dose equivalents for several long-lived radionuclides.

Many of the commenters objected to having to assign the future 50-year dose to a single year. Others suggested that variable integration periods be allowed instead of one fixed 50-year value. One argument offered in support of either of these positions is that many adult workers would not normally be expected to live long enough to accrue the full 50-year committed dose equivalent. Commenters pointed out that while pre-exposure controls (such as the annual limits on intake and the derived air concentrations) should be based upon the committed dose equivalent concept for planning and control, the use of controls based upon limiting the annual effective dose equivalent rate (rather than using the committed dose equivalent) might be preferable for post-exposure management following actual radionuclide intakes.

It was also noted that there were several additional nuclides that had similar half-lives and retention characteristics but were not included in the proposed exception. Among these were cobalt, strontium, and americium. The approach in the proposed rule was characterized as appearing to place almost complete emphasis on the control of the work environment rather than on the assessment and control of the individual worker.

Response: The concept of dose commitment is not new; this concept has been used as the basis for controlling internal doses since the late 1950s when ICRP Publication No. 2 [22a] and the present 10 CFR part 20 were published. However, the term "committed dose equivalent" applied to future doses from internal emitters initially appeared in 1977 in ICRP Publication No. 26. [22b]

The concentration limits for air and water in the appendix B to §§ 20.1–20.601 were based upon concentrations which, if continually inhaled (for air) or ingested (for water) over a 50-year period, would produce a dose rate in the "critical organ" in the 50th year that was numerically equal to the annual organ dose limit. For certain radionuclides that slowly approached a constant body burden, primarily those radionuclides that have both long radiological half-lives and long biological clearance half-times, the limiting organ dose rate is not reached by the 50th year. For shorter-lived radionuclides and those that are rapidly removed from the body, equilibrium may be attained more rapidly and the limiting annual organ dose rate could persist over many years.

The limiting dose rate in the 50th year from a constant intake of a radionuclide each year over a 50-year period is numerically equal to the total dose integrated over the 50-year period from a single year's intake of the same magnitude. Therefore, controlling the integrated future ("committed") dose for each year's radionuclide intake also controls the annual dose rate in the 50th year to be within the dose limit.

It was noted that use of limits to annual doses in some cases would not ensure that doses in future years would be within limits. The example of the ingrowth of americium-241 from plutonium-241 was cited in which, even if the initial annual dose from plutonium-241 were within the limit, the ingrowth of the radiologically more significant americium-241 would lead to doses higher than the limits in subsequent years.

There are only a few radionuclides that would not attain an equilibrium level (and a constant annual organ dose rate) within time periods of less than 50 years. The use of the committed dose equivalent, rather than controlling internal dose on the basis of annual dose, substantially overestimates annual doses only for those radionuclides that do not reach an equilibrium level in the body early in the working lifetime. These radionuclides are primarily the long-lived radionuclides for which the exemptions of § 20.205 in the proposed rule were intended. Radionuclides (such as cobalt-

[20] International Commission on Radiological Protection, "Report of Committee II on Permissible Dose for Internal Radiation," ICRP Publication No. 2 (1959). (Available for sale from Pergamon, Press, Inc., Elmsford, NY 10523.)

[21] International Commission on Radiological Protection, "Limits for Intakes of Radionuclides by Workers," ICRP Publication No. 30. (Available for sale from Pergamon, Press, Inc., Elmsford, NY 10523.)

[22] Environmental Protection Agency, Federal Guidance Report No. 11, "Limiting Values of Radionuclide Intake and Air Concentration, and Dose Conversion Factors for Inhalation, Submersion and Ingestion." USEPA Report EPA–520/1–88–020 (September 1988). (Available from the USEPA, Office of Radiation Programs, 401 M Street, SW., Washington, DC 20460.)

[22a] See footnote 20.

[22b] See footnote 1.

60, strontium-90, and americium-241) that were easily measured at airborne concentrations or body burdens below the DAC and ALI values were not included in the list of exempted radionuclides because an exemption was not believed to be necessary for them.

The annual limits on intake and derived air concentrations are used mainly for pre-exposure control rather than post-exposure dose assessment so that fine-tuning these values to specific ages or adjusting them for factors such as the length of the period over which the committed dose is evaluated or to differences in individual organ sizes (as were suggested) is not warranted for occupational dose assessment. The use of age-dependent committed dose factors as suggested by some commenters would add needless complexity to the assessment of internal doses and cannot be justified on the basis of the availability of information on either age-dependent metabolic parameters or age-dependent radiobiological risk information.

The use of an annual dose limitation system, even with a reduction in the allowable dose limit from 5 rems to 3 rems such as in the proposed § 20.205, does not provide a limitation on the lifetime radiation dose or risk equivalent to that provided by the committed dose limitation system of this final rule for all classes of workers. Although long-term workers would be protected to the same degree under either the annual or committed dose systems, short-term or temporary workers could get somewhat higher lifetime doses under a dose limitation system based on limiting only individual annual dose. Furthermore, it is neither reasonable nor practical to expect future employers to take special measures to control radiation dose to workers who transfer because a previous employer, working under annual organ dose limits, permitted intakes that would result in future dose rates that are appreciable fractions of the allowable dose limits. Such a practice would not be fair to workers whose future employability may be limited because of the additional restrictions a new employer would have to put on their exposure, or to future employers of these workers who may have to assess internal doses from residual body burdens of internal radionuclides in order to show compliance. The annual dose system also requires a complex bookkeeping effort because the annual dose limit for each worker depends upon the worker's pre-existing body burden of radioactive materials.

Final rule: For the reasons discussed above, the Commission has decided not to adopt proposed § 20.205 and the exemptions for certain long-lived radionuclides for the final rule. The use of the committed dose equivalent will be applied uniformly to all radionuclides, regardless of half-life. The Commission recognizes that the removal of this exemption, combined with the lowering of the airborne concentration limits for several radionuclides (notably thorium and uranium), could impact on the current and future facilities that use these materials. Licensees that are affected by these changes may request an extension of the implementation time in order to make the necessary modifications to comply with the revised limits as they relate to long-lived radionuclides identified in the proposed § 20.205. In addition, licensees should note the flexibility provided in §§ 20.1001–20.2401 for more accurate dose assessments to be made that might show that additional controls were not required in order to meet the dose limits. Specifically, § 20.1204 allows the use of actual particle-size distributions and physicochemical characteristics of airborne particulates to define a site-specific derived air concentration to be used in lieu of the generic values in appendix B to §§ 20.1001–20.2401. Such adjustments result in the use of more precise dose estimates because of a better characterization of the actual exposure conditions. Although these adjustments might permit higher airborne radionuclide concentration limits to be used, the same degree of health protection would exist because the radiation dose (and risk) would remain the same. This section also allows for whole-body counting or bioassay measurements to determine the behavior of radioactive materials in the individual and the use of these data to estimate intakes and calculate internal doses. A 7-month delay between a bioassay or retention measurement and recording of the associated dose is also permitted in order to make confirmatory measurements.

The Commission recognizes that alternative methods may be identified in the future that might achieve the same degree of lifetime risk limitation for both short-term and long-term workers as the dose system recommended by the ICRP and the Radiation Protection Guidance to Federal Agencies for Occupational Exposure, and adopted in amendments to 10 CFR part 20 in this final rule. The Commission further believes that, to be acceptable, such alternatives should not result in an adverse impact on worker employability or result in undue recordkeeping or excessive monitoring requirements for the future employers of transferring workers.

Proposed Section 20.206 Planned Special Exposures [Section 20.1206 in This Final Rule]

Comment: The use of planned special exposures could result in lifetime cumulative doses greater than those doses formerly permitted under the 5(N − 18) formula. One commenter noted that the new regulatory scheme, including planned special exposures, allowed a higher total lifetime dose than was permitted using the 5(N − 18) formula. The calculation presumes a working lifetime of 47 years (starting at age 18 and ending at age 65). Under the amendments to part 20 in this final rule, the lifetime limiting dose would be 260 rems ((5 rems per year) × (47 years) + 5(5 rems) (planned special exposures) = 235 + 25 = 260 rems). Under the 5(N − 18) formula, at age 65 (N = 65), the cumulative dose would be 5(47) = 235 rems. The comment further noted that the NCRP recommended (in NCRP Report No. 91) a cumulative dose limit of 1 rem × age; the Department of Energy has proposed a 100-rem lifetime dose limit, and the ICRP at its 1984 Stockholm meeting inferred a goal of 1 rem per year. Other commenters noted that, because of the potential lifetime dose including the planned special exposure, the claim on 51 FR 1121 (Table 5), of the proposed rule that "Individuals receiving highest exposure will be reduced" is unjustified and incorrect.

Response: The analysis of maximum doses discussed above is overly simplified because it assumes that there are individuals who will be exposed at the allowable dose limit every year of their working lifetime. Under the old 5(N − 18) formula, the unused portion of the dose limit (the difference between the actual dose received and 5 rems) became part of a "dose bank" that could be drawn on in later years (at a rate up to 3 rems per quarter or 12 rems per year). This "dose bank," which is inherent in the age-prorated formula of 5(N − 18), does not exist with the straight annual dose limit. If the worker's exposure is under the 5-rem annual dose limit, there is no way to recapture the difference for use in future years. Consequently, the average annual dose (for the more highly exposed workers) associated with amendments to part 20 in this final rule is expected to be less than under the former rule.

As noted above (see Response under proposed § 20.201—Occupational Dose Limits), the Commission considered the

use of a lifetime dose limit but rejected it.

Comment: Planned special exposures should not be limited to external exposures but should also be permitted for internal exposures. Several commenters noted that it was inconsistent to treat internal and external doses as equivalent by summing them and then restricting planned special exposures to only external doses. Commenters also pointed out that the total effective dose equivalent (TEDE) could be minimized in some cases if some external doses were reduced at the expense of incurring some internal doses.

Response: The Commission agrees that restricting the use of planned special exposures to only external doses would be inconsistent with the ALARA principle and the presumed equivalence of internal and external doses inherent in the amendments to part 20 in this final rule. Consequently, the requirements have been modified so that internal doses may be included in planned special exposures in order that the total dose (TEDE) can be controlled in keeping with ALARA.

Comment: The annual dose allowed in a planned special exposure does not agree with the recommendations of the ICRP. A few commenters thought that the allowable annual dose from planned special exposures should be 10 rems as stated in the ICRP recommendations. Other commenters agreed with the NRC's modification to reduce the annual dose for planned special exposures to 5 rems.

Response: The NRC has intentionally reduced the dose allowed in any year from a planned special exposure from the 10-rem value proposed by the ICRP to 5 rems. The lifetime total limit from planned special exposures of 25 rems remains the same as the ICRP recommendation. The Commission believes that it would be better to distribute the dose over the lifetime more evenly than to permit a large portion of the cumulative dose to be received within a small period of time. In this sense it should be recalled that the planned special exposure is in addition to the normal dose limits. The initial ICRP proposal would have permitted a 15-rem dose in 1 year, 10 rems from planned special exposures and 5 rems from routine operation. Under the Part 20 condition, it would be theoretically possible to get a 10-rem dose in 1 year, 5 rems from a planned special exposure and 5 rems from routine operation. This is roughly equivalent to the 12 rems (3 rems/quarter) that could be received under the present Part 20 limitations using the 5(N − 18) formula.

Comment: Subtraction of emergency doses. Some commenters suggested that doses received under emergency conditions, up to a lifetime total of 25 rems, not be subtracted from the lifetime allowance for planned special exposures. It was also suggested that the employability of the individual might be jeopardized if the dose "bank" were depleted.

Response: The NRC has not officially sanctioned the 25-rem "forgivable" emergency dose that has been recommended by some organizations for a once-in-a-lifetime dose that would not be counted against an individual's lifetime dose. Consequently, all doses received as result of occupational exposure must be recorded in an individual worker's record.

The Commission believes that planned special exposures will be used infrequently so that the lack of a dose bank for some individuals would not be a major drawback to their employability.

Comment: The time period for notifying exposed individuals of their dose is too short. A number of commenters thought that the 15-day period for notifying exposed individuals of their exposure from a planned special exposure was too short. Some commenters noted that most NRC reporting requirements provide a 30-day, not a 15-day, period. Other commenters suggested that the 15-day period could give the impression (to the worker) that an inordinate risk was involved when that was not the case.

Response: The 15-day period for notification was intended to be unique and to further emphasize that "planned special exposures" were indeed "special." However, the Commission has extended the time period for notification of the individual from 15 days to 30 days to allow licensees additional time to estimate internal exposures that are now permitted in §§ 20.1001–20.2401 of the amended part 20 rule to be part of a planned special exposure. The requirement to notify the NRC (see § 20.2204) that a planned special exposure has taken place is also 30 days.

Comment: Doses received during a planned special exposure that do not exceed the dose limits for normal operation should not have to be recorded as planned special exposures or be subtracted from the lifetime planned special exposure limit. A few commenters expressed concern that exposures during planned special exposures that did not result in doses to an individual in excess of the occupational annual dose limits would nevertheless have to be reported separately and subtracted from the individual's lifetime allotment for planned special exposures.

Response: The intent of the planned special exposure was that it would be used infrequently in circumstances where the elimination of the 5(N − 18) lifetime cumulative limit might create a severe handicap to the licensee's operations. Being able to switch doses between planned special exposures and routine dose limits would tend to encourage the use of planned special exposures as the licensee would have nothing to lose by using the planned special exposure. This is contrary to the Commission's intent that the planned special exposures be restricted to "special" situations. Once a licensee decides to conduct a planned special exposure, all of the unique limitations, reporting, and recordkeeping requirements are to apply, even if the doses actually received fall within the dose limits for routine operations.

Final rule: The provisions of planned special exposures have been extended to include internal exposures, and the reporting time to the individuals involved and the NRC have been changed to 30 days to allow sufficient time for analysis of internal dose.

Proposed Section 20.207 Occupational Dose Limits for Minors [Section 20.1207 in This Final Rule]

Comment: Exposure of Minors. One commenter stated that minors should not be exposed to radiation because they do not meet the criteria for occupational radiation exposure. The commenter argued that minors are not trained regarding radiation protection, do not derive a benefit from employment, and would require the preparation of an NRC Form 4 if they were workers.

Response: Allowing minors to be occupationally exposed to radiation is permitted in § 20.104. All individuals, including minors, who enter a restricted area are required (10 CFR 19.12) to be instructed as to the risks involved. Minors who are employed receive salaries and other associated benefits of employment so that there does not appear to be a major difference in this respect from other workers. Furthermore, licensees are required under §§ 20.1–20.601 and under §§ 20.1001–20.2401 to maintain the same exposure records for minors as for adults.

An alternative to this procedure would be to exclude minors completely

from radiation-related work. This does not appear to be desirable as the monetary, experience, and educational benefits that may accrue to the minor appear to outweigh the small incremental risk involved (Particularly considering the reduced dose limits applied to minors). Consequently, no change has been made from the proposed rule.

Proposed Section 20.208 Dose to an Embryo/Fetus [Section 20.1208 in This Final Rule]

Comment: Biologic basis for lower dose limits for pregnant women. There were comments that cited older studies and recommendations for dose limits for the embryo/fetus that are considerably higher than 0.5 rem. These comments questioned the biological basis for the 0.5 rem dose limit for the embryo/fetus in the proposed rule.

Response: The biological effects of ionizing radiation upon the embryo/fetus are summarized in Regulatory Guide 8.13.[23] The limit of 0.5 rem during the entire gestation period is based upon a recommendation by the NCRP in 1977.[24] The International Commission on Radiological Protection (ICRP–26) [24a] recommended 0.3 times the annual dose limit or 15 mSv (1.5 rems) over the full gestation period and 5 mSv (0.5 rem) in the first 2 months of pregnancy. More detailed information can be found in publications of the NCRP,[24] ICRP,[25] UNSCEAR,[26] and the OECD/NEA.[27]

Final rule: The limit for the embryo/fetus of a declared pregnant woman is 0.5 rem over the entire gestation period. There is also an admonition that the licensee avoid substantial variation above the average monthly exposure rate that would comply with the 0.5-rem limit. These conditions are consistent with the Federal guidance on occupational radiation exposure and with the recommendations of the NCRP in NCRP Report No. 91.

Comment: Licensee's Responsibilities to Protect the Embryo/Fetus of an Undeclared Pregnant Woman. Several commenters raised the question of whether the licensee had any responsibility for protecting the embryo/fetus of an obviously pregnant female employee who had not formally declared her pregnancy to the employer.

Response: It is the fundamental responsibility of the pregnant worker to decide when or whether she will formally declare her condition to her employer. This position is derived from court rulings concerning a pregnant woman's rights regarding termination of the pregnancy. Having a woman formally declaring her pregnancy to her employer derives from legal, not health protection, considerations. If she chooses not to declare her pregnancy, the licensee will not be required under the Commission's regulations to limit her dose to the 0.5-rem limit.

Undeclared pregnant women are protected under the NRC regulations for all workers. The normal occupational dose limits would still be in effect and would have to be complied with, and the dose would also have to be kept "as low as is reasonably achievable." In addition, as part of her initial employment, the woman should have received instructions in radiation protection (10 CFR 19.12), and she should have been provided with a copy of the current version of Regulatory Guide 8.13.

It might be prudent for a licensee to remind a pregnant, but undeclared, worker of the special limit for protection of the embryo/fetus of a declared pregnant woman and to provide another copy of Regulatory Guide 8.13 to her. However, if the licensee has previously provided this information to the employee, it is not a Commission requirement that it be done again. If the requirements referred to in the previous paragraph have been fulfilled, the licensee will not be cited for a violation of the Commission's regulations if the estimated dose to the embryo/fetus of an undeclared pregnant woman exceeds the 0.5-rem limit, even if the worker's pregnant state seems obvious.

Section 161c. of the Atomic Energy Act gives NRC the authority to require such information to be provided by the worker. However, such a requirement could be considered to be discriminatory and an invasion of personal privacy. It would also be unenforceable because only the woman and her physician know when she knew of the pregnancy and patient-doctor communications are privileged. Infringement on personal privacy is also a drawback that applies to requiring the female worker to supply information concerning her "fertility" or "infertility."

Comment: Estimation of Dose to the Embryo/Fetus. The assignment to the embryo/fetus of a dose equal to the dose to the declared pregnant woman was questioned. For example, would it be reasonable to assign to the embryo/fetus a dose based upon the dose received by the woman's shoulder or head?

Commenters also indicated that licensees should be permitted to employ factors other than a factor of 2 and take into account shielding of the embryo/fetus by maternal organs and the placenta in evaluating the external dose component of the embryo/fetus.

Response: The concept used in the proposed rule of relating the dose to the embryo/fetus to the dose received by the mother has been modified. The final rule permits direct calculation of the dose to the embryo/fetus. This was done so that the use of more accurate dose assessments would not be precluded by the rule. The internal dose to the embryo/fetus may or may not be directly proportional to the dose received by the mother.

A forthcoming regulatory guide will provide guidance on methods for calculating the dose to the embryo/fetus. For interim assessments of the dose to the embryo/fetus, it may be assumed that the dose to the embryo/fetus from external radiation and from radionuclides in the body that are relatively uniformly distributed, such as cesium-137 and compounds of tritium and carbon-14 that are not organically bound, is the same as the dose to the mother since under these circumstances the same energy would be deposited per gram of tissue in both the mother and the fetus. For external gamma irradiation, the assumption that the dose to the fetus is the same as to the mother should be conservative (yield calculated doses that are somewhat higher than the actual doses determined by more precise evaluations).

Permitting calculations of the embryo/fetal dose using reduction factors for attenuation within the body of the mother would entail knowledge of the energy spectra of the incident radiation. As noted previously (Response for proposed § 20.201), photon spectral measurements, although technically feasible, are not currently required by the Commission and are considered to be beyond the scope of routine radiation

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[23] U.S. Nuclear Regulatory Commission, "Instructions Concerning Prenatal Radiation Exposure," Regulatory Guide 8.13, Rev. 2, December 1987.

[24] National Council on Radiation Protection and Measurements, "Review of Radiation Dose Limit for Embryo and Fetus in Occupationally Exposed Women," NCRP Report No. 53 (1977). (Available for sale from the NCRP, 7910 Woodmont Avenue, suite 800, Bethesda, MD 20814–3095.)

[24a] See footnote 1.

[25] International Commission on Radiological Protection, "Developmental Effects of Irradiation on the Brain of the Embryo and Fetus," Annals of the ICRP 16 4) (1986). (Available for sale from Pergamon, Press, Inc., Elmsford, NY 10523.)

[26] United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR), "Genetic and Somatic Effects of Ionizing Radiation". Sales Section, United Nations, NY (1986' particularly Chapter III, Biological Effects of Pre-natal Irradiation."

[27] Organization for Economic Cooperation and Development/Nuclear Energy Agency, "The Biological Basis for the Control of Prenatal Irradiation," OECD/NEA, Paris, France (1988).

protection survey measurements. The small amount of reduction in the calculated dose afforded by such attenuation corrections would be secondary in importance compared to uncertainties due to body orientation, partial-body exposure from collimated beams of radiation, and the radiobiological sensitivity of the embryo/fetus.

In situations where the use of a single dose measurement would be inappropriate for both the woman and the embryo/fetus, a solution would be to monitor the two doses separately.

Comment: Additional Dose Increment Allowed to Pregnant Women Beyond the Dose Limits. The rationale was requested by a few commenters for permitting an extra 0.05 rem (0.5 millisievert) beyond the 0.5-rem (5 millisieverts) dose limit to an embryo/fetus.

Response: The small additional dose is intended to apply in situations where the embryo/fetus has accumulated a substantial fraction of the dose limit or has already exceeded the limit before the woman formally declares herself to be a "declared pregnant woman." If the incremental 0.05-rem dose were not available, a woman having already received a dose in excess of the 0.5-rem limit might not be able to be further employed in a radiation-related job. The licensee could be in "instant noncompliance" as the embryo/fetus dose limit could have been exceeded before the licensee was aware that it was applicable (i.e., before the woman declared her pregnancy). Thus, the small incremental 0.05-rem dose provides a means of ensuring continued employment for the woman and also removes the threat of inadvertent noncompliance on the part of the licensee. The additional risk posed by this incremental dose to the embryo/fetus is small compared to the potential risk from the overall 0.5-rem dose limit.

Final rule: The final rule corrects an anomaly in the proposed rule regarding the application of the additional 0.05-rem incremental dose. In the proposed rule, the additional 0.05-rem dose was available if the embryo/fetal dose limit had been exceeded prior to the woman's declaration of pregnancy (even if the dose were 0.501 rem). However, the additional 0.05-rem dose increment would not have been available if the embryo/fetal dose were less than the 0.5-rem limit (even if the dose were as much as 0.499 rem). There is no significant difference in risk between 0.551 (0.501 + 0.05) rem and 0.549 (0.499 + 0.05) rem. This provision would have resulted in unnecessary penalties to both the licensee and the declared pregnant woman. In the final rule, the 0.05-rem dose increment is available as an additional dose if the embryo/fetal dose at the time of declaration is greater than 0.45 rem (0.45 = 0.5 − 0.05).

Subpart D—Radiation Dose Limits for Individual Members of the Public

Proposed Section 20.301 Dose Limits for Individual Members of the Public [Section 20.1301 in This Final Rule]

Comment: NRC should defer changes to limits for the general public until the EPA issues revised Federal guidance. The EPA suggested that NRC not modify its radiation limits for protection of the general public until EPA prepares revised Federal guidance on dose limits applicable to the general public (the recently issued Federal guidance applied only to occupational radiation protection).

Response: Although it would be desirable to use Federal guidance as a basis for the revision of the limits for the public, the Commission believes that Part 20 needs to be based on a consistent set of principles and concepts rather than having its standards for workers using one dose limitation system and its standards for the general public using an entirely different (and outmoded) system. The latest Federal guidance does not address radiation exposure of the general public and, although the NRC staff is represented on an EPA Task Group which is developing draft Federal guidance on doses to members of the general public, the Commission has chosen not to defer these limits until this Task Group has completed drafting the guidance and EPA makes recommendations to the President for its issuance. The Commission's intent to address these limits was noted explicitly in the statement of considerations that accompanied the proposed rule (51 FR 1118, section XXVIII).

Comment: Facilities that are subject to other lower standards should not have to demonstrate compliance with the 0.1-rem limit ["reference level"]. Several commenters expressed concern that additional efforts would be required to demonstrate compliance with the proposed 0.1-rem "reference level." For licensees that were already subject to the 0.025-rem (25-millirem) limits of EPA's 40 CFR part 190, this appeared to be an unnecessary burden.

Response: The concept that 0.1 rem represents a "Reference Level" has been eliminated. The 0.1-rem value in the final rule represents the primary dose limit for protection of the public. This change from the proposed rule reflects the clarifications by the ICRP (see section II.A.) regarding the usage of the 0.1-rem and 0.5-rem recommended dose levels. This change does not represent a major change from the proposed rule. Many commenters had indicated a belief that, because of the reporting and control requirements associated with the 0.1-rem reference level, it already represented a *de facto* limit.

Demonstration of compliance with the limits in 40 CFR part 190 or with the design objectives of appendix I to 10 CFR part 50 will be deemed to demonstrate compliance with the 0.1-rem dose limit for most licensed facilities. Power reactor licensees that comply with appendix I may also have to demonstrate that they are within the 0.025-rem limit in 40 CFR part 190. Demonstration of compliance with the limits of 40 CFR part 190 will be considered to demonstrate compliance with the 0.1-rem limit. For uranium mills it will be necessary to show that the dose from radon and its daughters, when added to the dose calculated for 40 CFR part 190 compliance, does not exceed 0.1 rem.

The dose rate limit of 2 millirems in any 1 hour from § 20.105(b)(1) of the present part 20 was omitted in the proposed rule but has been reinstated in the final rule. The reason for this is that this limit provides a more readily measurable quantity than the 100 millirem per year value and can be more easily verified by short-term measurements.

Comment: Inclusion of doses from other licensed or unlicensed radiation sources. Many commenters expressed an opinion that the dose should not be all-inclusive and should not include fallout from nuclear weapons tests, transportation of radioactive material, or other sources of radiation not under the control of the licensee.

Response: The new lower dose limit for members of the general public (which was described as a "reference level" in the proposed rule) applies only to doses from radiation and radioactive materials under the licensee's control. The EPA's generally applicable environmental radiation limit for nuclear power operations (40 CFR part 190) does apply to the total dose from all sources within the uranium fuel cycle. However, in its practical implementation, the sources would have to be located within a few miles of each other for the combined dose contributions to be significantly different from the dose from either facility alone.

The definition of "natural background" has been replaced by "background radiation," which means

radiation from cosmic sources; naturally occurring radioactive materials, including radon (except as a decay product of source or special nuclear material), and global fallout as it exists in the environment from the testing of nuclear explosive devices. This clarifies sources of radiation and radionuclides that can be excluded from evaluations of the dose from licensed activities.

Comment: Differentiation of limits for long-term operation and for shorter-term transient operation. A number of commenters noted that ICRP–26 described the 0.1 rem (1 mSv) per year value as intended to be an average goal for long-term operation but that 0.5 rem (5 mSv) was intended as the primary annual dose limit for members of the public. Some commenters suggested that a lifetime dose limit be established for members of the public.

Response: As noted above in section II.A., the ICRP has modified its interpretation in the ICRP statement issued following their 1985 Paris meeting,[27a] so that the primary standard is 1 mSv (0.1 rem) per year. This clarification of ICRP philosophy is reflected in part 20 by the change of the 0.1 rem per year value from a "reference level" in the proposed rule to a primary limit in the final rule.

Final rule: It should be emphasized that the 0.1 rem per year limit in Part 20 is not intended to be applied as a long-term average goal. It is an annual limit. As a matter of practicality, long-term (or lifetime) dose limits for members of the public cannot be implemented unless each year's dose is kept within the long-term goal. Doses to individuals in the general public are not usually monitored directly (locations rather than individuals in the offsite environment are monitored). As individuals may change residency and there is no reporting or tracking system, lifetime doses to specific individuals in the general population are very difficult to determine.

The 0.5 rem per year limit is available only upon specific application to and approval by the Commission (see § 20.1301(c)). A 0.5-rem value has been retained in order to apply to transient situations and to alleviate the immediate need to redesign or reshield existing facilities that were designed to meet the former 0.5-rem limit. The 0.5-rem limit is intended to be applied primarily to temporary situations where operation of a facility, or the person's exposure to radiation and radioactive emissions, is not expected to result in doses above 0.1 rem over long periods of time. For design of new installations, the 0.1-rem limit should be used. However, existing facilities may apply for NRC approval to use the 0.5-rem limit while more complete evaluation of the need for any additional modifications is performed. Such facilities may include, for example, hospitals with existing teletherapy machines that were designed, constructed, and installed to comply with a 0.5 rem annual dose limit.

The Commission is aware that some categories of licensees, such as uranium mills and *in situ* uranium mining facilities, may experience difficulties in determining compliance with the values in appendix B to §§ 20.1001–20.2401, Table 2, for certain radionuclides, such as radon-222. Provision has been made for licensees to use air and water concentration limits for protection of members of the general public that are different from those in appendix B to §§ 20.1001–20.2401, table 2, if the licensee can demonstrate that the physicochemical properties of the effluent justify such modification and the revised value is approved by the NRC. For example, uranium mill licensees could, under this provision, adjust the table 2 value for radon (with daughters) to take into account the actual degree of equilibrium present in the environment. This provision permits (upon NRC approval) the use of concentration limits for members of the general public that better represent actual exposure conditions. This is similar to the allowance for use of modified derived air concentrations (with Commission approval) in § 20.1204(c)(2). In both situations, licensees would be permitted to propose radionuclide concentration limits for their facility that reflect actual properties of the effluents rather than using the generic concentration-to-dose assumptions associated with values in appendix B to §§ 20.1001–20.2401. These adjustments tailor the concentration limits to specific conditions, provide the same limitation of dose, and do not permit any greater risk even though the adjusted concentration limits (for members of the general public or for workers) may be higher than the appendix B to §§ 20.1001–20.2401 generic values.

Use of this provision, applied to the percentage of radionuclide equilibrium existing in radioactive decay chains, could provide a factor of 2 or 3 upward change in the appropriate air concentration limit. In addition, the licensee can demonstrate compliance by calculating the dose to the nearest resident rather than meeting the air concentration limit at the site boundary in accordance with 10 CFR 20.1302(b)(1). This should provide an additional factor of 2 or 3 allowance. Lastly, if the 0.1-rem effective dose limit still cannot be met, the licensee can apply to NRC under § 20.1301(c) for permission to use a temporary 0.5 rem per year limit rather than the 0.1 rem per year limit. Section 20.1301(c) of final rule requires that, in order to receive permission for use of this higher dose limit, the licensee has to specify (1) the need for and expected duration of the higher value, (2) their program to assess and control doses, and (3) procedures to control doses to be ALARA. These options used singularly or in combination coupled with process or operational modifications of these facilities is expected to provide sufficient flexibility to enable most uranium recovery facilities to comply with the provisions of the amendment to 10 CFR part 20 in this final rule.

Proposed Section 20.303 [Reserved]

The former 0.1-rem "Reference Level" and the EPA Standard for Nuclear Power Operations that were in this section in the proposed rule are included as primary limits for members of the public in § 20.1301 of the final rule.

Proposed Section 20.304 De Minimis Level and Collective Dose Evaluations [Deleted]

Comment: Adoption of a threshold for calculating collective (population) doses. The proposed § 20.304 would have allowed licensees to disregard doses to individuals that were less than 1 millirem per year when evaluating collective (population or "person-rem") doses. A major criticism of this section was the narrowness of its scope. The section pertained only to a change in the calculational methodology for estimating collective doses and would not have permitted unrestricted release of any materials or equipment.

Most comments from people and organizations within the nuclear power and radiation applications industry favored this measure as an initial step toward developing more general "below regulatory concern" (BRC) levels. Several commenters thought that NRC acknowledgment of the concept of a BRC level was more important than the specific proposal to truncate collective dose calculations. Many commenters thought that a generic BRC level would limit unnecessary expenditure of resources that would otherwise have to be spent to control inconsequential risks.

There were also a number of comments that were not in favor of either the proposed collective dose

[27a] See footnote 2.

cutoff or the more general application of the concept of below regulatory concern. A few commenters expressed opinions that it did not appear feasible to arrive at a universal *de minimis* level because the level that would appear to be truly insignificant to most people would be too low to result in any appreciable saving to the industry. There also were comments that noted that the proposed collective dose cutoff could cause large numbers of potential adverse health effects to be overlooked if they resulted from small radiation doses delivered to very large numbers of people. Many commenters, both pro and con regarding the adoption of a BRC level, thought that a threshold value for collective dose should also be developed. A few commenters noted that the focus of the more generic BRC concept tended to be for single licensees and that it might be necessary to consider the impacts from multiple licensees.

Many of the commenters who supported a generic BRC concept did not agree with the numerical value (0.001 rem per year) proposed for the cutoff, believing it to be too low. An explanation for this opinion was that if 0.001 rem represented an insignificant level of risk, then all larger doses might be perceived as representing "significant" levels of risk. A value of 0.010 rem was noted by several commenters as being a more suitable value and still represented an inconsequential risk.

Response: The Commission agrees that "Below Regulatory Concern" (BRC) levels would be useful and has issued a policy statement on the application of the concept of BRC with regard to waste disposal ("Radioactive Waste Below Regulatory Concern," 51 FR 30839, August 29, 1986) and a general policy statement on BRC (55 FR 27522, July 3, 1990). The general policy statement establishes the framework for the Commission to formulate rules and licensing decisions to exempt certain practices involving small quantities of radioactive materials from some or all regulatory controls. The BRC policy statement sets forth criteria for protection of both individuals (individual dose criteria) and population groups (a collective dose criterion).

In order to ensure that any computational changes reflect the effort to develop the BRC policy, the Commission removed the threshold for truncating collective doses (Proposed § 20.304) from part 20 and has included such a threshold in the generic BRC policy statement. This deletion is also consistent with comments that noted that this section described a method for calculating a quantity (collective dose) that was not required to be calculated by part 20 and comments that such details of calculations would be better in a regulatory guide rather than in a regulation.

Subpart E—[Reserved]

Subpart F—Surveys and Monitoring

Proposed Section 20.501 Surveys [Section 20.1501 in This Final Rule]

Comment: Accreditation of Personnel Monitoring Processors. There were a number of comments concerning the desirability of requiring accreditation of personnel dosimetry processors.

It was also noted that the National Voluntary Laboratory Accreditation Program (NVLAP) does not provide accreditation for doses delivered to the lens of the eye, a depth equivalent to approximately 0.3 centimeter (an areal density of 300 milligrams per square centimeter). The only tissue depth equivalents that are accredited at this time are 1.0 centimeter (the deep-dose equivalent) and 0.007 centimeter (the shallow or "skin" dose equivalent).

Response: The issuance of a dosimetry accreditation requirement or "NVLAP Rule" overlapped the part 20 rulemaking. Because this issue was the subject of a recent separate NRC rulemaking, issues concerning the desirability of such a program were considered and addressed in the rulemaking on accreditation. No revision from the dosimeter processor accreditation rule (52 FR 4601; February 13, 1987) has been made, and the amendments to part 20 in this final rule incorporates the final form of the accreditation rule.

As noted in the discussion of the "eye dose equivalent" in section XI, "Standards for Occupational Exposure of Individuals," of the proposed part 20 rule, the Commission believes that compliance with the eye dose limit will be generally ensured by compliance with the deep-dose limit. Consequently, the lack of accreditation for this depth should not have a major impact on the degree of protection of the eye.

Comment: The accreditation requirement requires the use of a commercial dosimetry service.

Response: This is an incorrect interpretation of the dosimetry accreditation rule (52 FR 4601; February 13, 1987). That rule, which is incorporated into the amendments to part 20 in this final rule, states that the dosimetry processor must be accredited. It is possible for licensees that provide their own dosimetry services to be accredited.

Comment: Lack of specificity in monitoring requirements. Commenters noted that the monitoring requirements, both in the present part 20 and in the proposed rule, were general and imprecise.

Response: Many portions of part 20 are not very specific and detailed because part 20 contains the NRC's general radiation protection requirements and applies to all classes of licensees, including large power reactors, universities, and medical institutions as well as small radionuclide and sealed source users. Because of this breadth of application, the requirements in part 20 cannot be very detailed for any one type of facility. However, the requirements in part 20 are designed to provide the framework for all licensees and to establish provisions that the NRC considers to be fundamental to basic radiation protection.

Proposed Section 20.502 Conditions Requiring Individual Monitoring of External and Internal Occupational Dose [Section 20.1502 in This Final Rule]

Comment: Monitoring Thresholds. A number of commenters questioned the rationale for the lack of agreement of the thresholds in the proposed rule for monitoring external doses (10 percent of the annual limits) and for requiring monitoring of internal doses (30 percent of the annual limit). It was frequently mentioned that starting to require monitoring at 30 percent of the dose limit could result in overlooking doses of 1.5 rems (30 percent of 5 rems). The 1.5-rem value would have been above the limits for minors and for the embryo/fetus (0.5 rem) and was characterized as being a rather substantial fraction of the deep-dose equivalent limit. In this connection, it was also noted that the possibility existed, when large external doses were expected, of exceeding a total effective dose equivalent limit of 5 rems because the licensee was not aware of the internal dose contribution.

Some commenters thought that the monitoring thresholds would be understood more easily if they were expressed as doses instead of percentages.

Response: The unequal thresholds for requiring monitoring of internal doses (30 percent of the dose limit) and external doses (10 percent of the dose limit) were originally set because of the difficulties in performing low-level bioassay analyses of alpha-emitting radionuclides at fuel fabrication and other facilities where actinides may be prevalent. (Bioassays for the radionuclides most commonly found at

nuclear power reactors were viewed as generally being able to meet the 10 percent threshold set for external doses.) In situations such as bioassay for alpha-emitting radionuclides, it may be difficult to detect 10 percent of the ALI or 10 percent of the dose limit by bioassay measurements on excreta.

The monitoring threshold is a predetermined level of anticipated dose for carrying out bioassay procedures and does not represent a required level of detection sensitivity. If, by a reasonable analysis of the working environment, it appears that a worker is likely to inhale radioactive materials at concentrations that could produce an annual committed effective dose equivalent of 0.5 rem (10 percent of the 5-rem limit) or more, then that worker's intake should be monitored using measurements of exposure (e.g., estimates of DAC-hours based upon measured air concentrations) or intake (such as by whole-body counting or other bioassay technique) or by measurements of both exposure and intake. Whether the actual doses received were in excess of 10 percent of the limits could only be determined from these subsequent measurements. The TEDE has to be evaluated if *both* the internal and external dose components have to be monitored.

The monitoring thresholds are specified as percentages of the dose limits rather than as doses because the thresholds apply to several different dose limits: the total effective dose equivalent, the eye dose equivalent, and the shallow-dose equivalent.

Final rule: The threshold for monitoring internal doses have been dropped from 30 percent of the dose limit to 10 percent of the limit. This provides consistency in the internal and external monitoring requirements. The Commission acknowledges that, in some cases, particularly bioassay measurements of transuranic elements, it may not be feasible to actually confirm such levels by bioassay. However, the monitoring threshold is not a requirement on the capability of the measurement. Average airborne radionuclide concentrations and the expected time of exposure can be used to estimate radionuclide intakes and the need for bioassay or other monitoring methods.

The Commission intends to issue a regulatory guide on the procedures to be used in estimating committed effective dose equivalents and deep-dose equivalents and guidance on when they have to be summed.

Comment: Evaluation of radionuclide intakes for respirator wearers. Several commenters mentioned that internal does monitoring, such as bioassays, should not be required solely because respiratory protection devices were used. The rationale given by the commenters was that the requirement provides a negative incentive for using respirators and is, therefore, counter to ALARA operating practices.

Response: The requirement (in § 20.502(b)(3) of the proposed rule) for bioassays for anyone using respiratory protection has been dropped. The Commission agrees that such a requirement might be a disincentive for using respirators as part of an ALARA effort. There is, however, a requirement (in § 20.1703) for bioassays to be conducted, as appropriate, as part of a respiratory protection program. Whether bioassays are necessary for a particular individual will depend upon whether that individual could have exceeded 10 percent of the annual limit on intake (ALI) or was exposed to airborne radionuclide concentrations in excess of the monitoring threshold. An evaluation of internal dose would be required if there were a potential for exceeding 10 percent of an annual limit on intake (0.1 ALI), whether or not a respirator is worn.

Note: Because the requirement for performing bioassays for a particular individual has been separated from the wearing of a respirator, the concentrations to be used for evaluating monitoring thresholds are those of the ambient atmosphere before credit is taken for respiratory protective factors. One of the purposes of such bioassays is to confirm the effectiveness of the respiratory protection being provided. If bioassay were made dependent upon the corrected air concentration (after dividing by the protection factor), it would be equivalent to assuming that the intended protection factor was correct without further verification.)

Subpart G—Control of Exposure from External Sources in Restricted Areas

Proposed Sections 20.601, 20.602, and 20.603 Control of Access to High and Very High Radiation Areas [Sections 20.1601, 20.1602, and 20.1603 in This Final Rule]

Comment: Inapplicability of requirements to nuclear power reactors. Many commenters indicated that the proposed requirements for control of entry into very high radiation areas could not be applied to nuclear power reactors because of the number and size of potential "very high radiation areas" and the physical inability to restrict access to these areas. Similarly, interlocks that can result in the withdrawal or cessation of the radiation source may be unworkable in nuclear power reactors. Several commenters proposed incorporating requirements for power reactors that are similar to reactor license conditions in reactor technical specifications.

Response: The Commission recognizes that the detailed requirements applicable to large irradiators that are currently in § 20.203(c)(6) should be in a specific regulation dealing with these facilities rather than in part 20. For this reason, these detailed requirements will be placed in a future part 36 of title 10 which has been issued for public comment (**Federal Register** of December 4, 1990; 55 FR 50008) and applies specifically to irradiators. When that rule is made effective, the Commission will transfer these requirements from part 20 to part 36. In the meantime, the NRC staff will issue a regulatory guide that provides more specific detailed guidance for nuclear power reactors on high and very high radiation areas.

Comment: Choice of Dose Rate Defining a "Very High Radiation Area." Several commenters believed that the 500 rads per hour dose rate that defines a "very high radiation area" was too high, noting the proximity of this value to the median lethal dose (LD_{50}) for acute radiation exposures. Alternative values, such as 1 rem per hour at 30 centimeters, were proposed.

Response: The seriousness of this dose rate was a factor in its adoption. The 500 rads per hour value appears in 10 CFR 20.203(c)(6) as a criterion for additional access controls for irradiators (similar in scope to the requirements of § 20.1603 in the final rule). However, § 20.203 does not use a unique designation such as the "very high radiation area" designation used in the proposed and final part 20 rules. The difference between the 1 rem per hour definition of a "very-high" radiation area used in reactor technical specifications and the 500 rads per hour definition used in amendments to part 20 in the final rule is discussed in a regulatory guide.

Comment: Meaning of "direct surveillance." Several commenters thought that the term "direct surveillance" used in the proposed § 20.601 could be interpreted to require stationing an observer at the entrance to the "high" or "very high" radiation areas.

Response: The final rule permits "* * * continuous direct or electronic surveillance over a high radiation area that is capable of preventing unauthorized entry * * *". This removes the burden of having to station a person in or near a "radiation area," but requires interlocks or electronic locks so that the remotely located

observer may prevent entry into the area when necessary.

Final rule: The section on very high radiation areas has been divided into two sections. Section § 20.1602 provides a general requirement for restricting access to such areas. This general requirement applies to all very high radiation areas, regardless of the type of licensed operation, including those at nuclear power reactors. A second, more detailed, set of requirements applies only to large gamma irradiators. This section, § 20.1603, restates requirements for irradiators that are in § 20.203(c)(6).

Subpart H—Respiratory Protection and Controls to Restrict Internal Exposure in Restricted Areas

Proposed Sections 20.701 and 20.702 Use of Process or Other Engineering Controls and Use of Other Controls [Sections 20.1701 and 20.1702 in This Final Rule]

Comment: "Use of other controls." Commenters suggested that, if workers could be exposed to concentrations of radioactive materials greater than 1 derived air concentration, ALARA should be applied to the total of internal and external doses (to the total effective dose equivalent). It was noted that this condition was included in the Federal Guidance on Occupational Radiation Exposure.

Response: Modifications have been made in the final rule to permit ALARA considerations to apply to the total effective dose equivalent rather than just the internal dose portion.

Comment: Some commenters indicated that the use of respirators should be permitted even if their use would not be able to reduce airborne concentrations below 1 DAC. They noted that this would be consistent with the ALARA philosophy.

Response: Proposed § 20.702 has been rewritten to clarify the intent that the concentration of 1 DAC is not a cutoff on the voluntary use of respirators but is intended to be the point where some corrective action (including, but not limited to, the use of respirators) by the licensee would be required when the use of ventilation and process controls cannot further reduce the airborne concentrations of radioactive materials.

Proposed Section 20.703 Use of Individual Respiratory Protection Equipment [Section 20.1703 in This Final Rule]

Comment: The proposed rule permits low estimates but not high estimates of intake to be corrected. Commenters noted that the proposed rule [§ 20.703(a)(1)] was not balanced as correction of intake estimates based upon dividing DAC-hours by the respirator protection factor was only permitted if the initial estimate was later shown (by bioassay results) to have been low.

Response: The rule has been modified so that corrected estimates of actual intake can be used in records in place of earlier estimated intakes, regardless of whether the change would result in an increase or in a decrease in the intake estimate.

Comment: NRC should provide a recommended minimum acceptable standard for determining an individual's physical fitness for respirator use. Part 20 requires that a physician determine that an individual worker is physically able to wear a respirator. NRC should, therefore, provide guidance to the physician on minimum standards for wearing respirators.

Response: The NRC policy is that the decision as to medical fitness has been, and continues to be, left to the physician; i.e., the medical doctor should decide what constitutes minimum health standards for respirator wearers. Furthermore, the requirements may vary, depending on the respirator used and physical situations, such as the type of work to be performed, which are outside the scope of part 20. Licensees desiring more guidance should obtain ANSI Standard Z88.6(1984), "For Respiratory Protection—Respirator Use—Physical Qualifications For Personnel," which was developed as an industry consensus standard that provides definitive guidance to "identify the responsibilities of the physician, the employee, and management in determining the employee's ability to use a respirator."

Comment: NRC should permit a health professional to certify physical capability to use a respirator rather than requiring a physician to perform each required certification. The proposed rule requires that a physician annually certify a worker's physical suitability for using a respirator. This should be broadened to permit any qualified health professional, acting under a physician's orders, to perform the actual certification rather than requiring a doctor to do this.

Response: As noted in the previous response, the decision on the physical ability of an individual to wear a respirator is a subjective judgment that, in the Commission's opinion, requires the decisionmaker to have a medical degree. The Commission notes that this annual certification could easily be included in an annual physical checkup.

Comment: The selection of respirator protection factors based upon "average concentrations" and not "peak airborne concentrations" is an improvement. The proposed rule permitted protection factors to be applied to the time-averaged air concentration rather than the peak air concentration in part 20 (§§ 20.1–20.601).

Response: Despite some favorable comments on this change, the Commission has determined that the use of the average airborne concentration may not provide an adequate margin for health protection and, in the final rule, has reverted to the use of the anticipated peak concentration.

Final rule: The proposed rule has been modified to require a respiratory protection program when respiratory protection devices are being used to limit intakes, whether or not credit is taken for respiratory protection factors. Allowance has been made for use of respirators that do not provide protection factors that would keep exposures below the derived air concentrations if (and only if) such use would keep the total effective dose equivalent ALARA. Such a determination should only be reached after careful consideration of the trade-off between calculated reductions in total dose based on ALARA evaluations and increased internal doses resulting from alternative procedures that do not minimize internal exposures.

Proposed Section 20.704 Further Restrictions on the Use of Respiratory Protection Equipment [Section 20.1704 in This Final Rule]

Comment: Proposed § 20.704 should be deleted. This section, which states that the Commission may impose additional conditions on respirator use, is not necessary because proposed § 20.1302 permits the NRC to place additional requirements on a licensee.

Response: Although the commenters are correct that proposed § 20.1302 in this final rule gives the Commission general authority to impose additional requirements on licensees, the Commission believes that the restatement of this policy in a section pertaining specifically to respiratory protection is desirable. As noted by the comments, this section does not create any additional requirement on the licensee not otherwise contained in the regulations.

Final rule: The requirements contained in the proposed rule are retained.

Subpart I—Storage and Control of Licensed Material

Proposed Sections 20.801 and 20.802 Security of Stored Material and Control of Material Not in Storage [Sections 20.1801 and 20.1802 in This Final Rule]

Comment: Definition of "secure." Several commenters requested a definition of the term "secure," which they felt was vague and did not provide an indication of the required licensee action.

Response: The phrase has been rearranged and now reads "secure from unauthorized removal or access," which is similar to the wording in the part 20. This should provide sufficient clarification of what was intended by "secure."

Comment: Unnecessary restrictions on research. One commenter thought that the requirement to secure small quantities of radioactive materials when they are not in use would interfere with university research.

Response: The Commission believes that locking radiotracer laboratories when they are not being used is a small nuisance compared to the consequences of unauthorized access to or theft of the radioactive materials, which could result in contamination of unrestricted areas or exposure of individuals, as well as having to report a loss of licensed material to the NRC.

Subpart J—Precautionary Procedures

Proposed Section 20.901 Caution Signs [Section 20.1901 in This Final Rule]

Comment: Black should be permitted as an acceptable color for the radiation warning symbol. Several commenters requested that the color black should also be allowed to be used on signs and for stenciling on packages. The fading of magenta inks in sunlight and the use of black for marking international shipments were cited as supporting this position.

Response: The Commission believes that, although the "magenta-on-yellow" color scheme has provided a unique warning of possible radiation hazards, "black-on-yellow" would also be acceptable. The fading of the magenta color as cited above may reduce the visibility of the sign with time. Because of the cost impacts if existing warning signs had to be replaced, the Commission is permitting the use of black in addition to continued approval of magenta and purple, rather than requiring replacement.

Final rule: This section has been modified to add black as an acceptable color for the radiation warning symbol.

Proposed Section 20.902 Posting Requirements [Section 20.1902 in This Final Rule]

Comment: The terms "Caution" and "Danger" are not used consistently. Commenters noted that "Caution" or "Danger" could be used on signs for "Radiation Areas," "High Radiation Areas," and "Very High Radiation Areas" despite the considerable variation in the hazards that might exist in these different areas.

Response and final rule: The Commission agrees that the terms "Caution" and "Danger" should be used in a more consistent manner. The final rule permits only the term "Caution" to be used in "Radiation Areas." "Caution" or "Danger" may be used in "High Radiation Areas," since it covers a considerable range from 0.1 rem per hour to over 500 rads per hour. Only "Grave Danger" may be used in "Very High Radiation Areas." This should provide more emphasis on the use of "Danger," the importance of which might have been diminished by its prior applicability to the lower hazard "Radiation Area." "Caution" is inappropriate for use in "very high radiation areas" because of the potential hazard.

Comment: There should be a requirement to post all "restricted areas" whether or not it is a radiation or an airborne radioactivity area.

Response: The objective of posting is to warn personnel of a potential hazard. A "restricted area," *per se,* does not warrant such a warning. There is nothing to prevent a licensee from posting a notice designating a "restricted area," but such action is not required.

Comment: The definition of "airborne radioactivity area" would require tracking of employee "stay times" (time spent in the area). The second option to the definition of "airborne radioactivity area" would require performing surveys of airborne activity and tracking the time spent by workers in the area. The present rule would have only necessitated the survey.

Response: There are two alternative definitions of an "airborne radioactivity area"; only the second one would require consideration of stay times. This second option does not require posting in areas that have low occupancy times and airborne radioactivity concentrations between 0.3 and 1.0 times the applicable DACs.

Comment: Areas containing only noble gases should not require posting as "airborne radioactivity areas." The hazard associated with such areas is primarily from external radiation.

Response: The DACs in appendix B that apply to noble gases (and define an "airborne radioactivity area") are based upon submersion doses; therefore, the relationship remains valid. It should be noted that, because some short-lived noble gases have particulate daughters (such as ^{88}Rb and ^{138}Cs), the warning denoted by posting as an "airborne radioactivity area" may still be required.

Comment: There is no evident need to post all rooms containing 10 times the proposed appendix C levels. The requirement to post a caution sign in rooms that store ten times the appendix C concentrations is unwarranted. There was some concern noted that such posting could deter firefighters or other emergency workers from entering an otherwise safe area, and increased damages could result.

Response: Complete dispersion of 10 times the activity listed in appendix C to §§ 20.1001–20.2401 could produce air concentrations for some radionuclides in excess of the occupational DACs. For example, if 10 times the appendix C quantities were dispersed in a 1,000 cubic foot (10 ft. x 10 ft. x 10 ft.) room, the resulting concentrations would be 35 times the DAC for organic carbon-14, 58 times the DAC for cesium-137, about 18 times the DACs for iodine-131 and tritium (water vapor), and approximately 6 times the DAC for technetium-99m. These appear to be sufficiently large to justify a posting requirement, particularly to caution firefighters in case of a fire.

Comment: The posting requirement should not be applied to sealed sources, such as gauges. Posting the entrances to areas having radioisotopic gauges could require multiple postings in large buildings.

Response: Posting is only required at entrances to the room containing the source and only when the dose rate at 30 centimeters would exceed 0.005 rem (0.05 mSv) in any hour (§ 20.1903(c)) unless areas outside the room warrant posting as "radiation areas" and are already posted.

Proposed Section 20.903 Exceptions to Posting Requirements [Section 20.1903 in This Final Rule]

Comment: The proposed rule omits the past exemption for posting rooms containing only packages prepared for transportation.

Response: The Commission believes that there should be posting of these areas because there is no restriction on the length of time that packages may remain in a room. If the packages contain only small quantities of radioactive materials, then posting of

the room would still be exempted under the remaining exemptions. The term "prepared for transportation" does include packages that are intended to be carried in a "sole use" vehicle. Such packages are permitted to have higher allowable dose rates than those specified in DOT (or NRC) limits for general shipment.

Final rule: The exception for posting areas containing packages prepared for transportation has not been reinstated.

Comment: The requirement for a person in attendance would be unworkable in a hospital. The requirement (in lieu of posting the room containing a radiotherapy patient) for a person in attendance in order to prevent entry was interpreted as requiring a 24-hour escort for each radiotherapy patient.

Response: The intent was to generally require posting of therapy patients' rooms. (As noted in one of the comments, the dose rate from patients even with diagnostic nuclear medicine treatments might exceed dose rates of 0.002 rem per hour.) The intent of "in attendance" would be satisfied by a duty nurse at a nursing station, providing that the station was in sight of the entrance to the patient's room.

Proposed Section 20.904 Labeling Containers [Section 20.1904 in This Final Rule]

Comment: There is no way to meet the requirement to label containers in some nuclear power plants or in hot cells. It is difficult to mark the detailed information on a container in some areas of a plant or in hot cells.

Response: Section 20.1905 contains exceptions to the labeling requirements that take care of the problem noted by the commenter.

(Note: For the purpose of this section, "Mixed Fission Products" and "Fission and Activation Products" may be regarded as radionuclides, provided that the total activity is also specified. Designations as to the process stream or location sampled or type of sample (e.g., "primary coolant") may also be helpful as an additional designation of the potential hazard.)

Proposed Section 20.905 Exemptions to Labeling Requirements [Section 20.1905 in This Final Rule]

Comment: The proposed rule omits existing exemptions for packages containing only exempt quantities and those containing less than 10 mCi or less of tritium, iodine-125, carbon-14, and sulfur-35.

Response: While these sources pose little external hazard from gamma radiation, the quantities could be a potential internal hazard if the package were ruptured and the contents were released. Consequently, some warning remains appropriate.

Comment: The proposed rule omitted the existing exemption from labeling for packages labeled for shipment in accordance with DOT requirements.

Response and final rule: The exemption for DOT-labeled packages has been restored because the Commission agrees that the DOT labeling is sufficient to denote the presence of radioactive materials and provide an indication of any potential hazard. Quantities and concentrations not requiring DOT labels would not warrant an NRC labeling requirement. (See § 20.1905(d).)

Proposed Section 20.906 Procedures for Handling Packages [Section 20.1906 in this Final Rule]

Comment: The requirement to monitor all packages is unnecessary. The requirement to monitor all incoming packages containing radioactive materials is unnecessary and in large installations creates a substantial monitoring burden.

Response: This requirement has been reevaluated and modified in order to reduce the burden.

Final rule: Section 20.1906 in the final rule requires incoming packages to be monitored when: (1) They are labeled as containing radioactive materials according to DOT regulations, or (2) when a package is damaged or leaking. The first provision would reinstate the exemption from monitoring for shipments of small quantities of radioactive materials that would not require DOT labeling.

Comment: The requirement to survey external surfaces of packages is unnecessary. Several commenters with extensive experience in monitoring packages noted that external contamination was rarely if ever present and that wipe tests are time-consuming both to make the smears and to count them.

Response: Experience in the shipment of thousands of packages each year has been very good. However, potential problems with leaking packages during transit warrant continued monitoring upon receipt to ensure that leaking packages are found and reported. Appropriate action can then be taken to determine the extent of contamination in transport vehicles and storage areas in order to limit the consequences and avoid recurrence. However, an exemption from the contamination survey requirement has been provided for special form (sealed) sources that are being moved to and from work sites in licensee owned or operated vehicles. This partially restores an exemption for all special form sources from the package survey requirements in § 20.205(b)(1)(ii).

The Commission believes that restoring this exemption will not result in any additional hazard. An external radiation survey of the package is still required. The primary purpose of this external survey of sealed sources is to ensure that the source is still properly secured and shielded after transporting it.

Final rule: The requirement to monitor external surfaces of packages has been retained and applies to the two classes of packages for which surveys are required (labeled "radioactive" and damaged or leaking). A partial exemption to sealed sources transported for field use has been reinstated because of the difficulty in making field measurements of surface contamination and because the transporting vehicle is not in general commerce.

Comment: The requirement to monitor packages within 3 hours is unwarranted. This requirement would be difficult to meet for several types of licensees, some of which do not have a full-time health physics staff person.

Response: Licensees receiving labeled packages of radioactive materials to which this requirement applies are expected to have available persons who are qualified to perform such monitoring. However, the person monitoring the package need not be a board-certified health physicist.

Final rule: The 3-hour period in § 20.205(b)(1) has been retained except if the package is received after normal working hours (§ 20.1906(c)).

Subpart K—Waste Disposal

Proposed Section 20.1001 General Requirements [Section 20.2001 in this Final Rule]

Comment: Decay in storage as a disposal option. Many commenters noted favorably the addition of "decay in storage" as an allowed waste disposal option. Several commenters, however, did not believe that the option, as expressed in the proposed rule, was particularly helpful.

Response: Technically, the "decay in storage" option has always been available to a licensee since the license permitted possession of the radioactive materials and these materials naturally underwent radioactive decay. The option was formally included in the proposed and final rules because the list of disposal options is exclusive and there have been questions as to whether this is currently allowed under §§ 20.1-

20.601. It should be noted that this option does not allow material that has "decayed in storage" to be released to unrestricted area unless it meets the requirements of one of the other allowed forms of waste disposal in part 20, or the requirements of § 32.92, "Decay-in-Storage," of 10 CFR part 35, or the specific requirements given in any NRC or Agreement State license conditions.

The NRC staff considered adding a separate "Disposal by Decay in Storage" option with specific criteria for unrestricted release of material after decay. These criteria are commonly included in source and byproduct material licenses. However, the provisions included in 10 CFR 35.92 and certain specific license conditions pertain to relatively short-lived radionuclides and are neither appropriate nor applicable to other classes of licenses, such as those issued under part 50. Also, when evaluated for a specific licensed activity, it is possible to consider existing pathways of exposure and to establish specific criteria for decay.

General criteria in a rule would need to be sufficiently conservative to take into account all reasonably conceivable pathways, thereby reducing the applicable level from what would be permitted in a case-by-case evaluation.

Final rule: The final rule has been modified to explicitly list "decay-in-storage" as an authorized form of disposal. Section 20.2001 has been modified to incorporate the requirements that were in § 20.1002(b) of the proposed rule. These provisions require NRC licenses for persons who receive wastes containing licensed radioactive materials for treatment, for treatment or disposal by incineration, decay-in-storage, or disposal in facilities licensed under part 60 or part 61.

Proposed Section 20.1003 Disposal by Release into Sanitary Sewerage [Section 20.2003 in this Final rule]

Comment: Removal of allowance for disposal of "dispersible wastes." A number of commenters felt that the restriction of wastes released to sanitary sewers to soluble wastes would have an adverse impact on certain licensees that had disposed of "dispersible" but insoluble radioactive materials under § 20.303(a). In particular, the practice was mentioned of grinding up animal carcasses with subsequent sewer disposal of the ground residue. This practice is permitted by § 20.303(a) but would not have been permitted under the proposed rule.

Response: In the final rule, the Commission has modified the conditions in the proposed rule for disposal of radioactive wastes into sanitary sewer systems so that "dispersible biological materials" may continue to be disposed of by release to sanitary sewers. This means of disposal is advantageous compared with other alternatives for disposal of this type of biological material.

The prohibition on disposal of insoluble materials via the sanitary sewer was intended to prevent disposal via sanitary sewers of material in which the radioactive material is primarily in an insoluble for, such as flakes of metallic foil containing americium-241. Such materials may accumulate in the sewer system, in the sewer treatment plants, and in the sewer sludge.

Final rule: The final rule permits disposal into sanitary sewers of: (1) Radionuclides in soluble form or (2) radionuclides in readily dispersible biological material, provided that the limits in appendix B to §§ 20.1001–20.2401, table 3, on the average monthly concentrations and the limits in § 20.2003(a)(4) on the total activity released annually are met. The disposal of nonbiological insoluble materials is no longer permitted because of potential reconcentration of these materials in the sanitary sewer system, sewage treatment plants, and sewage sludge. This prohibition for insoluble materials is the reasons why there are no values listed for insoluble materials in table 3 of appendix B to §§ 20.1001–20.2401.

Comment: The rationale for the reduction in the limits for sewer disposal is not explained. The concentration limits for radionuclides released to sanitary sewer systems in the proposed rule have been reduced by a factor of 10 from the former rule. The reduction did not appear to take into account the dilution afforded from multiple users of the sewer system. Commenters indicated that they thought that this reduction would increase the amount of material that would have to be disposed of via a low-level radioactive waste burial site and could result in increased radiation doses to workers having to package this material.

Response: This assumption noted by many commenters that radionuclides discharged into sanitary sewer systems are not ingested is not necessarily true because water in large lake or river systems may be recycled. The dilution afforded by having multiple users of a sewer systems can be offset in part because there can also be several users that discharge radioactive wastes into the same sewer system. The amendments to part 20 in this final rule permit a higher concentration limit for discharges into sanitary sewers than for other liquid effluent releases of radioactive materials, but have lower concentration limits than were allowed for sewage. In view of past contamination incidents (involving cobalt-60 and americium-241) and the reduction in the dose limit for members of the public, the Commission believes that continuation of the higher limits is no longer desirable.

The NRC has underway a study of the dose pathways associated with disposal of radioactive materials via sanitary sewers. This study will help clarify the potential for human exposure.

Comment: The exemption on disposal of human excreta should be removed. Hospitals should have to comply with the same regulations as other licensees.

Response: Disposal into a sanitary sewer system (which was designed specifically to handle this type of waste) is the preferred method of disposal because of the other health considerations in handling human excreta in addition to radiation protection. This exemption is currently in 20.303(d) of part 20.

Proposed Section 20.1004 Treatment or Disposal by Incineration [Section 20.2004 in this Final Rule]

Comment: Relaxation of specific NRC authorization for incineration. A number of comments questioned the need for the existing requirement that incineration of radioactive materials requires specific prior NRC approval (except for small quantities of tritium and carbon-14, which are specifically exempted). These commenters noted that the source of the released material (from an incinerator stack or from a fume hood vent) should not be the basis of requiring specific prior NRC approval of incineration while permitting general effluent releases.

Response: Relaxation of the prior approval requirement for incineration was considered in connection with the amendments to part 20 of this final rule. The requirement for prior NRC approval of incineration remains in the amendments to part 20 in this final rule because the acceptability of incineration as a disposal option, except for exempted quantities of radioactive materials, must be determined on a site-specific basis considering: (1) Incinerator design, (2) the variable isotopic composition and activity of the material to be burned, and (3) potential human exposure to effluents, which may require special calculational methods because of complex meterorologic conditions and other factors.

Final rule: Disposal by incineration still requires specific approval by the Commission (or Agreement State)

whether done only for wastes from the licensed facility or whether done for wastes received from other licensees.

Proposed Section 20.1005 Disposal of Specific Wastes [Section 20.2005 in this Final Rule]

Comment: There should be a definition of ALARA for solid wastes. Many commenters suggested the need for ALARA or exempt quantities of radioactive material in solid wastes so that very low-level solid wastes could be disposed of without regard to their radioactivity.

Response: The Commission agrees that such levels would be useful and has developed a policy statement regarding levels of dose and risk that can be used to determine that specific practices involve radiation hazards that are Below Regulatory Concern (BRC). This policy statement was published in the **Federal Register** on July 3, 1990 (55 FR 27522). The BRC policy statement provides a comprehensive policy that will establish a disciplined and consistent framework for all future Commission exemption decisions. This includes potential application to rulemaking or licensing actions for disposal of slightly contaminated solid radioactive wastes. The Commission is developing a program for implementing the BRC policy separate from this part 20 rulemaking.

Proposed Section 20.1006 Transfer for Disposal and Manifests [Section 20.2006 in this Final Rule]

Comment: This section should not be in part 20.

Response and final rule: This section is in part 20 because it relates to the radiation protection aspects of low-level waste shipments.

Proposed Section 20.1007 Compliance with Environmental and Health Protection Regulations [Section 20.2007 in this Final Rule]

Final rule: This section has a counterpart in the present part 20 and in the proposed rule (§ 20.1005) stating that meeting part 20 requirements does not remove the responsibility of licensees, when disposing of licensed radioactive materials, from meeting the requirements of other applicable Federal, State, and local regulations applicable to toxic or hazardous wastes.

The advisory statement in the final rule has been expanded to cover all methods of waste disposal. This section of the rule is advisory and is not intended to imply that NRC will take enforcement action for violations of other environmental protection regulations issued under statutes other than the Atomic Energy Act.

Subpart L—Records

Standardization of Record Retention Requirements

Final rule: Records directly pertaining to effluents released to the general environment, waste disposal, and doses received by individuals are to be kept until the "Commission terminates each pertinent license requiring the record." Other record retention requirements in this subpart generally have been modified to be "3 years after the record is made." This change is in conformance with the final rule published in the **Federal Register** on May 27, 1988 (53 FR 19240) on record retention requirements for other parts of the NRC regulations. This change provides for consistent record retention requirements throughout the NRC regulations in 10 CFR chapter I.

Proposed Section 20.1101 General Requirements [Section 20.2101 in this Final Rule]

Comment: The units used in records should be limited to those commonly in use: the rad, the rem, and the curie. Some commenters thought that the use of SI units (gray, sievert, and becquerel) should not be allowed.

Response and final rule: The Commission agrees that the use of "special units," the rad, the rem, and the curie, is preferable at this time. This will avoid any difficulties arising from trying to implement both a new regulation and new units. This will reduce potential problems in records and reports that could result from some licensees using the "SI units" and some using the older "special units." The final rule requires the use of the "special units" instead of the "SI units." (See the discussion of this topic under proposed § 20.4 Units.)

Proposed Section 20.1102 Records of Radiation Protection Programs [Revised Section 20.2102 in this Final Rule]

Comment: Added implementation burden associated with requirements for formal radiation programs. A number of commenters thought that the requirement to have a formal ALARA program would result in substantial increased costs due to additional recordkeeping, procedural requirements, and quality assurance requirements.

Response: As discussed under proposed § 20.101, these provisions have been modified to require ALARA as one part of a licensee's radiation protection program. The adoption of requirements for licensees to have a formal radiation protection program was not intended to cause large implementation costs. Much of the cost associated with the recordkeeping requirements in the proposed rule was a result of the ALARA documentation requiremer ts. These recordkeeping requirements have been reduced in the final rule by deleting specific reference to documenting ALARA actions. Specific types of records will be developed by each licensee as part of its radiation protection prgram. Therefore, this section contains general recordkeeping requirements associated with the radiation protection program.

Comment: The recordkeeping burden for small licensees requires a commitment of resources that is not commensurate with the risk. (In section XXXVI of the proposed rule (51 FR 1121–1122), NRC specifically requested comments on the magnitude of the impact of the proposed rule on small licensees and requested suggestions on how these impacts could be reduced.) Quite a few commenters expressed their belief that the proposed rule will require more extensive monitoring and recordkeeping efforts than are required by §§ 20.1–20.601. Several commenters suggested that the NRC explore possible exemptions or exclusions for academic licensees and other users of small quantities of licensed material. Other commenters expresed the view that the protection of public health for both the worker and the general public should be the same regardless of the size or economic resources of the licensee.

Response: Because of the changes to reduce the recordkeeping burden discussed in response to the preceding comment and because the basic requirement in § 20.1101 calls for effort "* * * commensurate with the scope and extent of licensed activities * * *," the Commission has not made further exemptions or exclusions from the recordkeeping requirements in this section for certain types of licensees.

Proposed Section 20.1104 Determination of Prior Occupational Dose [Section 20.2104 in this Final Rule]

Comment: Medical and academic licensees would have difficulty in complying with the requirement to determine prior exposures. The transitory nature of personnel in these facilities would make meeting these requirements very costly. Doses to employees are small fractions of the limits so that such costs would be difficult to justify.

Response: The requirement to determine dose received in the current year implements the annual dose limits. The requirement to attempt to obtain

records of lifetime cumulative doses follows one of the provisions of the guidance to Federal agencies on occupational radiation protection. Efforts to obtain prior exposure histories are only required for workers who are required to be monitored under § 20.1502. Determination of prior doses received during planned special exposures or doses in excess of the annual limits are required only for workers who will be used in planned special exposures.

Comment: The recording of "fictitious" radiation doses should be avoided. The present and proposed rules state that, when information is not available regarding the dose received for a specific period, the licensee should assume that the dose received was at the dose limit. Several commenters thought that this was inappropriate. Some commenters mentioned that this practice might be nonconservative as it would tend to overestimate the dose used in any epidemiological studies of radiation effects, thereby resulting in an underestimate of the risk associated with a unit radiation dose.

Response and final rule: The final rule has been modified so that it does not require any assumed dose value to be recorded in case of incomplete prior dose histories. Only the lack of data must be recorded for periods where there is no information. However, for the current year, where there are missing data, an assumption is to be made for establishing administrative controls: the portion of the dose limit remaining for the current year is reduced by 1.25 rems for each calendar quarter for which information is missing. (The values for other limits, such as the shallow dose equivalent or eye dose equivalent should be reduced by one-quarter of their annual limit for each unreported quarter.) The licensee must note the absence of this information on the employee's record but should not enter the assumed dose value as part of the employee's permanent dose record. For example, an employee who had prior radiation working experience joins Company X on July 1st but does not have the prior radiation records. This employee's dose should be limited to 2.5 rems (5 rems-2(1.25)=2.5 rems) until such time as the records are obtained.

Comment: There should be a quarterly dose limit to cover workers whose records have not been received from a former employer. A 0.5-rem dose might be appropriate for this purpose.

Response: If data were missing for all four quarters (employment commenced late in the fourth calendar quarter), then the employee could not be exposed to radiation above the level for a member of the general public. However, this limit is 0.1 rem per year not 0.5 rem.

Proposed Section 20.1105 Records of Planned Special Exposures [Section 20.2105 in this Final Rule]

See discussion under proposed section 20.1204.

Proposed Section 20.1106 Records of Individual Monitoring Results [Section 20.2106 in this Final Rule]

Comment: NRC should not require reporting or recording of cumulative doses. A number of commenters noted that the ICRP system of dose limitation is based (as one of the principles) on controlling annual doses. Consequently, they questioned the need for recording cumulative doses.

Response: Although the commenters are correct that there is no longer a cumulative dose restriction in part 20 (such as the former 5(N–18) formula), the Federal Guidance on Occupational Exposure (see section II.D) contains a recommendation that cumulative dose records be maintained and provided to the worker.

Comment: The proposed rule does not require recording annual doses as listed in the 1987 Federal occupational guidance.

Response: "Annual dose" is specified in the guidance and is the same as the annual deep-dose equivalent for external doses. However, "annual dose" is not required to be recorded by the amendments to part 20 in this final form for internal doses. This is consistent with an exception noted in footnote 5 to the Federal guidance (Federal Register of January 27, 1977; 52 FR 2832):

> When these conditions on intake of radioactive materials have been satisfied [i.e., meeting the committed dose limits], it is not necessary to assess contributions from such intakes to annual doses in future years, and, as an operational procedure, such doses may be assigned to the year of intake for the purpose of assessing compliance.

Proposed Paragraph 20.1106(b)—See Discussion under Proposed § 20.1204

Comment: The recordkeeping requirement in the proposed § 20.1106(d)(2) would require that all records begin at the beginning of a calendar year. This would create an unnecessary hardship on dosimeter processors since they could not stagger the dosimeter changeover schedules to provide a more uniform workload distribution.

Response and final rule: The term "year" in § 20.1003 replaces the term "calendar year" in proposed § 20.3 and permits the licensee to define the year to begin anytime in January. A licensee may change the starting date, provided that the change is made at the beginning of the year and provided that no day is omitted and no day is included twice in consecutive years.

Comment: The requirement in proposed § 20.1106(e) for each licensee to keep a copy of the dosimeter processor's accreditation certificate creates an undue burden on commercial processors. Commercial dosimeter processors would have to print and distribute thousands of their certificates so that each user had a copy.

Response: The proposed rule contained a requirement for the licensee to maintain a copy of the dosimetry processing accreditation certificate issued to the processor providing dosimetry services to the licensee. This requirement, which was in the proposed dosimetry accreditation rule, was considered unnecessary and was dropped as a requirement in the final version of that rule. Consequently, it has been deleted from this final rule. Licensees who provide their own dosimeter processing services do have to maintain a copy of their NVLAP accreditation certificate for inspection.

Comment: The NRC should consider a "traveling dose history" that can move with the worker. This was suggested, particularly for transient workers and for workers employed concurrently by two employers. The master record will reside with the current employer and would have to be transmitted by the worker to a new employer.

Response: Because the NRC can only regulate its licensees and has no authority over individual workers, the recordkeeping and transmittal requirements for dose histories are placed on the licensee and not on the worker. The concept of a "passport" incorporating security and dosimetry data has been used successfully in Japan and elsewhere. The requirements for determination of prior exposures that are in § 20.2104 provide a similar record to a "moving history," but this would have to be updated by each new employer.

Concurrent employment with two (or more) employers requires special attention so that the combined doses from both employers would not exceed the dose limits. When two employers are aware of such concurrent employment, the simplest expedient to achieve this goal is for them to agree that the dose limit they will use for this employee in the individual programs is less than one-half of the NRC dose limits (the fraction of the dose limit allocated to each employer might also be determined on the basis of the relative

amount of time worked at each location).

The problem of dual employment is more of a problem when the employee has not confided in the employer. The licensee is required to ascertain the employment and dose record for the current year for new employees (§ 20.2104). If the employee deliberately falsifies this information, the licensee would not know of concurrent employment and the licensee would not be penalized for combined doses from both employers that exceeded the dose limits. If a current employee takes on additional outside radiation work without informing the employer, the employer should not be penalized. It should be noted that, under the new reporting requirements in § 20.2206, individual dose records will be required to be submitted to the NRC for all workers for those categories of licensees formerly subject to § 20.407, including nuclear power reactor licensees.

Final rule: Section 20.2106 has been modified in order to separate the requirement for keeping a record from the format of the record. A clarification has been added that the dose information on an embryo/fetus be kept with the mother's dose record.

Proposed Section 20.1107 Records of Doses to Individual Members of the Public [Section 20.2107 of this Final Rule]

Comment: Reporting requirements for exceeding "reference levels." The proposed rule contained requirements for reporting exposures in excess of the "reference levels" for doses to members of the general public. Many commenters thought that this was excessive because this was not an actual regulatory limit.

Response: The 100 millirems per year "reference level" for doses to members of the general public in the proposed rule has been incorporated as the dose limit in the final rule for members of the general public so that the associated recording and reporting requirements now pertain to a regulatory limit.

Final rule: Section 20.2107 has been broadened in scope from "effluents" in the proposed § 20.1107 to pertain to records of all estimates of doses received by individual members of the public. Doses to member of the public are calculated from measurements of direct radiation, and radionuclides in effluents, and the environment rather than as measurements pertaining to a particular individual. This difference in method of dose assessment from the more direct measurements used for occupational exposure does not imply any lessening of requirements for keeping adequate records of effluents released to unrestricted areas.

Proposed Section 20.1108 Records of Waste Disposal [section 20.2108 of this Final Rule]

Final rule: Section 20.2108 is unchanged from § 20.1108 of the proposed rule.

Proposed Section 20.1109 Records of Testing Entry Control Devices for Very High Radiation Areas [Section 20.2109 of this Final Rule]

Final rule: Section 20.2109 contains an addition to the proposed rule for keeping records of tests of entry control devices for very high radiation areas. This addition is based upon a requirement in § 20.203(c)(6).

Proposed Section 20.1110 Form of Records [Section 20.2110 in this Final Rule]

Comment: NRC should allow computerized recordkeeping systems to handle records. A few licensees suggested that NRC allow "electronic" recordkeeping systems and provide guidance for their use.

Response: The Commission agrees that there is great value in the use of "electronic media." There are a growing number of licensees that are using computer information networks for retaining and transmitting radiation dose histories and other worker-related information among different facilities.

Final rule: The amendments to part 20 in this final rule expand the definition of "record" to include "electronic media." The use of electronic media requires authentication and the prevention of alteration or loss of the records. As with requirements for paper records, the electronic media must be capable of producing a legible copy of the record.

Subpart M—Reports

Proposed Section 20.1201 Reports of Theft or Loss of Licensed Material [Section 20.2201 in this Final Rule]

Comment: The term "substantial exposure" in proposed § 20.1201(a) should be defined. The requirement to report the loss of radiation sources capable of producing "substantial exposure" needs to be more precise.

Response: The term "substantial exposure" in the proposed rule has been replaced in the final rule by a specific designation of the activity of lost source that requires immediate reporting to the Commission. This quantity is 1,000 times the activity levels in appendix C to §§ 20.1001–20.2401. For sealed sources of cobalt-60, cesium-137, or iridium-192, this activity would produce a dose of about 25 rems at 1 foot over a 30-day period (25 rems is the dose that requires immediate Commission notification). Although somewhat similar doses may be projected from inhalation of dispersible material, the exact exposure conditions would have to be known in order to make a valid activity-to-dose relationship.

Final rule: The final rule now contains specific activity criteria for immediate reporting rather than the vague term, "substantial exposure."

Comment: The quantity for reporting the loss of a source is too low (too high). The reportable quantity of 10 times the appendix C activity values appeared to some commenters to be overly restrictive; others thought that all lost or missing radiation sources should be reported.

Response: The specified 30-day reporting level is a compromise between having higher reporting levels and having a requirement that all lost or missing sources be reported. Further, the report permits review of the circumstances involved including any lack of security of materials or weakness in the licensee's control program that may be unrelated to the sources being stolen or lost, but may be pertinent in avoiding recurrent theft or loss.

Final rule: The activity levels in appendix C to §§ 20.1001–20.2401 for some long-lived radionuclides have been increased from those specified in appendix C to the proposed rule. This increase means that the loss of milligram quantities of natural uranium will not have to be reported as was the case in the proposed rule.

Comment: A 30-day telephone report should not be required concomitant with a written report. Proposed §§ 20.1201(a)(1)(ii) and 20.1201(b) both call for a 30-day report; the first requires a telephone report and the latter section requires a written report.

Response and final rule: The rule has been revised to clarify that the written reports required by § 20.2201(b) are to be submitted within 30 days of the telephone notification required by § 20.2201(a), rather than both being within 30 days of learning of the theft or loss.

Comment: The rule should provide for a "grace period" before having to report a lost source to NRC. Commenters noted that, in many instances, a source "lost" in transit eventually turns up. Some specified period, such as 7 days, should be permitted before a "lost" source would have to be reported to the NRC.

Response: The final rule contains two notification requirements: the one for

immediate notification only pertains to those sources that exceed 1,000 times the activity levels in appendix C to §§ 20.1001–20.2401. The second notification requirement pertains to sources that exceed 10 times the activity levels in appendix C and that are still missing after 30 days. This provides a grace period of 30 days for reporting the loss of most sources.

Proposed Section 20.1202 Notification of Incidents [Section 20.2202 in this Final Rule]

Comment: The requirements for immediate notification of NRC are too low. Some commenters thought that the doses associated with the requirements for immediate reporting to NRC (five times the respective annual limits) would not produce any discernible harmful effects to the individual to warrant immediate reporting.

Response: Doses of the order of 25 rems (5 times the 5-rem annual dose limit) can produce discernible biological effects in the body in the form of chromosome aberrations and changes in the white blood cell populations. Although the majority of these effects are temporary, they could be discerned. However, irrespective of the potential for discernible effects, doses at these levels represent a major breakdown in the licensee's control over the radioactive material, and the Commission believes that it is important that NRC be promptly notified so that it can take actions, if necessary, to limit further consequences.

Final rule: The final rule retains the previous reporting requirement.

Comment: Immediate reporting should be required if there is any potential for dose reduction. The Environmental Protection Agency (EPA) suggested that incidents always be reported if there is the potential for significantly reducing public doses through protective actions. It is believed by the EPA that this would occur at doses significantly less than those of the proposed reporting criteria.

Response: The incident reporting levels and response times have been selected to limit attention to the more potentially serious events without the entire NRC emergency response network being activated unduly for events involving only small quantities of radioactive materials. For most cases, it is expected that the licensee would have initiated any necessary remedial measures.

Comment: Immediate and 24-hour notification requirements should be suspended in the case of a declared emergency at a nuclear power plant. Commenters felt that any emergency at a nuclear power plant will involve onsite NRC staff and that stopping emergency activities to make the part 20 incident reports could be a burden on the licensee.

Response and final rule: These reports are particularly easy to make for nuclear power reactors (the reactor operator merely has to pick up the dedicated NRC telephone line to get the NRC Operations Center). There are certain functions of the NRC (such as activating the NRC Incident Response Plan) that require that NRC be notified; therefore, this notification requirement has been retained.

Proposed Section 20.1203 Reports of Exposures, Radiation Levels, and Concentrations [Section 20.2203 in this Final Rule]

Comment: There is no requirement for reporting doses that exceed the limit for protection of the embryo/fetus in proposed § 20.208.

Response and final rule: A requirement has been added to the final rule in § 20.2203(a)(2)(iii).

Comment: The identifiers required in proposed § 20.1203(b)(2) for the embryo/fetus should be those of the mother. As the fetus has no date of birth and no Social Security account number, those of the mother should be used.

Response and final rule: A footnote to this effect has been added to § 20.2203.

Comment: Reports of exceeding the 0.1-rem reference level should not be required. A number of commenters noted that the 0.1-rem reference level was not a limit and, therefore, exceeding it should not necessitate a report to the NRC.

Response: As a result of changes in the ICRP interpretation of the 0.1-rem level and the former 0.5-rem dose limit, the 0.1-rem level is now the recommended limit. Consequently, 0.1 rem is the primary limit applicable to members of the general public and reports are justified when it is exceeded.

Comment: Smaller licensees, such as nuclear medicine facilities, should be exempted from the reporting requirements of proposed § 20.1203. Licensees are required to report concentrations in unrestricted areas that exceed 10 times any applicable limit in the license. Because some nuclear medicine units use the room air volume for dilution, calculated concentrations exceeding 10 times the appendix B limits might frequently occur. This would require either more frequent reporting to NRC or use of more sophisticated atmospheric dispersion models.

Response: The reporting requirements are very similar to those in the part 20 §§ 20.1–20.601. Part 35 of the Commission's regulations, which deals with medical applications, covers the medical use of noble gases and in § 35.205(a) limits airborne concentrations to the 10 CFR part 20 appendix B to §§ 20.1–20.601 concentrations. Experience has not indicated large numbers of reports of such limits being exceeded.

Proposed Section 20.1204 Reports of Planned Special Exposures [Section 20.2204 in this Final Rule]

Comment: The license should not have to file a separate report to NRC for Planned Special Exposures. Several commenters objected to having to file these separate reports each time a Planned Special Exposure is carried out. This was viewed as representing a reporting requirement for operating within the NRC regulations. It was suggested that this information be included in the employee's records without reporting to NRC.

Response: Because of the newness of the concept, the NRC wishes to monitor carefully the use of the Planned Special Exposures. Further, while the Planned Special Exposures are provided in the final rule, its use does represent a situation in which the licensee is operating outside of the normal dose limits, and of which the Commission should be aware.

Comment: Period for reporting planned special exposures. Several commenters noted that the 15-day period for reporting planned special exposures is shorter than the 30-day period usually allowed for similar reports.

Response: The reporting period of a planned special exposure has been increased from 15 days to 30 days to be more consistent with other reporting requirements.

Proposed Section 20.1206 Reports of Individual Monitoring [Section 20.2206 in this Final Rule]

Comment: Could the requirement for the reporting of individual exposures be construed as an invasion of privacy? Some commenters believed that requiring the reporting of individual doses rather than a statistical summary might constitute an invasion of personal privacy.

Response: The Commission does not believe that submission of individual dose data constitutes an invasion of privacy. Such data have been reported to the NRC routinely in the termination reports for some time. Such information will be protected in accordance with the Privacy Act and will be restricted, as it has been in the past, to use by NRC officials, NRC contractors, or qualified

scientific investigators. Instructions on protecting this information appear in § 20.2106(d).

Comment: If the radiation exposure data are collected into a central repository, would the NRC be the proper place for it? One commenter felt that the radiation exposure data might be better maintained by an agency whose charter encompasses the analysis of the data for estimates of risk.

Response: Arguments might be made for other agencies having the lead role in the storage and analysis of those data; however, it is the NRC that has the statutory authority to require that these data be collected. Although the part 20 recordkeeping requirements are intended primarily to fulfill NRC's information needs for regulation, the NRC has continuing contacts with agencies that have expertise in conducting epidemiological studies (such as the National Cancer Institute of the National Institutes of Health and the Office of Health and Safety of the Department of Energy) to ensure that the part 20 reporting and recordkeeping requirements do not lose information that would be vital to carrying out studies of this type.

Comment: The total collective (person-rem) dose should be reported. It was felt by one commenter that NRC should require the total collective dose to be reported so that the numbers used in NUREG–0473 (NRC's annual summary of occupational radiation doses) will be the same as those calculated by the licensee.

Response: The reason for a possible discrepancy between a licensee's estimate of the collective dose to workers and the estimate published by the NRC has been that the licensee may sum the actual individual doses and the NRC estimate is based upon the statistical summary rather than the actual individual dose reports. Such differences should be reduced in the future because NRC will also be using dose information for individuals. The final rule requires licensees who previously submitted the dose summaries to report the individual dose data to NRC. Both collective dose calculations should then be using the same data base.

Comment: The termination report required in proposed § 20.1207 should (or should not) be replaced with an annual report for all personnel monitored. Some commenters felt that an annual report just to the NRC should replace the present requirement for a termination report. Other commenters felt that annual reports to the NRC of doses to individuals constituted a considerably larger burden than did a statistical summary. Some commenters, who disagree with filing an annual report to the NRC, were in favor of giving such an annual dose summary to the worker. Other commenters suggested that all licensees be required to submit an annual report to NRC on each monitored individual.

Response: The reporting of individual monitoring data will help track doses to individuals who are exposed at several facilities during any given year and whose total dose would be underreported by statistical reports prepared at each work site. Such information is shown at the present time only by analysis of the termination reports.

Licensees who were previously required to file both annual statistical summaries and termination reports with the NRC will, instead, submit annual dose reports to NRC for all workers for whom monitoring is required under § 20.1502. A copy of the annual report to NRC could also be given to the individual worker in order to satisfy the revised reporting requirement in § 19.13 of 10 CFR part 19. Although this may entail some additional burden to licensees, the use of "electronic media" for recordkeeping might in fact reduce overall costs. It is intended that large employers (such as nuclear power reactor licensees) would submit an electronic copy of their dose reports in a prescribed format to the NRC in lieu of paper copies of individual records.

Subpart N—Exemptions and Additional Requirements

Proposed Section 20.1301 Applications for Exemptions [Section 20.2301 in this Final Rule]

Comment: NRC should make the issuance of exemptions a matter of public record. Several commenters felt that the issuance of any exemptions under this section should require public notice and comment. The EPA stated that exemptions could adversely affect its ability to control radionuclides under the Safe Drinking Water Act.

Response: The NRC has issued few exemptions under this longstanding provision and has not exempted anyone from the dose limits for a worker or for a member of the public. Any exemption that could have a significant impact on the environment would be evaluated in accordance with the Commission's requirements in 10 CFR part 51 under the National Enviornmental Policy Act. Regarding EPA's comment on controlling radionuclides under the Safe Drinking Water Act, the Commission will ensure that potential impacts on water resources and drinking water supply systems are considered in evaluations of proposed exemptions, such as alternative liquid effluent concentration limits. Where appropriate, NRC will coordinate with EPA to ensure that drinking water supplies are appropriately protected by any proposed exemptions.

Proposed Appendix A (Appendix A to §§ 20.1001–20.2401—Protection Factors for Respirators in this Final Rule)

Comment: The protection factor for air-purifying respirators with particulate elements is too low. The listed protection factor for air-purifying respirators with particulate filters is 50, whereas both ANSI Z88.2 and the OSHA regulations in 29 CFR part 134 use 100.

Response: The NRC never endorsed ANSI Z88.2–1980, whereas the OSHA regulations generally follow ANSI standards. The current NRC-allowed protection factors (PFs) are based upon research conducted by the Los Alamos National Laboratory (LANL). These recommendations included a PF of 50 for full face respirators, based on experimental data on actual testing of personnel using respirators under carefully controlled conditions. In actual use, there is essentially no difference between a PF of 50 versus a PF of 100, so that there should be little or no real impact on field use of respirators or on operations at nuclear facilities that would result from using the higher protection factor.

Comment: Several respiratory equipment specifications in appendix A should be applicable only for areas that are "immediately dangerous to life and health." Footnotes "h" and "i" contain specifications for air flow rates and flow calibration and a requirement for standby rescuers to be available when using supplied-air suits. These were felt to be unneeded considering that, if the air flow failed, the person could withstand a small exposure to the airborne radionuclides while exiting the area after removing the protective hood.

Response: The supposition that conditions "immediately dangerous to life and health" do not exist is not always correct. Failure of an airline in supplied-air suits may be considered as "immediately dangerous to life and health" because there is an acute danger of suffocation if the air supply is interrupted and the hood cannot be removed by the wearer. Rapid recovery of and assistance to the individual in the supplied-air suit necessitates the presence of a pre-equipped rescuer.

Proposed Appendix B (Appendix B to §§ 20.1001–20.2401—Annual Limits on Intake (ALIs) and Derived Air Concentrations (DACs) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage in the Final Rule)

General comments: Most of the comments from radiation protection professionals favored the adoption of the ICRP–26/ICRP–30 annual limits on intake and the derived air concentrations. Comments from private citizens were against adoption of the ICRP values because the majority of the values would increase (as stated in Section XXIX of the proposed rule, 51 FR 1120).

Response: From an occupational protection standpoint, the changes that result from adoption of the ICRP risk-based approach lead to higher limiting intake values than in appendix B to §§ 20.1–20.601. These increases result from the increase in the allowable ceiling for organ doses. The values that served as the basis for calculating the concentration limits used in appendix B to §§ 20.1–20.601 were organ dose limits of 5, 15, and 30 rems. The new concentration limits in appendix B to §§ 20.1001–20.2401 are based upon the effective (weighted) organ dose or upon the nonstochastic limit that forms an organ dose ceiling when the stochastic risk is not limiting. These changes increase the limiting annual organ doses (when only one organ is irradiated) for those doses that are limited by the stochastic (effective dose) limit from 5 rems to 20 rems for the gonads, from 15 rems to 32 rems per year for the breast, and from 15 rems to 42 rems for the lung. Limiting doses to other organs increase from the former 15- and 30-rem values to the 50-rem nonstochastic limit.

The former ICRP–2 "critical organ" concept based the limiting intake upon controlling the dose rate to the organ receiving the highest dose rate (the "critical organ"). The doses to organs other than the critical organ did not have to be evaluated, even if these doese were close to the estimated dose to the critical organ. The ICRP–26/30 system evaluates the doses to the major organs and the six remaining organs that receive the next highest doses. These doses are then multiplied by the appropriate weighting factors (w_T) and are summed to give a risk-weighted "effective dose." The concentration limits that are based upon this ICRP approach reflect the doses to all principal organs that are irradiated, not just the one organ that receives the highest dose as was done in §§ 20.1–20.601.

Many of the comments from private citizens do not appear to reflect the proposed rule because many of the comments objected to raising the limits for radionuclide concentrations applicable to the general public. As noted in the discussion of appendix B in the notice of proposed rulemaking (section XXIX, 51 FR 1119–1120), the concentration limits for members of the public were based upon a "reference level" dose (now the dose limit for members of the general public) of 0.1 rem per year and incorporated an additional factor of 2 reduction (proposed appendix B; 51 FR 1145) for age-dependency and combined air and water intakes. Thus, the concentration limits for the public reflect a reduction in their basis from a whole-body annual dose of 0.5 rem in part 20 (§§ 20.1–20.601) to 0.05 rem in the proposed and final rules. The concentration limits for individual radionuclides may be higher or lower for members of the general public in unrestricted areas in appendix B to §§ 20.1001–20.2401 than in the former tables because of changes that occurred in the intervening 25 years in the metabolic and other parameters used to calculate internal doses. These changes are reflected in ICRP Publication 30 and its supplements and amendments. However, these changes are a result of changes in the scientific techniques and parameters used in calculating doses and do not reflect an increase in the allowable dose limits, which, in reality, have been decreased in the amendment to part 20 in this final rule.

Comment: NRC should consider deleting table 2 from appendix B. The concentration limits in appendix B do not provide adequate protection of children and infants because they do not take into account age dependency in a proper manner. Compliance with the dose limits, rather than with these concentration limits, should be required.

Response: The use of the effective dose equivalent concept reduces the importance of age-dependent intake-to-dose factors. Age dependency is of primary importance in calculating organ doses. Those organs for which age dependency is important, such as the thyroid gland, are of lesser importance because of lower w_T values (for the thyroid, for example, $w_T = 0.03$) used to calculate the effective dose. A factor of 2 is included in the calculation of concentration limits for release to air and water, which, in part, accounts for age dependency. In addition, the Commission believes that there is a lack of detailed age-dependent metabolic data for all but the most common radionuclides that will inhibit such attempts to increase the precision of the dose estimates.

Many smaller licensees routinely use concentrations and the appendix B tables in order to demonstrate compliance. The use of concentration limits for determining compliance is a well-established practice that is economical for many of the smaller licensees. Despite the growing availability of simplified dose assessment models, the Commission is continuing to accept the use of concentrations to demonstrate compliance with the dose limits.

Comment: The appendix B tables fail to account for the chemical toxicity of natural and low-enriched uranium. This fails to take into account the possible kidney (renal) damage associated with the chemical toxicity.

Response: There is a separate limit for uranium intake that is based upon the chemical toxicity. This limit was expressed as footnote 3 to appendix B, page 1199 of the January 9, 1986 notice of proposed rulemaking and also as § 20.204(i) on page 1131. In the final rule, it appears as footnote 3 in appendix B to §§ 20.1001–20.2401, but the limit also has been moved up in the text to the section on dose limits and now appears as § 20.1201(e).

Comment: The limits for occupational and nonoccupational exposure to radon-222 and its particulate daughters do not appear to be consistent with the airborne concentration limits for other radionuclides in terms of risk.

Response: The occupational concentration limits for radon-222 are based on the existing Federal guidance, which is 4 WLM (4 Working-Level Months) per year. The annual limit on intake (ALI) is stated as 100 μCi or 4 working-level months. The derived air concentration (DAC) in Part 20 for occupational exposure to radon-222 of 3×10^{-8} is equivalent to 0.33 working levels (this equivalence is also given in the appendix B table). The concentration limit for members of the general public is a factor of 300 lower and, like the other airborne concentration limits, represents an effective dose of 0.05 rem per year.

Comment: Concentration limits for tritium omit chemical forms other than for tritiated water vapor.

Response: As there is expected to be no occupational intake via oral ingestion, and most of the commonly used organic tritiated compounds are not volatile, inhalation and transpiration through the skin are the principal pathways of exposure. Different intake limits would apply to hydrogen gas (H_1

or T_2) and tritiated water vapor (HTO). The HT or T_2 gas is rapidly converted to HTO by isotopic exchange and oxidation (both in air and in the body) so that specifying a submersion dose limit for HT would understate the actual radiological impact. Comparison with other derived limits for other chemical forms shows that the use of the concentration limits for HTO provides an adequate level of protection for most of the other chemical forms.

Comment: No concentration limits are listed for natural thorium. There are limits for natural uranium, but corresponding concentration limits for natural thorium are not given. The isotopic composition of thorium can vary somewhat with different ores and with different times after chemical separation.

Response: A licensee should use the thorium-232 value or, if a more precise value is desired, use the procedure for mixtures in appendix B to §§ 20.1001–20.2401 applied to the actual isotopic concentrations present.

Comment: The derived air concentrations for the general public are not always 0.1 times the occupational values.

Response: The limits for the general public are calculated solely from the stochastic risks. This differs from ICRP, which would use a "capping" organ dose limit of 5 rems (0.1 x the nonstochastic limit of 50 rems) in deriving the organ dose limit for organs that are limited by the nonstochastic risk. If there is a threshold for nonstochastic effects for the worker at 50 rems, it would also apply to a member of the public. Rather than applying a factor of 10 reduction to a nonstochastic value, the limiting stochastic (effective) dose was used to calculate the concentration limits for the general public. Values are not based on the nonstochastic risk for members of the public, even if they were the basis for the calculation of the DACs and ALIs for the worker. This difference in method of calculation accounts for the lack of a consistent ratio between worker DACs and effluent limits for the public.

Proposed Appendix C (Appendix C to §§ 20.1001–20.2401—Quantities of Licensed Material Requiring Labeling in the Final Rule)

Comment: The reduction from 100 μCi to 0.001 μCi for thorium values will require posting of areas where thoriated-nickel machine parts are used.

Response: On the basis of specific activity considerations, the 100 μCi limit has been retained for long-lived radionuclides (half-lives longer than 10^8 years) such as thorium-232, which would require several grams of material to produce the stated activity level. Because this is based on half-life, two isotopes may be treated differently, e.g., uranium-235, which does not meet the half-life criterion, has a value in Appendix C to §§ 20.1001–20.2401 of 0.001 μCi, and uranium-238, which exceeds the 10^8-year criterion, has a value of 100 μCi.

Proposed Appendix D (Appendix D to §§ 20.1001–20.2401—United States Nuclear Regulatory Commission Regional Offices in the Final Rule)

No comments were received on this section.

Proposed Appendix E (Appendix E to §§ 20.1001–20.2401 [Reserved in this Final Rule])

Final rule: The calculational guidelines and equations that appeared in proposed appendix E are being incorporated into a regulatory guide on summation of internal and external doses. This will make it easier to revise and clarify the calculational methods without having to resort to formal rulemaking. (Note: NRC routinely issues regulatory guides for public comment before making them final.)

Proposed Appendix F (Appendix F to §§ 20.1001–20.2401—Requirements for Low-Level Waste Transfer for Disposal at Land Disposal Facilities and Manifests in this Final Rule)

(Note: Appendix F is derived directly from requirements inserted by the Part 61 rulemaking proceeding on low-level radioactive waste disposal sites. These requirements were in § 20.311. Because these requirements are relatively recent, they were not modified in the amendments to Part 20 in this final rule. The Commission is considering revisions to the manifest requirements in a rulemaking separate from this Part 20 rulemaking.)

VII. Conforming Amendments

Accompanying these amendments to part 20 in this final rule are amendments to other parts of chapter I that update citations to 10 CFR part 20 that are found in these other regulations. These conforming amendments are to be implemented in accordance with the schedule for implementing the amendments to part 20 in this final rule as reflected in § 20.1008.

Two amendments are particularly important as they go beyond updating cross-reference citations. One amendment to appendix C to 10 CFR part 2 updates and modifies the examples of the severity levels associated with violations of 10 CFR part 20. In accordance with the implementation schedule above, licensees will remain subject to the version of part 2, appendix C, supplement IV of the NRC enforcement policy in redesignated supplement IV for §§ 20.1–20.601. The conforming amendments to supplement IV for §§ 20.1001–20.2401 of appendix C to 10 CFR part 2 would only apply after January 1, 1993, or when a licensee implements the part 20 before that date.

The Commission does not believe that solicitation of public comment on the conforming changes to appendix C (of 10 CFR part 2) is required before they are issued in final form.

The second major change to other parts is the requirement to provide all workers with information on their radiation doses. This modification was made to conform to the 1987 Federal guidance on occupational radiation exposure. Formerly, part 19 required licensees to furnish such a report at least annually upon the request of the worker. The change deletes the words "upon request." Public comment is not being solicited on this change as the comments were requested in the proposed rule (section XXVII, 51 FR 1118) on the option of requiring reports to individual workers. (These comments are discussed with regard to proposed § 20.1106). Part 19 has been amended to require licensees to advise each worker at least annually of the worker's dose recorded when requested (if the licensee is still implementing §§ 20.1–20.601) or annually, whether requested or not, when the licensee adopts §§ 20.1001–20.2401.

VIII. Finding of No Significant Environmental Impact: Availability

The Commission has determined under the National Environmental Policy Act of 1969, as amended and the Commission's regulations in subpart A of 10 CFR part 51 that this rule is not a major Federal action significantly affecting the quality of the human environment and therefore an environmental impact statement is not required. The amendments to part 20 in this final rule change the level for protection of the general public from an implicit limit of 0.5 rem per year to an explicit limit of 0.1 rem per year. There are also numerous changes in airborne and water radionuclide concentration limits. These changes result from changes in the models and parameters used to estimate the radiation dose associated with intake of a radionuclide. Some of the concentration limits for the general public are higher or lower than previous concentration limits; and some

are of the same magnitude as the previous limits.

Despite the changes in the dose and concentration limits, the Commission believes that issuance of the final rule will not have a major impact on the environment. The primary basis for this conclusion is that NRC (and Agreement State) licensees have implemented radiation protection measures that keep radiation exposures and radioactive effluents as low as reasonably achievable (ALARA) in accordance with provisions of 10 CFR 20.1(c) and comparable State provisions. These measures, whether established by rule, license, or good management practice, have been particularly successful in minimizing effluents to the general environment and exposures to members of the public and radiation workers. The final rule will make such ALARA programs mandatory as a part of licensee radiation protection programs.

In addition to 10 CFR part 20 and existing ALARA programs, there are other regulations that govern allowable doses to members of the public and that remain unchanged by the amendments to part 20. These other regulations include appendix I to 10 CFR part 50, 10 CFR parts 60 and 61, and the EPA's generally-applicable environmental standards in 40 CFR part 190. These standards set limits or design objectives (appendix I) for releases of radioactive material to the general environment that are generally more restrictive than the dose limits in part 20. Consequently, since these more restrictive standards remained essentially unchanged by the part 20 amendments, the level of public protection and the associated environmental impact are not changed appreciably from those associated with existing practice under the §§ 20.1–20.601 of part 20 and the aforenamed regulations.

The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 2120 L Street NW. (Lower-Level), Washington, DC 20555. Single copies of the environmental assessment and finding of no significant impact are available from Harold T. Peterson, Jr., Nuclear Regulatory Commission, NL/S–139, Washington, DC 20555, telephone: (301) 492–3640.

IX. Paperwork Reduction Act Statement

The final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.). The requirements contained in §§ 20.101–20.601 were approved by the Office of Management and Budget approval numbers 3150–0014. Forms 4 and 5 in current use were approved under OMB approval numbers 3150–0005 and 3150–0006.

Additional information collection requirements in §§ 20.1001–20.2401 will be submitted by NRC to the Office of Budget and Management for review and approval of the paperwork requirements before they can become effective. Notice of OMB approval will be published by the NRC in the Federal Register.

X. Revised Regulatory Analysis

The Commission has issued a final regulatory analysis for this regulation. This revised analysis was based on the draft regulatory analysis as modified to account for the changes from the proposed rule resulting from public comments on both the proposed rule and the staff's modified rule in SECY–88–315 and supplemental papers. Copies of both the draft and final regulatory analysis are available for inspection and copying for a fee in the NRC Public Document Room (See **ADDRESSES.**)

XI. Final Regulatory Flexibility Analysis

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission has prepared a regulatory flexibility analysis that indicated the new amendments will apply to all NRC licensees. The NRC has approximately 7,500 licensees, approximately one-quarter of which are classified as small entities.

(Note: Agreement States, which implement comparable regulations under Section 274 of the Atomic Energy Act of 1954, as amended, have about 16,000 licensees of which a comparable number are assumed to be small entities.)

The types of small entities that would be affected by this rule include physicians, small hospitals, small laboratories, industrial applications in small industries, radiographers, and well loggers.

Copies of the draft and final regulatory analysis are available for inspection and copying, for a fee, in the NRC Public Document Room (See **ADDRESSES.**)

XII. Backfit Analysis

A final backfit analysis has been prepared for this rule and may be examined and copied for a fee in the Commission's Public Document Room (see **ADDRESSES**). For the reasons stated in this backfit analysis, the Commission has concluded that the amendments to part 20 in this final rule, as applied to nuclear power reactors, provide a substantial increase in overall protection of public health and safety both for workers and for members of the general public. The Commission's conclusion rests on both quantitative and qualitative grounds. The Commission believes that the reductions in allowable dose limits that are embodied in these part 20 amendments contribute to substantial increases in the protection of public health and safety. Although current practice, including the philosophy of keeping radiation exposures as low as is reasonably achievable (ALARA), generally has kept radiation exposures well below the existing limits, the reductions in the allowable dose limits ensure that such doses will also remain low in the future.

There are several qualitative factors that support the Commission's conclusion that the part 20 amendments provide a substantial increase in protection. One of the main qualitative factors is that it is necessary to revise the 30-year-old part 20 to ensure that the NRC regulations reflect the current state of radiation protection science. Any future revisions in dose limits recommended by ICRP or NCRP would undoubtedly be based upon the 1977 ICRP and 1987 NCRP recommendations and, therefore, would be more easily incorporated into the framework of the amended part 20 (§§ 20.1001–20.2401) than in the framework of §§ 20.1–20.601 of part 20. Other qualitative factors include: maintaining consistency with international radiation protection programs, keeping the radiation protection requirements consistent with current risk assessment methodologies, and having the NRC's standards conform to Federal radiation protection guidance.

The Commission is adopting the final rule based in part on the conclusions of this analysis that the rule provides for a substantial increase in the over-all protection of the public health and safety and that the direct and indirect costs of its implementation are justified in terms of the quantitative and qualitative benefits associated with the rule. The Commission notes, however, that, even had the analysis not concluded that the amendments to part 20 in this final rule provide a substantial increase in the overall public health and safety, it could have gone forward with the rule because the changes made to part 20 also amount to a redefinition of the level of adequate protection and the backfit rule's substantial increase in protection and cost justification standards do not apply to a redefinition of adequate protection.

Additional Views of Commissioner Curtiss with Respect to Backfit

I have examined the proposed Part 20 amendments from the standpoint of whether and, if so, how the backfit rule should apply to this particular rulemaking. The nature and effects of the proposed changes to part 20 lead me to the conclusion that the proposed amendments, in essence, would redefine what is necessary for adequate protection of the public health and safety in the radiation protection area. Thus, while I believe that we should apply the backfit rule to this part 20 rulemaking effort, I also believe that this rulemaking constitutes a redefinition of adequate protection as described in 10 CFR 50.109(a)(4)(iii) and that the usual backfit analysis and cost-benefit balancing are therefore not required in this instance.

On the question of whether such an approach would require this rule to be renoticed for further public comment, I have concluded that there was ample indication in the notice of proposed rulemaking that the Commission is rethinking its radiation protection standards across-the-board in this part 20 rulemaking. Moreover, this initiative was explained in a manner that could logically be construed to encompass the approach to backfitting described above. Of particular importance, the notice of proposed rulemaking itself seems to indicate that the Commission is contemplating an action that would redefine what is necessary for adequate protection in the radiation protection area. For example, the notice states that:

> [T]he Nuclear Regulatory Commission (NRC) is proposing a major revision of its regulations in 10 CFR Part 20 which provide the requirements for the protection of individuals who are exposed * * * to ionizing radiation from routine activities * * * which are licensed by the NRC * * * * The intent of the revision is to improve NRC radiation protection standards by reflecting developments in the principles that underlie radiation protection and advances in related sciences that have occurred since the promulgation of 10 CFR Part 20 nearly thirty years ago * * * * The expected result of promulgating and implementing the proposed revised rule is an improved rule that provides better assurance of protection; establishes a clear health protection basis for limits and other regulatory actions taken to protect public health; applies to all licensees in a consistent manner; and reflects current information on health risk, dosimetry, and radiation protection practices and experiences.
>
> 51 FR 1092 (January 9, 1986).

With regard to existing Part 20 standards, the Commission noted that:

> [i]n promulgating these standards, the AEC emphasized "that the standards are subject to change with the development of new knowledge, with significant increase in the average exposure of the whole population to radiation and with further experience in the administration of the Commission's regulatory program." Consistent with this emphasis, the proposed revision reflects new knowledge, increased uses of radiation and generation of radiation sources, and experience gained during the past twenty years* * * * [Earlier] revisions [to the existing part 20] have not kept the regulations in accord with more recent recommendations of scientific organizations * * * to improve overall protection and establish a clear health risk rationale * * * * [T]he central thrust of the revision [is] to ensure that radiation protection is adequate and defendable when judged by good protection practices and contemporary standards.
>
> 51 FR 1093, 1094 (citations omitted).

In discussing the benefits of the proposed rulemaking, the Commission indicated that:

> [t]he proposed revision to Part 20 includes numerous changes required to bring the radiation protections standards into accord with current defendable [sic] scientific knowledge, and to reflect contemporary scientific and philosophical approaches to protection against radiation * * * * The Commission anticipates that promulgating and implementing the proposed rule will result in a regulation that provides better assurance of protection, establishes a clear health protection basis for limits, applies to all licensees, including small entities, in a consistent manner, and reflects current information on health risk, dosimetry, and radiation protection practices and experiences.
>
> 51 FR 1120, 1122.

Consistent with all of these statements on the nature of the proposed changes to part 20, a supplemental notice of proposed rulemaking that requested comments on a proposed backfit analysis indicated that:

> [T]his is the first complete revision of these regulations in over 25 years. This revision will bring the Commission's radiation protection standards into accord with current recommendations of the International Commission on Radiological Protection (ICRP).
>
> The proposed revision to 10 CFR part 20 [is] intended to:
>
> a. Update the quarter-century-old 10 CFR Part 20 to incorporate advances in science and new concepts of radiation protection methodology and philosophy;
>
> b. Implement pending Federal radiation guidance on occupational radiation protection;
>
> c. Implement the principal current dose-limiting recommendations of the ICRP;
>
> d. Incorporate the ICRP "effective dose equivalent" concept;
>
> e. Update the limits on airborne radionuclide intakes, effluent releases and doses from inhaled or ingested radionuclides using up-to-date metabolic models and dose factors; and
>
> f. Require that licensees have programs for keeping radiation exposures "as low as is reasonably achievable" (ALARA).
>
> 51 FR 30870, 30871 (August 29, 1986).

Overall, these various characteristics of the purpose, intent, and nature of the proposed changes to part 20 lead to the conclusion that the Commission is, in fact, rethinking its radiation protection standards. For these reasons, I believe that the notice adequately describes the nature and substance of the proposed rule changes and that renoticing to further reflect a Commission judgment that the proposed changes constitute a redefinition of adequate protection is not necessary.

List of Subjects

10 CFR Part 20

Byproduct material, licensed material, nuclear materials, nuclear power plants and reactors, occupational safety and health, packaging and containers, penalty, radiation protection, reporting and recordkeeping requirements, special nuclear material, source material, waste treatment and disposal.

10 CFR Parts 2, 19, 30, 31, 32, 34, 35, 39, 40, 50, 61, and 70

Radiation protection.

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 following amendments to 10 CFR parts 2, 19, 20, 30, 31, 32, 34, 35, 39, 40, 50, 61 and 70 are published as a document subject to codification.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. The authority citation for part 20 is revised 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 (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232, 2236), secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (U.S.C. 5841, 5842, 5846).

Section 20.408 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

For the purposes of sec. 233, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 20.101, 20.102, 20.103 (a), (b), and (f), 20.104 (a) and (b), 20.105(b), 20.106(a), 20.201, 20.202(a), 20.205, 20.207, 20.301, 20.303, 20.304, 20.305, 20.1102, 20.1201–20.1204, 20.1206, 20.1207, 20.1208, 20.1301, 20.1302, 20.1501, 20.1502, 20.1601 (a) and (d), 20.1602, 20.1603, 20.1701, 20.1704, 20.1801, 20.1802, 20.1901(a), 20.1902, 20.1904, 20.1906, 20.2001, 20.2002, 20.2003, 20.2004, 20.2005 (b) and (c), 20.2006, 20.2101–20.2110, 20.2201–20.2206, and 20.2301 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C.

2201(b)); § 20.2106(d) is issued under the Privacy Act of 1974, Pub. L. 93–579, 5 U.S.C. 552a; and §§ 20.102, 20.103(e), 20.401–20.407, 20.408(b), 20.409, 20.1102(a) (2) and (4), 20.1204(c), 20.1206 (g) and (h), 20.1904(c)(4), 20.1905 (c) and (d), 20.2005(c), 20.2006(b)–(d), 20.2101–20.2103, 20.2104(b)–(d), 20.2105–20.2108, and 20.2201–20.2207 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Appendix A is redesignated as appendix A to §§ 20.1–20.601 and the heading for appendix A is revised to read as follows:

Appendix A to §§20.1–20.601—Protection Factors for Respirators

3. Appendix B is redesignated as appendix B to §§ 20.1–20.601 and the heading for appendix B is revised to read as follows:

Appendix B §§ 20.1–20.601—Concentrations in Air and Water Above Natural Background

4. Appendix C is redesignated as appendix C to §§ 20.1–20.601 and the heading for appendix C is revised to read as follows:

Appendix C to §§ 20.1–20.601

5. Appendix D is redesignated as appendix D to §§ 20.1–20.601 and the heading for appendix D is revised to read as follows:

Appendix D to §§ 20.1–20.601—United States Nuclear Regulatory Commission Regional Offices

6. Part 20 is amended by adding a center heading and Subparts A through O to read as follows:

Regulations Mandatory as of January 1, 1993 With Earlier Compliance Encouraged

Subpart A—General Provisions

Sec.

20.1001 Purpose.
20.1002 Scope.
20.1003 Definitions.
20.1004 Units of radiation dose.
20.1005 Units of radioactivity.
20.1006 Interpretations.
20.1007 Communications.
20.1008 Implementation.
20.1009 Reporting, recording, and application requirements: OMB approval.

Subpart B—Radiation Protection Programs

20.1101 Radiation protection programs.

Subpart C—Occupational Dose Limits

20.1201 Occupational dose limits for adults.
20.1202 Compliance with requirements for summation of external and internal doses.
20.1203 Determination of external dose from airborne radioactive material.
20.1204 Determination of internal exposure.
20.1205 [Reserved]
20.1206 Planned special exposures.
20.1207 Occupational dose limits for minors.
20.1208 Dose to an embryo/fetus.

Subpart D—Radiation Dose Limits for Individual Members of the Public

20.1301 Dose limits for individual members of the public.
20.1302 Compliance with dose limits for individual members of the public.

Subpart E—[Reserved]

Subpart F—Surveys and Monitoring

20.1501 General.
20.1502 Conditions requiring individual monitoring of external and internal occupational dose.

Subpart G—Control of Exposure From External Sources in Restricted Areas

20.1601 Control of access to high radiation areas.
20.1602 Control of access to very high radiation areas.
20.1603 Control of access to very high radiation areas—irradiators.

Subpart H—Respiratory Protection and Controls to Restrict Internal Exposure in Restricted Areas

20.1701 Use of process or other engineering controls.
20.1702 Use of other controls.
20.1703 Use of individual respiratory protection equipment.
20.1704 Further restrictions on the use of respiratory protection equipment.

Subpart I—Storage and Control of Licensed Material

20.1801 Security of stored material.
20.1802 Control of material not in storage.

Subpart J—Precautionary Procedures

20.1901 Caution signs.
20.1902 Posting requirements.
20.1903 Exceptions to posting requirements.
20.1904 Labeling containers.
20.1905 Exemptions to labeling requirements.
20.1906 Procedures for receiving and opening packages.

Subpart K—Waste Disposal

20.2001 General requirements.
20.2002 Method for obtaining approval of proposed disposal procedures.
20.2003 Disposal by release into sanitary sewerage.
20.2004 Treatment or disposal by incineration.
20.2005 Disposal of specific wastes.
20.2006 Transfer for disposal and manifests.
20.2007 Compliance with environmental and health protection regulations.

Subpart L—Records

20.2101 General provisions.
20.2102 Records of radiation protection programs.
20.2103 Records of surveys.
20.2104 Determination of prior occupational dose.
20.2105 Records of planned special exposures.
20.2106 Records of individual monitoring results.
20.2107 Records of dose to individual members of the public.
20.2108 Records of waste disposal.
20.2109 Records of testing entry control devices for very high radiation areas.
20.2110 Form of records.

Subpart M—Reports

20.2201 Reports of theft or loss of licensed material.
20.2202 Notification of incidents.
20.2203 Reports of exposures, radiation levels, and concentrations of radioactive material exceeding the limits.
20.2204 Reports of planned special exposures.
20.2205 [Reserved]
20.2206 Reports of individual monitoring.

Subpart N—Exemptions and Additional Requirements

20.2301 Applications for exemptions.
20.2302 Additional requirements.

Subpart O—Enforcement

20.2401 Violations.

Regulations Mandatory as of January 1, 1993 With Earlier Compliance Encouraged

Subpart A—General Provisions

§ 20.1001 Purpose.

(a) The regulations in this part establish standards for protection against ionizing radiation resulting from activities conducted under licenses issued by the Nuclear Regulatory Commission. These regulations are issued under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended.

(b) It is the purpose of the regulations in this part to control the receipt, possession, use, transfer, and disposal of licensed material by any licensee in such a manner that the total dose to an individual (including doses resulting from licensed and unlicensed radioactive material and from radiation sources other than background radiation) does not exceed the standards for protection against radiation prescribed in the regulations in this part. However, nothing in this part shall be construed as limiting actions that may be necessary to protect health and safety.

§ 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 35, 39, 40, 50, 60, 61, 70, or 72 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, or to voluntary participation in medical research programs.

§ 20.1003 Definitions.

As used in this part:

Absorbed dose means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the rad and the gray (Gy).

Act means the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), as amended.

Activity is the rate of disintegration (transformation) or decay of radioactive material. The units of activity are the curie (Ci) and the becquerel (Bq).

Adult means an individual 18 or more years of age.

Airborne radioactive material means radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors, or gases.

Airborne radioactivity area means a room, enclosure, or area in which airborne radioactive materials, composed wholly or partly of licensed material, exist in concentrations—

(1) In excess of the derived air concentrations (DACs) specified in appendix B, to §§ 20.1001–20.2401, or

(2) To such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.

ALARA (acronym for "as low as is reasonably achievable") means making every reasonable effort to maintain exposures to radiation as far below the dose limits in this part as is practical consistent with the purpose for which the licensed activity is undertaken, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed materials in the public interest.

Annual limit on intake (ALI) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 5 rems (0.05 Sv) or a committed dose equivalent of 50 rems (0.5 Sv) to any individual organ or tissue. (ALI values for intake by ingestion and by inhalation of selected radionuclides are given in Table 1, Columns 1 and 2, of appendix B to §§ 20.1001–20.2401).

Background radiation means radiation from cosmic sources; naturally occurring radioactive materials, including radon (except as a decay product of source or special nuclear material) and global fallout as it exists in the environment from the testing of nuclear explosive devices. "Background radiation" does not include radiation from source, byproduct, or special nuclear materials regulated by the Commission.

Bioassay (radiobioassay) means the determination of kinds, quantities or concentrations, and, in some cases, the locations of radioactive material in the human body, whether by direct measurement (in vivo counting) or by analysis and evaluation of materials excreted or removed from the human body.

Byproduct material means—

(1) Any radioactive material (except special nuclear material) yielded in, or made radioactive by, exposure to the radiation incident to the process of producing or utilizing special nuclear material; and

(2) The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "byproduct material" within this definition.

Class (or *lung class* or *inhalation class*) means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: for Class D (Days) of less than 10 days, for Class W (Weeks) from 10 to 100 days, and for Class Y (Years) of greater than 100 days.

Collective dose is the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

Commission means the Nuclear Regulatory Commission or its duly authorized representatives.

Committed dose equivalent ($H_{T,50}$) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

Committed effective dose equivalent ($H_{E,50}$) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to these organs or tissues ($H_{E,50} = \Sigma w_T H_{T,50}$).

Controlled area means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee for any reason.

Declared pregnant woman means a woman who has voluntarily informed her employer, in writing, of her pregnancy and the estimated date of conception.

Deep-dose equivalent (H_d), which applies to external whole-body exposure, is the dose equivalent at a tissue depth of 1 cm (1000 mg/cm^2).

Department means the Department of Energy established by the Department of Energy Organization Act (Pub. L. 95–91, 91 Stat. 565, 42 U.S.C. 7101 et seq.) to the extent that the Department, or its duly authorized representatives, exercises functions formerly vested in the U.S. Atomic Energy Commission, its Chairman, members, officers, and components and transferred to the U.S. Energy Research and Development Administration and to the Administrator thereof pursuant to sections 104 (b), (c), and (d) of the Energy Reorganization Act of 1974 (Pub. L. 93–438, 88 Stat. 1233 at 1237, 42 U.S.C. 5814) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (Pub. L. 95–91, 91 Stat 565 at 577–578, 42 U.S.C. 7151).

Derived air concentration (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of 2,000 hours under conditions of light work (inhalation rate 1.2 cubic meters of air per hour), results in an intake of one ALI. DAC values are given in Table 1, Column 3, of appendix B to §§ 20.1001–20.2401.

Derived air concentration-hour (DAC-hour) is the product of the concentration of radioactive material in air (expressed as a fraction or multiple of the derived air concentration for each radionuclide) and the time of exposure to that radionuclide, in hours. A licensee may take 2,000 DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of 5 rems (0.05 Sv).

Dose or *radiation dose* is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, or total effective dose equivalent, as defined in other paragraphs of this section.

Dose equivalent (H_T) means the product of the absorbed dose in tissue,

quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the rem and sievert (Sv).

Dosimetry processor means an individual or an organization that processes and evaluates individual monitoring equipment in order to determine the radiation dose delivered to the equipment.($H_{E,50} = \Sigma w_T H_{T,50}$)

Effective dose equivalent (H_E) is the sum of the products of the dose equivalent to the organ or tissue (H_T) and the weighting factors (w_T) applicable to each of the body organs or tissues that are irradiated ($H_E = \Sigma w_T H_T$).

Embryo/fetus means the developing human organism from conception until the time of birth.

Entrance or access point means any location through which an individual could gain access to radiation areas or to radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

Exposure means being exposed to ionizing radiation or to radioactive material.

External dose means that portion of the dose equivalent received from radiation sources outside the body.

Extremity means hand, elbow, arm below the elbow, foot, knee, or leg below the knee.

Eye dose equivalent applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm^2).

Generally applicable environmental radiation standards means standards issued by the Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

Government agency means any executive department, commission, independent establishment, corporation wholly or partly owned by the United States of America, which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

Gray [See § 20.1004].

High radiation area means an area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the radiation source or from any surface that the radiation penetrates.

Individual means any human being.

Individual monitoring means—

(1) The assessment of dose equivalent by the use of devices designed to be worn by an individual;

(2) The assessment of committed effective dose equivalent by bioassay (see *Bioassay*) or by determination of the time-weighted air concentrations to which an individual has been exposed, i.e., DAC-hours; or

(3) The assessment of dose equivalent by the use of survey data.

Individual Monitoring Devices (individual monitoring equipment) means devices designed to be worn by a single individual for the assessment of dose equivalent such as film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, and personal ("lapel") air sampling devices.

Internal dose means that portion of the dose equivalent received from radioactive material taken into the body.

License means a license issued under the regulations in parts 30 through 35, 39, 40, 50, 60, 61, 70, or 72 of this chapter.

Licensed material means source material, special nuclear material, or byproduct material received, possessed, used, transferred or disposed of under a general or specific license issued by the Commission.

Licensee means the holder of a license.

Limits (dose limits) means the permissible upper bounds of radiation doses.

Lost or missing licensed material means licensed material whose location is unknown. It includes material that has been shipped but has not reached its destination and whose location cannot be readily traced in the transportation system.

Member of the public means an individual in a controlled or unrestricted area. However, an individual is not a member of the public during any period in which the individual receives an occupational dose.

Minor means an individual less than 18 years of age.

Monitoring (radiation monitoring, radiation protection monitoring) means the measurement of radiation levels, concentrations, surface area concentrations or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

Nonstochastic effect means health effects, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect (also called a deterministic effect).

NRC means the Nuclear Regulatory Commission or its duly authorized representatives.

Occupational dose means the dose received by an individual in a restricted area or in the course of employment in which the individual's assigned duties involve exposure to radiation and to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee or other person. Occupational dose does not include dose received from background radiation, as a patient from medical practices, from voluntary participation in medical research programs, or as a member of the general public.

Person means—

(1) Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission or the Department of Energy (except that the Department shall be considered a person within the meaning of the regulations in 10 CFR chapter I to the extent that its facilities and activities are subject to the licensing and related regulatory authority of the Commission under section 202 of the Energy Reorganization Act of 1974 (88 Stat. 1244), the Uranium Mill Tailings Radiation Control Act of 1978 (92 Stat. 3021), the Nuclear Waste Policy Act of 1982 (96 Stat. 2201), and section 3(b)(2) of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (99 Stat. 1842)), any State or any political subdivision of or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and

(2) Any legal successor, representative, agent, or agency of the foregoing.

Planned special exposure means an infrequent exposure to radiation, separate from and in addition to the annual dose limits.

Public dose means the dose received by a member of the public from exposure to radiation and to radioactive material released by a licensee, or to another source of radiation either within a licensee's controlled area or in unrestricted areas. It does not include occupational dose or doses received from background radiation, as a patient from medical practices, or from voluntary participation in medical research programs.

Quality Factor (Q) means the modifying factor (listed in tables

1004(b).1 and 1004(b).2 of § 20.1004) that is used to derive dose equivalent from absorbed dose.

Quarter means a period of time equal to one-fourth of the year observed by the licensee (approximately 13 consective weeks), providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

Rad (See § 20.1004).

Radiation (ionizing radiation) means alpha particles, beta particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, and other particles capable of producing ions. Radiation, as used in this part, does not include non-ionizing radiation, such as radio- or microwaves, or visible, infrared, or ultraviolet light.

Radiation area means an area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.005 rem (0.05 mSv) in 1 hour at 30 centimeters from the radiation source or from any surface that the radiation penetrates.

Reference man means a hypothetical aggregation of human physical and physiological characteristics arrived at by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base.

Rem (See § 20.1004).

Respiratory protective device means an apparatus, such as a respirator, used to reduce the individual's intake of airborne radioactive materials.

Restricted area means an area, access to which is limited by the licensee for the purpose of protecting individuals against undue risks from exposure to radiation and radioactive materials. Restricted area does not include areas used as residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

Sanitary sewerage means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee.

Shallow-dose equivalent (H_s), which applies to the external exposure of the skin or an extremity, is taken as the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm^2) averaged over an area of 1 square centimeter.

Sievert (See § 20.1004).

Site boundary means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee.

Source material means—

(1) Uranium or thorium or any combination of uranium and thorium in any physical or chemical form; or

(2) Ores that contain, by weight, one-twentieth of 1 percent (0.05 percent), or more, of uranium, thorium, or any combination of uranium and thorium. Source material does not include special nuclear material.

Special nuclear material means—

(1) Plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material, but does not include source material; or

(2) Any material artificially enriched by any of the foregoing but does not include source material.

Stochastic effects means health effects that occur randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects.

Survey means an evalulation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive material or other sources of radiation. When appropriate, such an evaluation includes a physical survey of the location of radioactive material and measurements or calculations of levels of radiation, or concentrations or quantities of radioactive material present.

Total Effective Dose Equivalent (TEDE) means the sum of the deep-dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).

Unrestricted area means an area, access to which is neither limited nor controlled by the licensee.

Uranium fuel cycle means the operations of milling of uranium ore, chemical conversion of uranium, isotopic enrichment of uranium, fabrication of uranium fuel, generation of electricity by a light-water-cooled nuclear power plant using uranium fuel, and reprocessing of spent uranium fuel to the extent that these activities directly support the production of electrical power for public use. Uranium fuel cycle does not include mining operations, operations at waste disposal sites, transportation of radioactive material in support of these operations, and the reuse of recovered non-uranium special nuclear and byproduct materials from the cycle.

Very high radiation area means an area, accessible to individuals, in which radiation levels could result in an individual receiving an absorbed dose in excess of 500 rads (5 grays) in 1 hour at 1 meter from a radiation source or from any surface that the radiation penetrates.

[Note: At very high doses received at high dose rates, units of absorbed dose (e.g., rads and grays) are appropriate, rather than units of dose equivalent (e.g., rems and sieverts)].

Week means 7 consecutive days starting on Sunday.

Weighting factor w_T, for an organ or tissue (T) is the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of w_T are:

ORGAN DOSE WEIGHTING FACTORS

Organ or tissue	w_T
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	[1] 0.30
Whole Body	[2] 1.00

[1] 0.30 results from 0.06 for each of 5 "remainder" organs (excluding the skin and the lens of the eye) that receive the highest doses.

[2] For the purpose of weighting the external whole body dose (for adding it to the internal dose), a single weighting factor, $w_T = 1.0$, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

Whole body means, for purposes of external exposure, head, trunk (including male gonads), arms above the elbow, or legs above the knee.

Working level (WL) is any combination of short-lived radon daughters (for radon-222: polonium-218, lead-214, bismuth-214, and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212, and polonium-212) in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy.

Working level month (WLM) means an exposure to 1 working level for 170 hours (2,000 working hours per year/12 months per year = approximately 170 hours per month).

Year means the period of time beginning in January used to determine compliance with the provisions of this part. The licensee may change the starting date of the year used to determine compliance by the licensee provided that the change is made at the beginning of the year and that no day is

omitted or duplicated in consecutive years.

§ 20.1004 Units of radiation dose.

(a) Definitions. As used in this part, the units of radiation dose are:

Gray (Gy) is the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 Joule/kilogram (100 rads).

Rad is the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 ergs/gram or 0.01 joule/kilogram (0.01 gray).

Rem is the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rems is equal to the absorbed dose in rads multiplied by the quality factor (1 rem=0.01 sievert).

Sievert is the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sieverts is equal to the absorbed dose in grays multiplied by the quality factor (1 Sv=100 rems).

(b) As used in this part, the quality factors for converting absorbed dose to dose equivalent are shown in table 1004(b).1.

TABLE 1004(b).1.—QUALITY FACTORS AND ABSORBED DOSE EQUIVALENCIES

Type of radiation	Quality factor (Q)	Absorbed dose equal to a unit dose equivalent [a]
X-, gamma, or beta radiation	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

[a] Absorbed dose in rad equal to 1 rem or the absorbed dose in gray equal to 1 sievert.

(c) If it is more convenient to measure the neutron fluence rate than to determine the neutron dose equivalent rate in rems per hour or sieverts per hour, as provided in paragraph (b) of this section, 1 rem (0.01 Sv) of neutron radiation of unknown energies may, for purposes of the regulations in this part, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee may use the fluence rate per unit dose equivalent or the appropriate Q value from table 1004(b).2 to convert a measured tissue dose in rads to dose equivalent in rems.

TABLE 1004(b).2.—MEAN QUALITY FACTORS, Q, AND FLUENCE PER UNIT DOSE EQUIVALENT FOR MONOENERGETIC NEUTRONS

	Neutron energy (MeV)	Quality factor [a] (Q)	Fluence per unit dose equivalent [b] (neutrons cm^{-2} rem^{-1})
(thermal)	2.5×10^{-8}	2	980×10^{6}
	1×10^{-7}	2	980×10^{6}
	1×10^{-6}	2	810×10^{6}
	1×10^{-5}	2	810×10^{6}
	1×10^{-4}	2	840×10^{6}
	1×10^{-3}	2	980×10^{6}
	1×10^{-2}	2.5	1010×10^{6}
	1×10^{-1}	7.5	170×10^{6}
	5×10^{-1}	11	39×10^{6}
	1	11	27×10^{6}
	2.5	9	29×10^{6}
	5	8	23×10^{6}
	7	7	24×10^{6}
	10	6.5	24×10^{6}
	14	7.5	17×10^{6}
	20	8	16×10^{6}
	40	7	14×10^{6}
	60	5.5	16×10^{6}
	1×10^{2}	4	20×10^{6}
	2×10^{2}	3.5	19×10^{6}
	3×10^{2}	3.5	16×10^{6}
	4×10^{2}	3.5	14×10^{6}

[a] Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-cm diameter cylinder tissue-equivalent phantom.

[b] Monoenergetic neutrons incident normally on a 30-cm diameter cylinder tissue-equivalent phantom.

§ 20.1005 Units of radioactivity.

For the purposes of this part, activity is expressed in the special unit of curies (Ci) or in the SI unit of becquerels (Bq), or their multiples, or disintegrations (transformations) per unit of time.

(a) One becquerel=1 disintegration per second (s^{-1}). (b) One curie=3.7×10^{10} disintegrations per second=3.7×10^{10} becquerels=2.22×10^{12} disintegrations per minute.

§ 20.1006 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 20.1007 Communications.

Unless otherwise specified, communications or reports concerning the regulations in this part should be addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555. A communication, report, or application may be delivered in person to the Office of the Executive Director for Operations, 11555 Rockville Pike, Rockville, MD 20852.

§ 20.1008 Implementation.

(a) Licensees shall implement the provisions of §§ 20.1001–20.2401 on or before January 1, 1993. If a licensee chooses to implement the provisions of §§ 20.1001–20.2401 prior to January 1, 1993, the licensee shall implement all provisions of these sections not otherwise exempted by paragraph (d) of this section, and shall provide written notification to either the Director of the Office of Nuclear Materials Safety and Safeguards or the Director of the Office of Nuclear Reactor Regulation, as appropriate, that the licensee is adopting early implementation of §§ 20.1001–20.2401 and associated appendices. Until January 1, 1993, or until the licensee notifies the Commission of early implementation, compliance will be required with §§ 20.1–20.601 of this part.

(b) After the time the licensee implements §§ 20.1001–20.2401, the applicable section of §§ 20.1001–20.2401 shall be used in lieu of any section in §§ 20.1–20.601 of this part that is cited in license conditions or technical specifications, except as specified in paragraphs (c), (d) and (e) of this section. If the requirements of this part are more restrictive than the existing license condition, then the licensee shall comply with this part unless exempted by paragraph (d) of this section.

(c) Any existing license condition or technical specification that is more restrictive than a requirement in §§ 20.1001–20.2401 remains in force until there is a technical specification change, license amendment, or license renewal.

(d) If a license condition or technical specification exempted a licensee from a provision of Part 20 in §§ 20.1–20.601, it exempts a licensee from the corresponding provision of §§ 20.1001–20.2401.

(e) If a license condition cites provisions in §§ 20.1–20.601 and there are no corresponding provisions in §§ 20.1001–20.2401, then the license condition remains in force until there is a technical specification change, license amendment, or license renewal that modifies or removes this condition.

§ 20.1009 Reporting, recording, and application requirements: OMB approval.

(a) The Nuclear Regulatory Commission will submit the information collection requirements contained in this part to the Office of Management and Budget for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). The information collection requirements in this part will not become effective until OMB clearance is obtained and published in the **Federal Register.**

(b) The information collection requirements contained in this part appear in §§ 20.1101, 20.1202, 20.1204, 20.1206, 20.1301, 20.1501, 20.1601, 20.1603, 20.1703, 20.1901, 20.1902, 20.1904, 20.1906, 20.2002, 20.2004, 20.2006, 20.2102, 20.2103, 20.2104, 20.2105, 20.2106, 20.2107, 20.2108, 20.2109, 20.2110, 20.2201, 20.2202, 20.2203, 20.2204, 20.2206, Appendix F to §§ 20.1001–20.2401, and NRC Form 4 and NRC Form 5.

Subpart B—Radiation Protection Programs

§ 20.1101 Radiation protection programs.

(a) Each licensee shall develop, document, and implement a radiation protection program commensurate with the scope and extent of licensed activities and sufficient to ensure compliance with the provisions of this part. (See § 20.2102 for recordkeeping requirements relating to these programs.)

(b) The licensee shall use, to the extent practicable, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and doses to members of the public that are as low as is reasonably achievable (ALARA).

(c) The licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Subpart C—Occupational Dose Limits

§ 20.1201 Occupational dose limits for adults.

(a) The licensee shall control the occupational dose to individual adults, except for planned special exposures under § 20.1206, to the following dose limits.

(1) An annual limit, which is the more limiting of—

(i) The total effective dose equivalent being equal to 5 rems (0.05 Sv); or

(ii) The sum of the deep-dose equivalent and the committed dose equivalent to any individual organ or tissue other than the lens of the eye being equal to 50 rems (0.5 Sv).

(2) The annual limits to the lens of the eye, to the skin, and to the extremities, which are:

(i) An eye dose equivalent of 15 rems (0.15 Sv), and

(ii) A shallow-dose equivalent of 50 rems (0.50 Sv) to the skin or to any extremity.

(b) Doses received in excess of the annual limits, including doses received during accidents, emergencies, and planned special exposures, must be subtracted from the limits for planned special exposures that the individual may receive during the current year (see § 20.1206(e)(1)) and during the individual's lifetime (see § 20.1206(e)(2)).

(c) The assigned deep-dose equivalent and shallow-dose equivalent must be for the part of the body receiving the highest exposure. The deep-dose equivalent, eye dose equivalent and shallow-dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure, or the results of individual monitoring are unavailable.

(d) Derived air concentration (DAC) and annual limit on intake (ALI) values are presented in table 1 of appendix B to §§ 20.1001–20.2401 and may be used to determine the individual's dose (see § 20.2106) and to demonstrate compliance with the occupational dose limits.

(e) In addition to the annual dose limits, the licensee shall limit the soluble uranium intake by an individual to 10 milligrams in a week in consideration of chemical toxicity (see footnote 3 of appendix B to §§ 20.1001–20.2401).

(f) The licensee shall reduce the dose that an individual may be allowed to receive in the current year by the amount of occupational dose received while employed by any other person (see § 20.2104(e)).

§ 20.1202 Compliance with requirements for summation of external and internal doses.

(a) If the licensee is required to monitor under both §§ 20.1502(a) and (b), the licensee shall demonstrate compliance with the dose limits by summing external and internal doses. If the licensee is required to monitor only under § 20.1502(a) or only under § 20.1502(b), then summation is not required to demonstrate compliance with the dose limits. The licensee may demonstrate compliance with the requirements for summation of external and internal doses by meeting one of the conditions specified in paragraph (b) of this section and the conditions in paragraphs (c) and (d) of this section.

(Note: The dose equivalents for the lens of the eye, the skin, and the extremities are not included in the summation, but are subject to separate limits.)

(b) *Intake by inhalation.* If the only intake of radionuclides is by inhalation, the total effective dose equivalent limit is not exceeded if the sum of the deep-dose equivalent divided by the total effective dose equivalent limit, and one of the following, does not exceed unity:

(1) The sum of the fractions of the inhalation ALI for each radionuclide, or

(2) The total number of derived air concentration-hours (DAC-hours) for all radionuclides divided by 2,000, or

(3) The sum of the calculated committed effective dose equivalents to all significantly irradiated[1] organs or tissues (T) calculated from bioassay data using appropriate biological models and expressed as a fraction of the annual limit.

(c) *Intake by oral ingestion.* If the occupationally exposed individual also receives an intake of radionuclides by oral ingestion greater than 10 percent of the applicable oral ALI, the licensee shall account for this intake and include it in demonstrating compliance with the limits.

(d) *Intake through wounds or absorption through skin.* The licensee shall evaluate and, to the extent practical, account for intakes through wounds or skin absorption.

Note: The intake through intact skin has been included in the calculation of DAC for hydrogen-3 and does not need to be further evaluated.

§ 20.1203 Determination of external dose from airborne radioactive material.

Licensees shall, when determining the dose from airborne radioactive material, include the contribution to the deep-dose equivalent, eye dose equivalent, and shallow-dose equivalent from external exposure to the radioactive cloud (see appendix B to §§ 20.1001–20.2401, footnotes 1 and 2).

Note: Airborne radioactivity measurements and DAC values should not be used as the primary means to assess the deep-dose equivalent when the airborne radioactive material includes radionuclides other than noble gases or if the cloud of airborne radioactive material is not relatively uniform. The determination of the deep-dose equivalent to an individual should be based upon measurements using instruments or individual monitoring devices.

§ 20.1204 Determination of internal exposure.

(a) For purposes of assessing dose used to determine compliance with occupational dose equivalent limits, the licensee shall, when required under § 20.1502, take suitable and timely measurements of—

(1) Concentrations of radioactive materials in air in work areas; or

(2) Quantities of radionuclides in the body; or

[1] An organ or tissue is deemed to be significantly irradiated if, for that organ or tissue, the product of the weighting factors, w_T, and the committed dose equivalent, H_{50}, per unit intake is greater than 10 percent of the maximum weighted value of H_{50} (i.e., $w_T H_{50,T}$) per unit intake for any organ or tissue.

(3) Quantities of radionuclides excreted from the body; or

(4) Combinations of these measurements.

(b) Unless respiratory protective equipment is used, as provided in § 20.1703, or the assessment of intake is based on bioassays, the licensee shall assume that an individual inhales radioactive material at the airborne concentration in which the individual is present.

(c) When specific information on the physical and biochemical properties of the radionuclides taken into the body or the behavior or the material in an individual is known, the licensee may—

(1) Use that information to calculate the committed effective dose equivalent, and, if used, the licensee shall document that information in the individual's record; and

(2) Upon prior approval of the Commission, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material (e.g., aerosol size distribution or density); and

(3) Separately assess the contribution of fractional intakes of Class D, W, or Y compounds of a given radionuclide (see appendix B to §§ 20.1001–20.2401) to the committed effective dose equivalent.

(d) If the licensee chooses to assess intakes of Class Y material using the measurements given in § 20.1204(a)(2) or (3), the licensee may delay the recording and reporting of the assessments for periods up to 7 months, unless otherwise required by §§ 20.2202 or 20.2203, in order to permit the licensee to make additional measurements basic to the assessments.

(e) If the identity and concentration of each radionuclide in a mixture are known, the fraction of the DAC applicable to the mixture for use in calculating DAC-hours must be either—

(1) The sum of the ratios of the concentration to the appropriate DAC value (e.g., D, W, Y) from appendix B to §§ 20.1001–20.2401 for each radionuclide in the mixture; or

(2) The ratio of the total concentration for all radionuclides in the mixture to the most restrictive DAC value for any radionuclide in the mixture.

(f) If the identity of each radionuclide in a mixture is known, but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture must be the most restrictive DAC of any radionuclide in the mixture.

(g) When a mixture of radionuclides in air exists, licensees may disregard certain radionuclides in the mixture if—

(1) The licensee uses the total activity of the mixture in demonstrating compliance with the dose limits in § 20.1201 and in complying with the monitoring requirements in § 20.1502(b), and

(2) The concentration of any radionuclide disregarded is less than 10 percent of its DAC, and

(3) The sum of these percentages for all of the radionuclides disregarded in the mixture does not exceed 30 percent.

(h)(1) In order to calculate the committed effective dose equivalent, the licensee may assume that the inhalation of one ALI, or an exposure of 2,000 DAC-hours, results in a committed effective dose equivalent of 5 rems (0.05 Sv) for radionuclides that have their ALIs or DACs based on the committed effective dose equivalent.

(2) When the ALI (and the associated DAC) is determined by the nonstochastic organ dose limit of 50 rems (0.5 Sv), the intake of radionuclides that would result in a committed effective dose equivalent of 5 rems (0.05 Sv) (the stochastic ALI) is listed in parentheses in table 1 of appendix B to §§ 20.1001–20.2401. In this case, the licensee may, as a simplifying assumption, use the stochastic ALIs to determine committed effective dose equivalent. However, if the licensee uses the stochastic ALIs, the licensee must also demonstrate that the limit in § 20.1201(a)(1)(ii) is met.

§ 20.1205 [Reserved]

§ 20.1206 Planned special exposures.

A licensee may authorize an adult worker to receive doses in addition to and accounted for separately from the doses received under the limits specified in § 20.1201 provided that each of the following conditions is satisfied—

(a) The licensee authorizes a planned special exposure only in an exceptional situation when alternatives that might avoid the higher exposure are unavailable or impractical.

(b) The licensee (and employer if the employer is not the licensee) specifically authorizes the planned special exposure, in writing, before the exposure occurs.

(c) Before a planned special exposure, the licensee ensures that the individuals involved are—

(1) Informed of the purpose of the planned operation;

(2) Informed of the estimated doses and associated potential risks and specific radiation levels or other conditions that might be involved in performing the task; and

(3) Instructed in the measures to be taken to keep the dose ALARA considering other risks that may be present.

(d) Prior to permitting an individual to participate in a planned special exposure, the licensee ascertains prior doses as required by § 20.2104(b) during the lifetime of the individual for each individual involved.

(e) Subject to § 20.1201(b), the licensee does not authorize a planned special exposure that would cause an individual to receive a dose from all planned special exposures and all doses in excess of the limits to exceed—

(1) The numerical values of any of the dose limits in § 20.1201(a) in any year; and

(2) Five times the annual dose limits in § 20.1201(a) during the individual's lifetime.

(f) The licensee maintains records of the conduct of a planned special exposure in accordance with § 20.2105 and submits a written report in accordance with § 20.2204.

(g) The licensee records the best estimate of the dose resulting from the planned special exposure in the individual's record and informs the individual, in writing, of the dose within 30 days from the date of the planned special exposure. The dose from planned special exposures is not to be considered in controlling future occupational dose of the individual under § 20.1201(a) but is to be included in evaluations required by § 20.1206 (d) and (e).

§ 20.1207 Occupational dose limits for minors.

The annual occupational dose limits for minors are 10 percent of the annual dose limits specified for adult workers in § 20.1201.

§ 20.1208 Dose to an embryo/fetus.

(a) The licensee shall ensure that the dose to an embryo/fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman, does not exceed 0.5 rem (5 mSv). (For recordkeeping requirements, see § 20.2106.)

(b) The licensee shall make efforts to avoid substantial variation above a uniform monthly exposure rate to a declared pregnant woman so as to satisfy the limit in paragraph (a) of this section.

(c) The dose to an embryo/fetus shall be taken as the sum of—

(1) The deep-dose equivalent to the declared pregnant woman; and

(2) The dose to the embryo/fetus from radionuclides in the embryo/fetus and radionuclides in the declared pregnant woman.

(d) If the dose to the embryo/fetus is found to have exceeded 0.5 rem (5 mSv),

or is within 0.05 rem (0.5 mSv) of this dose, by the time the woman declares the pregnancy to the licensee, the licensee shall be deemed to be in compliance with paragraph (a) of this section if the additional dose to the embryo/fetus does not exceed 0.05 rem (0.5 mSv) during the remainder of the pregnancy.

Subpart D—Radiation Dose Limits for Individual Members of the Public

§ 20.1301 Dose limits for individual members of the public.

(a) Each licensee shall conduct operations so that—

(1) The total effective dose equivalent to individual members of the public from the licensed operation does not exceed 0.1 rem (1 mSv) in a year, exclusive of the dose contribution from the licensee's disposal of radioactive material into sanitary sewerage in accordance with § 20.2003, and

(2) The dose in any unrestricted area from external sources does not exceed 0.002 rem (0.02 mSv) in any one hour.

(b) If the licensee permits members of the public to have access to controlled areas, the limits for members of the public continue to apply to those individuals.

(c) A licensee or license applicant may apply for prior NRC authorization to operate up to an annual dose limit for an individual member of the public of 0.5 rem (5 mSv). The licensee or license applicant shall include the following information in this application:

(1) Demonstration of the need for and the expected duration of operations in excess of the limit in paragraph (a) of this section;

(2) The licensee's program to assess and control dose within the 0.5 rem (5 mSv) annual limit; and

(3) The procedures to be followed to maintain the dose as low as is reasonably achievable.

(d) In addition to the requirements of this part, a licensee subject to the provisions of EPA's generally applicable environmental radiation standards in 40 CFR Part 190 shall comply with those standards.

(e) The Commission may impose additional restrictions on radiation levels in unrestricted areas and on the total quantity of radionuclides that a licensee may release in effluents in order to restrict the collective dose.

§ 20.1302 Compliance with dose limits for individual members of the public.

(a) The licensee shall make or cause to be made, as appropriate, surveys of radiation levels in unrestricted and controlled areas and radioactive materials in effluents released to unrestricted and controlled areas to demonstrate compliance with the dose limits for individual members of the public in § 20.1301.

(b) A licensee shall show compliance with the annual dose limit in § 20.1301 by—

(1) Demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed operation does not exceed the annual dose limit; or

(2) Demonstrating that—

(i) The annual average concentrations of radioactive material released in gaseous and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in table 2 of appendix B to §§ 20.1001–20.2401; and

(ii) If an individual were continually present in an unrestricted area, the dose from external sources would not exceed 0.002 rem (0.02 mSv) in an hour and 0.05 rem (0.5 mSv) in a year.

(c) Upon approval from the Commission, the licensee may adjust the effluent concentration values in appendix B to §§ 20.1001–20.2401, table 2, for members of the public, to take into account the actual physical and chemical characteristics of the effluents (e.g., aerosal size distribution, solubility, density, radioactive decay equilibrium, chemical form).

Subpart E—[Reserved]

Subpart F—Surveys and Monitoring

§ 20.1501 General.

(a) Each licensee shall make or cause to be made, surveys that—

(1) May be necessary for the licensee to comply with the regulations in this part; and

(2) Are reasonable under the circumstances to evaluate—

(i) The extent of radiation levels; and

(ii) Concentrations or quantities of radioactive material; and

(iii) The potential radiological hazards that could be present.

(b) The licensee shall ensure that instruments and equipment used for quantitative radiation measurements (e.g., dose rate and effluent monitoring) are calibrated periodically for the radiation measured.

(c) All personnel dosimeters (except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to the extremities) that require processing to determine the radiation dose and that are used by licensees to comply with § 20.1201, with other applicable provisions of this chapter, or with conditions specified in a license must be processed and evaluated by a dosimetry processor—

(1) Holding current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and

(2) Approved in this accreditation process for the type of radiation or radiations included in the NVLAP program that most closely approximates the type of radiation or radiations for which the individual wearing the dosimeter is monitored.

§ 20.1502 Conditions requiring individual monitoring of external and internal occupational dose.

Each licensee shall monitor exposures to radiation and radioactive material at levels sufficient to demonstrate compliance with the occupational dose limits of this part. As a minimum—

(a) Each licensee shall monitor occupational exposure to radiation and shall supply and require the use of individual monitoring devices by—

(1) Adults likely to receive, in 1 year from sources external to the body, a dose in excess of 10 percent of the limits in § 20.1201(a),

(2) Minors and declared pregnant women likely to receive, in 1 year from sources external to the body, a dose in excess of 10 percent of any of the applicable limits in § 20.1207 or § 20.1208, and

(3) Individuals entering a high or very high radiation area.

(b) Each licensee shall monitor (see § 20.1204) the occupational intake of radioactive material by and assess the committed effective dose equivalent to—

(1) Adults likely to receive, in 1 year, an intake in excess of 10 percent of the applicable ALI(s) in table 1, Columns 1 and 2, of appendix B to §§ 20.1001–20.2401; and

(2) Minors and declared pregnant women likely to receive, in 1 year, a committed effective dose equivalent in excess of 0.05 rem (0.5 mSv).

Subpart G—Control of Exposure From External Sources in Restricted Areas

§ 20.1601 Control of access to high radiation areas.

(a) The licensee shall ensure that each entrance or access point to a high radiation area has one or more of the following features—

(1) A control device that, upon entry into the area, causes the level of radiation to be reduced below that level at which an individual might receive a

deep-dose equivalent of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the radiation source or from any surface that the radiation penetrates;

(2) A control device that energizes a conspicuous visible or audible alarm signal so that the individual entering the high radiation area and the supervisor of the activity are made aware of the entry; or

(3) Entryways that are locked, except during periods when access to the areas is required, with positive control over each individual entry.

(b) In place of the controls required by paragraph (a) of this section for a high radiation area, the licensee may substitute continuous direct or electronic surveillance that is capable of preventing unauthorized entry.

(c) A licensee may apply to the Commission for approval of alternative methods for controlling access to high radiation areas.

(d) The licensee shall establish the controls required by paragraphs (a) and (c) of this section in a way that does not prevent individuals from leaving a high radiation area.

(e) Control is not required for each entrance or access point to a room or other area that is a high radiation area solely because of the presence of radioactive materials prepared for transport and packaged and labeled in accordance with the regulations of the Department of Transportation provided that—

(1) The packages do not remain in the area longer than 3 days; and

(2) The dose rate at 1 meter from the external surface of any package does not exceed 0.01 rem (0.1 mSv) per hour.

(f) Control of entrance or access to rooms or other areas in hospitals is not required solely because of the presence of patients containing radioactive material, provided that there are personnel in attendance who will take the necessary precautions to prevent the exposure of individuals to radiation or radioactive material in excess of the limits established in this part and to operate within the ALARA provisions of the licensee's radiation protection program.

§ 20.1602 Control of access to very high radiation areas.

In addition to the requirements in § 20.1601, the licensee shall institute additional measures to ensure that an individual is not able to gain unauthorized or inadvertent access to areas in which radiation levels could be encountered at 500 rads (5 grays) or more in 1 hour at 1 meter from a radiation source or any surface through which the radiation penetrates.

§ 20.1603 Control of access to very high radiation areas—irradiators.

(a) Each area in which there may exist radiation levels in excess of 500 rads (5 grays) in 1 hour at 1 meter from a sealed radioactive source [2] that is used to irradiate materials must meet the following requirements.

(1) Each entrance or access point must be equipped with entry control devices which—

(i) Function automatically to prevent any individual from inadvertently entering the area when very high radiation levels exist;

(ii) Permit deliberate entry into the area only after a control device is actuated that causes the radiation level within the area, from the sealed source, to be reduced below that at which it would be possible for an individual to receive a deep-dose equivalent in excess of 0.1 rem (1 mSv) in 1 hour; and

(iii) Prevent operation of the source if the source would produce radiation levels in the area that could result in a deep-dose equivalent to an individual in excess of 0.1 rem (1 mSv) in 1 hour.

(2) Additional control devices must be provided so that, upon failure of the entry control devices to function as required by paragraph (a)(1) of this section—

(i) The radiation level within the area, from the sealed source, is reduced below that at which it would be possible for an individual to receive a deep-dose equivalent in excess of 0.1 rem (1 mSv) in 1 hour; and

(ii) Conspicuous visible and audible alarm signals are generated to make an individual attempting to enter the area aware of the hazard and at least one other authorized individual, who is physically present, familiar with the activity, and prepared to render or summon assistance, aware of the failure of the entry control devices.

(3) The licensee shall provide control devices so that, upon failure or removal of physical radiation barriers other than the source's shielded storage container—

(i) The radiation level from the source is reduced below that at which it would be possible for an individual to receive a deep-dose equivalent in excess of 0.1 rem (1 mSv) in 1 hour; and

(ii) Conspicuous visible and audible alarm signals are generated to make potentially affected individuals aware of the hazard and the licensee or at least one other individual, who is familiar with the activity and prepared to render or summon assistance, aware of the failure or removal of the physical barrier.

(4) When the shield for the stored source is a liquid, the licensee shall provide means to monitor the integrity of the shield and to signal, automatically, loss of adequate shielding.

(5) Physical radiation barriers that comprise permanent structural components, such as walls, that have no credible probability of failure or removal in ordinary circumstances need not meet the requirements of paragraphs (a) (3) and (4) of this section.

(6) Each area must be equipped with devices that will automatically generate conspicuous visible and audible alarm signals to alert personnel in the area before the source can be put into operation and in sufficient time for any individual in the area to operate a clearly identified control device, which must be installed in the area and which can prevent the source from being put into operation.

(7) Each area must be controlled by use of such administrative procedures and such devices as are necessary to ensure that the area is cleared of personnel prior to each use of the source.

(8) Each area must be checked by a radiation measurement to ensure that, prior to the first individual's entry into the area after any use of the source, the radiation level from the source in the area is below that at which it would be possible for an individual to receive a deep-dose equivalent in excess of 0.1 rem (1 mSv) in 1 hour.

(9) The entry control devices required in paragraph (a)(1) of this section must have been tested for proper functioning (see § 20.2109 for recordkeeping requirements).

(i) Testing must be conducted prior to initial operation with the source of radiation on any day (unless operations were continued uninterrupted from the previous day); and

(ii) Testing must be conducted prior to resumption of operation of the source of radiation after any unintended interruption; and

(iii) The licensee shall submit and adhere to a schedule for periodic tests of the entry control and warning systems.

[2] This section applies to radiation from byproduct, source, or special nuclear materials that are used in sealed sources in non-self-shielded irradiators. This section does not apply to radioactive sources that are used in teletherapy, in radiography, or in completely self-shielded irradiators in which the source is both stored and operated within the same shielding radiation barrier and, in the designed configuration of the irradiator, is always physically inaccessible to any individual and cannot create high levels of radiation in an area that is accessible to any individual. This section also does not apply to sources from which the radiation is incidental to some other use or to nuclear reactor-generated radiation.

(10) The licensee may not conduct operations, other than those necessary to place the source in safe condition or to effect repairs on controls, unless control devices are functioning properly.

(11) Entry and exit portals that are used in transporting materials to and from the irradiation area, and that are not intended for use by individuals, must be controlled by such devices and administrative procedures as are necessary to physically protect and warn against inadvertent entry by any individual through these portals. Exit portals for processed materials must be equipped to detect and signal the presence of any loose radiation sources that are carried toward such an exit and to automatically prevent loose radiation sources from being carried out of the area.

(b) Persons holding licenses or applicants for licenses for radiation sources that are within the purview of paragraph (a) of this section and that will be used in a variety of positions or in locations, such as open fields or forests, that make it impracticable to comply with certain requirements of paragraph (a) of this section, such as those for the automatic control of radiation levels, may apply to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, for approval of the use of alternative safety measures. Any alternative safety measures must provide a degree of personnel protection at least eqivalent to those specified in paragraph (a) of this section. At least one of the alternative measures must include an entry-preventing interlock control based on a measurement of the radiation that ensures the absence of high radiation levels before an individual can gain access to the area where such radiation sources are used.

(c) The entry control devices required by paragraphs (a) and (b) of this section must be established in such a way that no individual will be prevented from leaving the area.

Subpart H—Respiratory Protection and Controls to Restrict Internal Exposure in Restricted Areas

§ 20.1701 Use of process or other engineering controls.

The licensee shall use, to the extent practicable, process or other engineering controls (e.g., containment or ventilation) to control the concentrations of radioactive material in air.

§ 20.1702 Use of other controls.

When it is not practicable to apply process or other engineering controls to control the concentrations of radioactive material in air to values below those that define an airborne radioactivity area, the licensee shall, consistent with maintaining the total effective dose equivalent ALARA, increase monitoring and limit intakes by one or more of the following means:

(a) Control of access;

(b) Limitation of exposure times;

(c) Use of respiratory protection equipment; or

(d) Other controls.

§ 20.1703 Use of individual respiratory protection equipment.

(a) If the licensee uses respiratory protection equipment to limit intakes pursuant to § 20.1702—

(1) The licensee shall use only respiratory protection equipment that is tested and certified or had certification extended by the National Institute for Occupational Safety and Health/Mine Safety and Health Administration (NIOSH/MSHA).

(2) If the licensee wishes to use equipment that has not been tested or certified by NIOSH/MSHA, has not had certification extended by NIOSH/MSHA, or for which there is no schedule for testing or certification, the licensee shall submit an application for authorized use of that equipment, including a demonstration by testing, or a demonstration on the basis of reliable test information, that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use.

(3) The licensee shall implement and maintain a respiratory protection program that includes—

(i) Air sampling sufficient to identify the potential hazard, permit proper equipment selection, and estimate exposures;

(ii) Surveys and bioassays, as appropriate, to evaluate actual intakes;

(iii) Testing of respirators for operability immediately prior to each use;

(iv) Written procedures regarding selection, fitting, issuance, maintenance, and testing of respirators, including testing for operability immediately prior to each use; supervision and training of personnel; monitoring, including air sampling and bioassays; and recordkeeping; and

(v) Determination by a physician prior to initial fitting of respirators, and at least every 12 months thereafter, that the individual user is physically able to use the respiratory protection equipment.

(4) The licensee shall issue a written policy statement on respirator usage covering—

(i) The use of process or other engineering controls, instead of respirators;

(ii) The routine, nonroutine, and emergency use of respirators; and

(iii) The periods of respirator use and relief from respirator use.

(5) The licensee shall advise each respirator user that the user may leave the area at any time for relief from respirator use in the event of equipment malfunction, physical or psychological distress, procedural or communication failure, significant deterioration of operating conditions, or any other conditions that might require such relief.

(6) The licensee shall use equipment within limitations for type and mode of use and shall provide proper visual, communication, and other special capabilities (such as adequate skin protection) when needed.

(b) In estimating exposure of individuals to airborne radioactive materials, the licensee may make allowance for respiratory protection equipment used to limit intakes pursuant to § 20.1702, provided that the following conditions, in addition to those in § 20.1703(a), are satisfied:

(1) The licensee selects respiratory protection equipment that provides a protection factor (see appendix A to §§ 20.1001–20.2401) greater than the multiple by which peak concentrations of airborne radioactive materials in the working area ae expected to exceed the values specified in appendix B to §§ 20.1001–20.2401, table 1, column 3. If the selection of a respiratory protection device with a protection factor greater than the peak concentration is inconsistent with the goal specified in § 20.1702 of keeping the total effective dose equivalent ALARA, the licensee may select respiratory protection equipment with a lower protection factor only if such a selection would result in keeping the total effective dose equivalent ALARA. The concentration of radioactive material in the air that is inhaled when respirators are worn may be initially estimated by dividing the average concentration in air, during each period of uninterrupted use, by the protection factor. If the exposure is later found to be greater than estimated, the corrected value must be used; if the exposure is later found to be less than estimated, the corrected value may be used.

(2) The licensee shall obtain authorization from the Commission

before assigning respiratory protection factors in excess of those specified in appendix A to §§ 20.1001–20.2401. The Commission may authorize a licensee to use higher protection factors on receipt of an application that—

(i) Describes the situation for which a need exists for higher protection factors, and

(ii) Demonstrates that the respiratory protection equipment provides these higher protection factors under the proposed conditions of use.

(c) The licensee shall use as emergency devices only respiratory protection equipment that has been specifically certified or had certification extended for emergency use by NOISH/MSHA.

(d) The licensee shall notify, in writing, the Director of the appropriate NRC Regional Office listed in appendix D to §§ 20.1001–20.2401 at least 30 days before the date that respiratory protection equipment is first used under the provisions of either § 20.1703 (a) or (b).

§ 20.1704 Further restrictions on the use of respiratory protection equipment.

The Commission may impose restrictions in addition to those in §§ 20.1702, 20.1703, and appendix A to §§ 20.1001–20.2401 to—

(a) Ensure that the respiratory protection program of the licensee is adequate to limit exposures of individuals to airborne radioactive materials; and

(b) Limit the extent to which a licensee may use respiratory protection equipment instead of process or other engineering controls.

Subpart I—Storage and Control of Licensed Material

§ 20.1801 Security of stored material.

The licensee shall secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas.

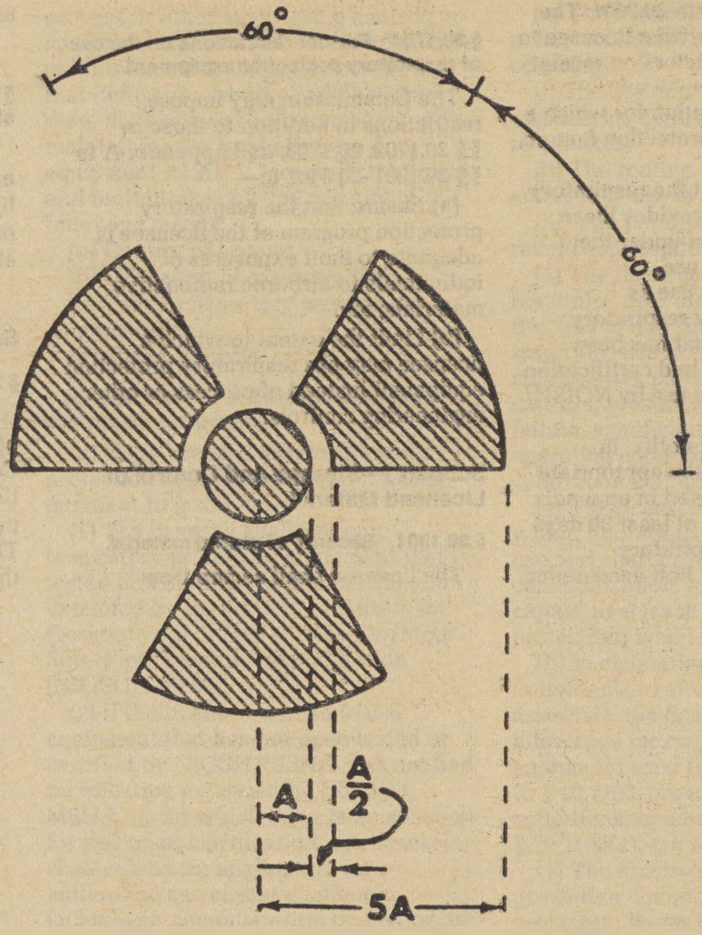
§ 20.1802 Control of material not in storage.

The licensee shall control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage.

Subpart J—Precautionary Procedures

§ 20.1901 Caution signs.

(a) *Standard radiation symbol.* Unless otherwise authorized by the Commission, the symbol prescribed by this part shall use the colors magenta, or purple, or black on yellow background. The symbol prescribed by this part is the three-bladed design:



RADIATION SYMBOL

(1) Cross-hatched area is to be magenta, or purple, or black, and

(2) The background is to be yellow.

(b) *Exception to color requirements for standard radiation symbol.* Notwithstanding the requirements of paragraph (a) of this section, licensees are authorized to label sources, source holders, or device components containing sources of licensed materials that are subjected to high temperatures, with conspicuously etched or stamped radiation caution symbols and without a color requirement.

(c) *Additional information on signs and labels.* In addition to the contents of signs and labels prescribed in this part, the licensee may provide, on or near the required signs and labels, additional information, as appropriate, to make individuals aware of potential radiation exposures and to minimize the exposures.

§ 20.1902 Posting requirements.

(a) *Posting of radiation areas.* The licensee shall post each radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIATION AREA."

(b) *Posting of high radiation areas.* The licensee shall post each high radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, HIGH RADIATION AREA" or "DANGER, HIGH RADIATION AREA."

(c) *Posting of very high radiation areas.* The licensee shall post each very high radiation area with a conspicuous sign or signs bearing the radiation symbol and words "GRAVE DANGER, VERY HIGH RADIATION AREA."

(d) *Posting of airborne radioactivity areas.* The licensee shall post each airborne radioactivity area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, AIRBORNE RADIOACTIVITY AREA" or "DANGER, AIRBORNE RADIOACTIVITY AREA."

(e) *Posting of areas or rooms in which licensed material is used or stored.* The licensee shall post each area or room in which there is used or stored an amount of licensed material exceeding 10 times the quantity of such material specified in appendix C to §§ 20.1001–20.2401 with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL(S)" or "DANGER, RADIOACTIVE MATERIAL(S)."

§ 20.1903 Exceptions to posting requirements.

(a) A licensee is not required to post caution signs in areas or rooms containing radioactive materials for

periods of less than 8 hours, if each of the following conditions is met:

(1) The materials are constantly attended during these periods by an individual who takes the precautions necessary to prevent the exposure of individuals to radiation or radioactive materials in excess of the limits established in this part; and

(2) The area or room is subject to the licensee's control.

(b) Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs pursuant to § 20.1902 provided that—

(1) The patient is being treated with sealed sources or has been treated with unsealed radioactive material in quantities less than 30 millicuries (110 MBq, or the measured dose rate at 1 meter from the patient is less than 0.005 rem (0.05 mSv) per hour; and

(2) There are personnel in attendance who will take the necessary precautions to prevent the exposure of individuals to radiation or radioactive material in excess of the limits established in this part and to operate within the ALARA provisions of the licensee's radiation protection program.

(c) A room or area is not required to be posted with a caution sign because of the presence of a sealed source provided the radiation level at 30 centimeters from the surface of the source container or housing does not exceed 0.005 rem (0.05 mSv) per hour.

§ 20.1904 Labeling containers.

(a) The licensee shall ensure that each container of licensed material bears a durable, clearly visible label bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL." The label must also provide sufficient information (such as the radionuclide(s) present, an estimate of the quantity of radioactivity, the date for which the activity is estimated, radiation levels, kinds of materials, and mass enrichment) to permit individuals handling or using the containers, or working in the vicinity of the containers, to take precautions to avoid or minimize exposures.

(b) Each licensee shall, prior to removal or disposal of empty uncontaminated containers to unrestricted areas, remove or deface the radioactive material label or otherwise clearly indicate that the container no longer contains radioactive materials.

§ 20.1905 Exemptions to labeling requirements.

A licensee is not required to label—

(a) Containers holding licensed material in quantities less than the quantities listed in appendix C to §§ 20.1001–20.2401; or

(b) Containers holding licensed material in concentrations less than those specified in table 3 of appendix B to §§ 20.1001–20.2401; or

(c) Containers attended by an individual who takes the precautions necessary to prevent the exposure of individuals in excess of the limits established by this part; or

(d) Containers when they are in transport and packaged and labeled in accordance with the regulations of the Department of Transportation,[3] or

(e) Containers that are accessible only to individuals authorized to handle or use them, or to work in the vicinity of the containers, if the contents are identified to these individuals by a readily available written record (examples of containers of this type are containers in locations such as water-filled canals, storage vaults, or hot cells). The record must be retained as long as the containers are in use for the purpose indicated on the record; or

(f) Installed manufacturing or process equipment, such as reactor components, piping, and tanks.

§ 20.1906 Procedures for receiving and opening packages.

(a) Each licensee who expects to receive a package containing quantities of radioactive material in excess of a Type A quantity, as defined in § 71.4 and appendix A to part 71 of this chapter, shall make arrangements to receive—

(1) The package when the carrier offers it for delivery; or

(2) Notification of the arrival of the package at the carrier's terminal and to take possession of the package expeditiously.

(b) Each licensee shall monitor the external surfaces of a package known to contain radioactive material for radioactive contamination and radiation levels if the package—

(1) Is labeled as containing radioactive material; or

(2) Has evidence of potential contamination, such as packages that are crushed, wet, or damaged.

(c) The licensee shall perform the monitoring required by paragraph (b) of this section as soon as practicable after receipt of the package, but not later than 3 hours after the package is received at the licensee's facility if it is received during the licensee's normal working hours, or not later than 3 hours from the beginning of the next working day if it is received after working hours.

(d) The licensee shall immediately notify the final delivery carrier and, by telephone and telegram, mailgram, or facsimile, the Administrator of the appropriate NRC Regional Office listed in appendix D to §§ 20.1001–20.2401 when—

(1) Removable radioactive surface contamination exceeds the limits of § 71.87(i) of this chapter; or

(2) External radiation levels exceed the limits of § 71.47 of this chapter.

(e) Each licensee shall—

(1) Establish, maintain, and retain written procedures for safely opening packages in which radioactive material is received; and

(2) Ensure that the procedures are followed and that due consideration is given to special instructions for the type of package being opened.

(f) Licensees transferring special form sources in licensee-owned or licensee-operated vehicles to and from a work site are exempt from the contamination monitoring requirements of paragraph (b) of this section, but are not exempt from the survey requirement in paragraph (b) of this section for measuring radiation levels that is required to ensure that the source is still properly lodged in its shield.

Subpart K—Waste Disposal

§ 20.2001 General requirements.

(a) A licensee shall dispose of licensed material only—

(1) By transfer to an authorized recipient as provided in § 20.2006 or in the regulations in parts 30, 40, 60, 61, 70, or 72 of this chapter; or

(2) By decay in storage; or

(3) By release in effluents within the limits in § 20.1301; or

(4) As authorized under §§ 20.2002, 20.2003, 20.2004, or § 20.2005.

(b) A person must be specifically licensed to receive waste containing licensed material from other persons for:

(1) Treatment prior to disposal; or

(2) Treatment or disposal by incineration; or

(3) Decay in storage; or

(4) Disposal at a land disposal facility licensed under part 61 of this chapter; or

(5) Disposal at a geologic repository under part 60 of this chapter.

§ 20.2002 Method for obtaining approval of proposed disposal procedures.

A licensee or applicant for a license may apply to the Commission for approval of proposed procedures, not

[3] Labeling of packages containing radioactive materials is required by the Department of Transportation (DOT) if the amount and type of radioactive material exceeds the limits for an excepted quantity or article as defined and limited by DOT regulations 49 CFR 173.403 (m) and (w) and 173.421–424.

otherwise authorized in the regulations in this chapter, to dispose of licensed material generated in the licensee's activities. Each application shall include:

(a) A description of the waste containing licensed material to be disposed of, including the physical and chemical properties important to risk evaluation, and the proposed manner and conditions of waste disposal; and

(b) An analysis and evaluation of pertinent information on the nature of the environment; and

(c) The nature and location of other potentially affected licensed and unlicensed facilities; and

(d) Analyses and procedures to ensure that doses are maintained ALARA and within the dose limits in this part.

§ 20.2003 Disposal by release into sanitary sewerage.

(a) A licensee may discharge licensed material into sanitary sewerage if each of the following conditions is satisfied:

(1) The material is readily soluble (or is readily dispersible biological material) in water; and

(2) The quantity of licensed or other radioactive material that the licensee releases into the sewer in 1 month divided by the average monthly volume of water released into the sewer by the licensee does not exceed the concentration listed in table 3 of appendix B to §§ 20.1001–20.2401; and

(3) If more than one radionuclide is released, the following conditions must also be satisfied:

(i) The licensee shall determine the fraction of the limit in table 3 of appendix B to §§ 20.1001–20.2401 represented by discharges into sanitary sewerage by dividing the actual monthly average concentration of each radionuclide released by the licensee into the sewer by the concentration of that radionuclide listed in table 3 of appendix B to §§ 20.1001–20.2401; and

(ii) The sum of the fractions for each radionuclide required by paragraph (a)(3)(i) of this section does not exceed unity; and

(4) The total quantity of licensed and other radioactive material that the licensee releases into the sanitary sewerage system in a year does not exceed 5 curies (185 GBq) of hydrogen-3, 1 curie (37 GBq) of carbon-14, and 1 curie (37 GBq) of all other radioactive materials combined.

(b) Excreta from individuals undergoing medical diagnosis or therapy with radioactive material are not subject to the limitations contained in paragraph (a) of this section.

§ 20.2004 Treatment or disposal by incineration.

A licensee may treat or dispose of licensed material by incineration only in the amounts and forms specified in § 20.2005 or as specifically approved by the Commission pursuant to § 20.2002.

§ 20.2005 Disposal of specific wastes.

(a) A licensee may dispose of the following licensed material as if it were not radioactive:

(1) 0.05 microcurie (1.85 kBq), or less, of hydrogen-3 or carbon-14 per gram of medium used for liquid scintillation counting; and

(2) 0.05 microcurie (1.85 kBq), or less, of hydrogen-3 or carbon-14 per gram of animal tissue, averaged over the weight of the entire animal.

(b) A licensee may not dispose of tissue under paragraph (a)(2) of this section in a manner that would permit its use either as food for humans or as animal feed.

(c) The licensee shall maintain records in accordance with § 20.2108.

§ 20.2006 Transfer for disposal and manifests.

(a) The requirements of this section and appendix F to §§ 20.1001–20.2401 are designed to control transfers of low-level radioactive waste intended for disposal at a land disposal facility (as defined in part 61 of this chapter), establish a manifest tracking system, and supplement existing requirements concerning transfers and recordkeeping for those wastes.

(b) Each shipment of radioactive waste intended for disposal at a licensed land disposal facility must be accompanied by a shipment manifest as specified in section I of appendix F to §§ 20.1001–20.2401.

(c) Each shipment manifest must include a certification by the waste generator as specified in section II of appendix F to §§ 20.1001–20.2401.

(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 F to §§ 20.1001–20.2401.

§ 20.2007 Compliance with environmental and health protection regulations.

Nothing in this subpart relieves the licensee from complying with other applicable Federal, State, and local regulations governing any other toxic or hazardous properties of materials that may be disposed of under this subpart.

Subpart L—Records

§ 20.2101 General provisions.

(a) Each licensee shall use the units: curie, rad, rem, including multiples and subdivisions, and shall clearly indicate the units of all quantities on records required by this part.

(b) The licensee shall make a clear distinction among the quantities entered on the records required by this part (e.g., total effective dose equivalent, shallow-dose equivalent, eye dose equivalent, deep-dose equivalent, committed effective dose equivalent).

§ 20.2102 Records of radiation protection programs.

(a) Each licensee shall maintain records of the radiation protection program, including:

(1) The provisions of the program; and

(2) Audits and other reviews of program content and implementation.

(b) The licensee shall retain the records required by paragraph (a)(1) of this section until the Commission terminates each pertinent license requiring the record. The licensee shall retain the records required by paragraph (a)(2) of this section for 3 years after the record is made.

§ 20.2103 Records of surveys.

(a) Each licensee shall maintain records showing the results of surveys and calibrations required by §§ 20.1501 and 20.1906(b). The licensee shall retain these records for 3 years after the record is made.

(b) The licensee shall retain each of the following records until the Commission terminates each pertinent license requiring the record:

(1) Records of the results of surveys to determine the dose from external sources and used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents; and

(2) Records of the results of measurements and calculations used to determine individual intakes of radioactive material and used in the assessment of internal dose; and

(3) Records showing the results of air sampling, surveys, and bioassays required pursuant to § 20.1703(a)(3) (i) and (ii); and

(4) Records of the results of measurements and calculations used to evaluate the release of radioactive effluents to the environment.

§ 20.2104 Determination of prior occupational dose.

(a) For each individual who may enter the licensee's restricted or controlled area and is likely to receive, in a year,

an occupational dose requiring monitoring pursuant to § 20.1502, the licensee shall—

(1) Determine the occupational radiation dose received during the current year; and

(2) Attempt to obtain the records of lifetime cumulative occupational radiation dose.

(b) Prior to permitting an individual to participate in a planned special exposure, the licensee shall determine—

(1) The internal and external doses from all previous planned special exposures; and

(2) All doses in excess of the limits (including doses received during accidents and emergencies) received during the lifetime of the individual.

(c) In complying with the requirements of paragraph (a) of this section, a licensee may—

(1) Accept, as a record of the occupational dose that the individual received during the current year, a written signed statement from the individual, or from the individual's most recent employer for work involving radiation exposure, that discloses the nature and the amount of any occupational dose that the individual may have received during the current year;

(2) Accept, as the record of lifetime cumulative radiation dose, an up-to-date NRC Form 4, or equivalent, signed by the individual and countersigned by an appropriate official of the most recent employer for work involving radiation exposure, or the individual's current employer (if the individual is not employed by the licensee); and

(3) Obtain reports of the individual's dose equivalent(s) from the most recent employer for work involving radiation exposure, or the individual's current employer (if the individual is not employed by the licensee) by telephone, telegram, electronic media, or letter. The licensee shall request a written verification of the dose data if the authenticity of the transmitted report cannot be established.

(d) The licensee shall record the exposure history, as required by paragraph (a) of this section, on NRC Form 4, or other clear and legible record, of all the information required on that form.[4] The form or record must show each period in which the individual received occupational exposure to radiation or radioactive material and must be signed by the individual who received the exposure. For each period for which the licensee obtains reports, the licensee shall use the dose shown in the report in preparing NRC Form 4. For any period in which the licensee does not obtain a report, the licensee shall place a notation on NRC Form 4 indicating the periods of time for which data are not available.

(e) If the licensee is unable to obtain a complete record of an individual's current and previously accumulated occupational dose, the licensee shall assume—

(1) In establishing administrative controls under § 20.1201(f) for the current year, that the allowable dose limit for the individual is reduced by 1.25 rems (12.5 mSv) for each quarter for which records were unavailable and the individual was engaged in activities that could have resulted in occupational radiation exposure; and

(2) That the individual is not available for planned special exposures.

(f) The licensee shall retain the records on NRC Form 4 or equivalent until the Commission terminates each pertinent license requiring this record. The licensee shall retain records used in preparing NRC Form 4 for 3 years after the record is made.

§ 20.2105 Records of planned special exposures.

(a) For each use of the provisions of § 20.1206 for planned special exposures, the licensee shall maintain records that describe—

(1) The exceptional circumstances requiring the use of a planned special exposure; and

(2) The name of the management official who authorized the planned special exposure and a copy of the signed authorization; and

(3) What actions were necessary; and

(4) Why the actions were necessary; and

(5) How doses were maintained ALARA; and

(6) What individual and collective doses were expected to result, and the doses actually received in the planned special exposure.

(b) The licensee shall retain the records until the Commission terminates each pertinent license requiring these records.

§ 20.2106 Records of individual monitoring results.

(a) *Recordkeeping requirement.* Each licensee shall maintain records of doses received by all individuals for whom monitoring was required pursuant to § 20.1502, and records of doses received during planned special exposures, accidents, and emergency conditions. These records [5] must include, when applicable—

(1) The deep-dose equivalent to the whole body, eye dose equivalent, shallow-dose equivalent to the skin, and shallow-dose equivalent to the extremities; and

(2) The estimated intake or body burden of radionuclides (see § 20.1202); and

(3) The committed effective dose equivalent assigned to the intake or body burden of radionuclides; and

(4) The specific information used to calculate the committed effective dose equivalent pursuant to § 20.1204(c); and

(5) The total effective dose equivalent when required by § 20.1202; and

(6) The total of the deep-dose equivalent and the committed dose to the organ receiving the highest total dose.

(b) *Recordkeeping frequency.* The licensee shall make entries of the records specified in paragraph (a) of this section at least annually.

(c) *Recordkeeping format.* The licensee shall maintain the records specified in paragraph (a) of this section on NRC Form 5, in accordance with the instructions for NRC Form 5, or in clear and legible records containing all the information required by NRC Form 5.

(d) *Privacy protection.* The records required under this section should be protected from public disclosure because of their personal privacy nature. These records are protected by most State privacy laws and, when transferred to the NRC, are protected by the Privacy Act of 1974, Public Law 93–579, 5 U.S.C. 552a, and the Commission's regulations in 10 CFR part 9.

(e) the licensee shall maintain the records of dose to an embryo/fetus with the records of dose to the declared pregnant woman. The declaration of pregnancy shall also be kept on file, but may be maintained separately from the dose records.

(f) The licensee shall retain each required form or record until the Commission terminates each pertinent license requiring the record.

§ 20.2107 Records of dose to individual members of the public.

(a) Each licensee shall maintain records sufficient to demonstrate compliance with the dose limit for

[4] Licensees are not required to reevaluate the separate external dose equivalents and internal committed dose equivalents or intakes of radionuclides assessed under §§ 20.1–20.601. Further, occupational exposure histories obtained and recorded on NRC Form 4 before January 1, 1991, would not have included effective dose equivalent, but may be used in the absence of specific information on the intake of radionuclides by the individual.

[5] Assessments of dose equivalent and records made using units in effect before the licensee's adoption of this part need not be changed.

individual members of the public (see § 20.1301).

(b) The licensee shall retain the records required by paragraph (a) of this section until the Commission terminates each pertinent license requiring the record

§ 20.2108 Records of waste disposal.

(a) Each licensee shall maintain records of the disposal of licensed materials made under §§ 20.2002, 20.2003, 20.2004, 20.2005, 10 CFR part 61 and disposal by burial in soil, including burials authorized before January 28, 1981.[6]

(b) The licensee shall retain the records required by paragraph (a) of this section until the Commission terminates each pertinent license requiring the record.

§ 20.2109 Records of testing entry control devices for very high radiation areas.

(a) Each licensee shall maintain records of tests made under § 20.1603(a)(9) on entry control devices for very high radiation areas. These records must include the date, time, and results of each such test of function.

(b) The licensee shall retain the records required by paragraph (a) of this section for 3 years after the record is made.

§ 20.2110 Form of records.

Each record required by this part must be legible throughout the specified retention period. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records, such as letters, drawings, and specifications, must include all pertinent information, such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

Subpart M—Reports

§ 20.2201 Reports of theft or loss of licensed material.

(a) Telephone reports. (1) Each licensee shall report by telephone as follows:

(i) Immediately after its occurrence becomes known to the licensee, any lost, stolen, or missing licensed material in an aggregate quantity equal to or greater than 1,000 times the quantity specified in appendix C to §§ 20.1001–20.2401 under such circumstances that it appears to the licensee that an exposure could result to persons in unrestricted areas; or

(ii) Within 30 days after the occurrence of any lost, stolen, or missing licensed material becomes known to the licensee, all licensed material in a quantity greater than 10 times the quantity specified in appendix C to §§ 20.1001–20.2401 that is still missing at this time.

(2) Reports must be made as follows:

(i) Licensees having an installed Emergency Notification System shall make the reports to the NRC Operations Center in accordance with § 50.72 of this chapter, and

(ii) All other licensees shall make reports to the NRC Operations Center.

(b) *Written reports.* (1) Each licensee required to make a report under paragraph (a) of this section shall, within 30 days after making the telephone report, make a written report setting forth the following information:

(i) A description of the licensed material involved, including kind, quantity, and chemical and physical form; and

(ii) A description of the circumstances under which the loss or theft occurred; and

(iii) A statement of disposition, or probable disposition, of the licensed material involved; and

(iv) Exposures of individuals to radiation, circumstances under which the exposures occurred, and the possible total effective dose equivalent to persons in unrestricted areas; and

(v) Actions that have been taken, or will be taken, to recover the material; and

(vi) Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed material.

(2) Reports must be made as follows:

(i) For holders of an operating license for a nuclear power plant, the events included in paragraph (b) of this section must be reported in accordance with the procedures described in § 50.73(b), (c), (d), (e), and (g) of this chapter and must include the information required in paragraph (b)(1) of this section, and

(ii) All other licensees shall make reports to the Administrator of the appropriate NRC Regional Office listed in appendix D to §§ 20.1001–20.2401.

(c) A duplicate report is not required under paragraph (b) of this section if the licensee is also required to submit a report pursuant to §§ 30.55(c), 40.64(c), 50.72, 50.73, 70.52, 73.27(b), 73.67(e)(3)(vi), 73.67(g)(3)(iii), 73.71, or § 150.19(c) of this chapter.

(d) Subsequent to filing the written report, the licensee shall also report any additional substantive information on the loss or theft within 30 days after the licensee learns of such information.

(e) The licensee shall prepare any report filed with the Commission pursuant to this section so that names of individuals who may have received exposure to radiation are stated in a separate and detachable part of the report.

§ 20.2202 Notification of incidents.

(a) Immediate notification. Notwithstanding any other requirements for notification, each licensee shall immediately report any event involving byproduct, source, or special nuclear material possessed by the licensee that may have caused or threatens to cause any of the following conditions—

(1) An individual to receive—

(i) A total effective dose equivalent of 25 rems (0.25 Sv) or more; or

(ii) An eye dose equivalent of 75 rems (0.75 Sv) or more; or

(iii) A shallow-dose equivalent to the skin or extremities of 250 rads (2.5 Gy) or more; or

(2) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake five times the occupational annual limit on intake (the provisions of this paragraph do not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures); or

(3) A loss of 1 working week or more of the operation of any facilities affected; or

(4) Damage to property in excess of $200,000.

(b) Twenty-four hour notification. Each licensee shall, within 24 hours of discovery of the event, report any event involving loss of control of licensed material possessed by the licensee that may have caused, or threatens to cause, any of the following conditions:

(1) An individual to receive, in a period of 24 hours—

(i) A total effective dose equivalent exceeding 5 rems (0.05 Sv); or

(ii) An eye dose equivalent exceeding 15 rems (0.15 Sv); or

(iii) A shallow-dose equivalent to the skin or extremities exceeding 50 rems (0.5 Sv); or

[6] A previous § 20.304 permitted burial of small quantities of licensed materials in soil before January 28, 1981, without specific Commission authorization.

(2) The release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational annual limit on intake (the provisions of this paragraph do not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures); or

(3) A loss of 1 day or more of the operation of any facilities affected; or

(4) Damage to property in excess of $2,000.

(c) The licensee shall prepare any report filed with the Commission pursuant to this section so that names of individuals who have received exposure to radiation or radioactive material are stated in a separate and detachable part of the report.

(d) Reports made by licensees in response to the requirements of this section must be made as follows:

(1) Licensees having an installed Emergency Notification System shall make the reports required by paragraphs (a) and (b) of this section to the NRC Operations Center in accordance with 10 CFR 50.72; and

(2) All other licensees shall make the reports required by paragraphs (a) and (b) of this section by telephone to the NRC Operations Center and by telegram, mailgram, or facsimile to the Administrator of the appropriate NRC Regional Office listed in appendix D to §§ 20.1001–20.2401.

(e) The provisions of this section do not include doses that result from planned special exposures, that are within the limits for planned special exposures, and that are reported under § 20.2204.

§ 20.2203 Reports of exposures, radiation levels, and concentrations of radioactive material exceeding the limits.

(a) Reportable events. In addition to the notification required by § 20.2202, each licensee shall submit a written report within 30 days after learning of any of the following occurrences:

(1) Any incident for which notification is required by § 20.2202; or

(2) Doses in excess of any of the following:

(i) The occupational dose limits for adults in § 20.1201; or

(ii) The occupational dose limits for a minor in § 20.1207; or

(iii) The limits for an embryo/fetus of a declared pregnant woman in § 20.1208; or

(iv) The limits for an individual member of the public in § 20.1301; or

(v) Any applicable limit in the license; or

(3) Levels of radiation or concentrations of radioactive material in—

(i) A restricted area in excess of any applicable limit in the license; or

(ii) An unrestricted area in excess of 10 times any applicable limit set forth in this part or in the license (whether or not involving exposure of any individual in excess of the limits in § 20.1301); or

(4) For licensees subject to the provisions of EPA's generally applicable environmental radiation standards in 40 CFR part 190, levels of radiation or releases of radioactive material in excess of those standards, or of license conditions related to those standards.

(b) Contents of reports. (1) Each report required by paragraph (a) of this section must describe the extent of exposure of individuals to radiation and radioactive material, including, as appropriate:

(i) Estimates of each individual's dose; and

(ii) The levels of radiation and concentrations of radioactive material involved; and

(iii) The cause of the elevated exposures, dose rates, or concentrations; and

(iv) Corrective steps taken or planned to ensure against a recurrence, including the schedule for achieving conformance with applicable limits, generally applicable environmental standards, and associated license conditions.

(2) Each report filed pursuant to paragraph (a) of this section must include for each individual [7] exposed: the name, Social Security account number, and date of birth. The report must be prepared so that this information is stated in a separate and detachable part of the report.

(c) For holders of an operating license for a nuclear power plant, the occurrences included in paragraph (a) of this section must be reported in accordance with the procedures described in § 50.73(b), (c), (d), (e), and (g) of this chapter and must also include the information required by paragraph (b) of this section. Occurrences reported in accordance with § 50.73 of this chapter need not be reported by a duplicate report under paragraph (a) of this section.

(d) All licensees, other than those holding an operating license for a nuclear power plant, who make reports under paragraph (a) of this section shall submit the report in writing to the U.S. Nuclear Regulatory Commission, Document Control Desk, Washington, DC 20555, with a copy to the appropriate NRC Regional Office listed in appendix D to §§ 20.1001–20.2401.

[7] With respect to the limit for the embryo-fetus (§ 20.1208), the identifiers should be those of the declared pregnant woman.

§ 20.2204 Reports of planned special exposures.

The licensee shall submit a written report to the Administrator of the appropriate NRC Regional Office listed in appendix D to §§ 20.1001–20.2401 within 30 days following any planned special exposure conducted in accordance with § 20.1206, informing the Commission that a planned special exposure was conducted and indicating the date the planned special exposure occurred and the information required by § 20.2105.

§ 20.2205 [Reserved]

§ 20.2206 Reports of individual monitoring.

(a) This section applies to each person licensed by the Commission to—

(1) Operate a nuclear reactor designed to produce electrical or heat energy pursuant to § 50.21(b) or § 50.22 of this chapter or a testing facility as defined in § 50.2 of this chapter; or

(2) Possess or use byproduct material for purposes of radiography pursuant to Parts 30 and 34 of this chapter; or

(3) Possess or use at any one time, for purposes of fuel processing, fabricating, or reprocessing, special nuclear material in a quantity exceeding 5,000 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof pursuant to part 70 of this chapter; or

(4) Possess high-level radioactive waste at a geologic repository operations area pursuant to part 60 of this chapter; or

(5) Possess spent fuel in an independent spent fuel storage installation (ISFSI) pursuant to part 72 of this chapter; or

(6) Receive radioactive waste from other persons for disposal under part 61 of this chapter; or

(7) Possess or use at any time, for processing or manufacturing for distribution pursuant to parts 30, 32, 33 or 35 of this chapter, byproduct material in quantities exceeding any one of the following quantities:

Radionuclide	Quantity of radionuclide [1] in curies
Cesium-137	1
Cobalt-60	1
Gold-198	100
Iodine-131	1
Iridium-192	10
Krypton-85	1,000
Promethium-147	10
Technetium-99m	1,000

[1] The Commission may require as a license condition, or by rule, regulation, or order pursuant to § 20.2302, reports from licensees who are licensed to use radionuclides not on this list, in quantities sufficient to cause comparable radiation levels.

(b) Each licensee in a category listed in paragraph (a) of this section shall submit an annual report of the results of individual monitoring carried out by the licensee for each individual for whom monitoring was required by § 20.1502 during that year. The licensee may include additional data for individuals for whom monitoring was provided but not required. The licensee shall use Form NRC 5 or electronic media containing all the information required by Form NRC 5.

(c) The licensee shall file the report required by § 20.2206(b), covering the preceding year, on or before April 30 of each year. The licensee shall submit the report to the Director, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, Washington, DC 20555.

Subpart N—Exemptions and Additional Requirements

§ 20.2301 Applications for exemptions.

The Commission may, upon application by a licensee or upon its own initiative, grant an exemption from the requirements of the regulations in this part if it determines the exemption is authorized by law and would not result in undue hazard to life or property.

§ 20.2302 Additional requirements.

The Commission may, by rule, regulation, or order, impose requirements on a licensee, in addition to those established in the regulations in this part, as it deems appropriate or necessary to protect health or to minimize danger to life or property.

Subpart O—Enforcement

§ 20.2401 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of—

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under section 234 of the Atomic Energy Act:

(1) For violations of—

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107 or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

(c) Any person who willfully violates a provision of the Atomic Energy Act or regulation or order issued under the requirements of that Act may be quilty of a crime and, upon conviction, be punished by fine or imprisonment or both, as provided by law.

7. Part 20 is amended by adding Appendix A to §§ 20.1001—20.2401 to read as follows:

APPENDIX A TO §§ 20.1001—20.2401—PROTECTION FACTORS FOR RESPIRATORS [a]

Description [b]	Modes [c]	Protection Factors [d] Particulates only	Protection Factors [d] Particulates, gases, & vapors [e]	Tested & Certified Equipment: National Institute for Occupational Safety and Health/Mine Safety and Health Administration tests for permissibility
I. Air-Purifying Respirators: [f]				
Facepiece, half-mask [g]	NP	10		30 CFR Part 11, Subpart K.
Facepiece, full	NP	50		
Facepiece, half-mask full, or hood	PP	1000		
II. Atmosphere-Supplying Respirators:				
1. Air-line respirator:				
Facepiece, half-mask	CF		1000	30 CFR Part 11, Subpart J.
Facepiece, half-mask	D		5	
Facepiece, full	CF		2000	
Facepiece, full	D		5	
Facepiece, full	PD		2000	
Hood	CF		(h)	
Suit	CF		(i)	(i)
2. Self-contained breathing apparatus (SCBA):				
Facepiece, full	D		50	30 CFR Part 11, Subpart H.
Facepiece, full	PD		[k] 10,000	
Facepiece, full	RD		50	
Facepiece, full	RP		[l] 5,000	
III. Combination Respirators:				
Any combination of air-purifying and atmosphere-supplying respirators		Protection factor for type and mode of operation as listed above.		30 CFR Part 11, § 11.63(b).

Footnotes

a. For use in the selection of respiratory protective devices to be used only where the contaminants have been identified and the concentrations (or possible concentrations) are known.

b. Only for shaven faces and where nothing interferes with the seal of tight-fitting facepieces against the skin. (Hoods and suits are excepted.)

c. The mode symbols are defined as follows:

CF = continuous flow
D = demand
NP = negative pressure (i.e., negative phase during inhalation)
PD = pressure demand (i.e., always positive pressure)

PP=positive pressure
RD=demand, recirculating (closed circuit)
RP=pressure demand, recirculating (closed circuit)

d.1. The protection factor is a measure of the degree of protection afforded by a respirator, defined as the ratio of the concentration of airborne radioactive material outside the respiratory protective equipment to that inside the equipment (usually inside the facepiece) under conditions of use. It is applied to the ambient airborne concentration to estimate the concentrations inhaled by the wearer according to the following formula:

$$\text{Concentration inhaled} = \frac{\text{Ambient airborne concentration}}{\text{Protection factor}}$$

2. The protection factors apply:

(a) Only for individuals trained in using respirators and wearing properly fitted respirators that are used and maintained under supervision in a well-planned respiratory protective program.

(b) For air-purifying respirators only when high efficiency particulate filters (above 99.97% removal efficiency by thermally generated 0.3 μm dioctyl phthalate (DOP) test or equivalent) are used in atmospheres not deficient in oxygen and not containing radioactive gas or vapor respiratory hazards.

(c) No adjustment is to be made for the use of sorbents against radioactive material in the form of gases or vapors.

(d) For atmosphere-supplying respirators only when supplied with adequate respirable air. Respirable air shall be provided of the quality and quantity required in accordance with NIOSH/MSHA certification (described in 30 CFR part 11). Oxygen and air shall not be used in the same apparatus.

e. Excluding radioactive contaminants that present an absorption or submersion hazard. For tritium oxide, approximately one-third of the intake occurs by absorption through the skin so that an overall protection factor of less than 2 is appropriate when atmosphere-supplying respirators are used to protect against tritium oxide. If the protection factor for a device is 5 the effective protection factor for tritium is about 1.4; for devices with protection factors of 10 the effective factor for tritium oxide is about 1.7, and for devices with protection factors of 100 or more the effective factor for tritium oxide is about 1.9. Air-purifying respirators are not suitable for protection against tritium oxide. See also footnote i concerning supplied-air suits.

f. Canisters and cartridges shall not be used beyond service-life limitations.

g. Under-chin type only. This type of respirator is not satisfactory for use where it might be possible (e.g., if an accident or emergency were to occur) for the ambient airborne concentrations to reach instantaneous values greater than 10 times the pertinent values in table 1, column 3 of appendix B to §§ 20.1001—20.2401 of this part. This type of respirator is not suitable for protection against plutonium or other high-toxicity materials. The mask is to be tested for fit prior to use, each time it is donned.

h.1. Equipment shall be operated in a manner that ensures that proper air flow-rates are maintained. A protection factor of no more than 1000 may be utilized for tested-and-certified supplied-air hoods when a minimum air flow of 6 cubic feet (0.17 cubic meters) per minute is maintained and calibrated air–line pressure gauges or flow measuring devices are used. A protection factor of up to 2000 may be used for tested and certified hoods only when the air flow is maintained at the manufacturer's recommended maximum rate for the equipment, this rate is greater than 6 cubic feet (0.17 cubic meters) per minute, and calibrated air–line pressure gauges or flow measuring devices are used.

2. The design of the supplied-air hood or helmet (with a minimum flow of 6 cfm (0.17 m^3 per minute) of air) may determine its overall efficiency and the protection it provides. For example, some hoods aspirate contaminated air into the breathing zone when the wearer works with hands-overhead. This aspiration may be overcome if a short cape-like extension to the hood is worn under a coat or overalls. Other limitations specified by the approval agency shall be considered before using a hood in certain types of atmospheres (see footnote i).

i. Appropriate protection factors shall be determined, taking into account the design of the suit and its permeability to the contaminant under conditions of use. There shall be a standby rescue person equipped with a respirator or other apparatus appropriate for the potential hazards and communications equipment whenever supplied-air suits are used.

j. No approval schedules are currently available for this equipment. Equipment is to be evaluated by testing or on the basis of reliable test information.

k. This type of respirator may provide greater protection and be used as an emergency device in unknown concentrations for protection against inhalation hazards. External radiation hazards and other limitations to permitted exposure, such as skin absorption, must be taken into account in such circumstances.

l. Quantitative fit testing shall be performed on each individual and no more than 0.02% leakage is allowed with this type of apparatus. Perceptible outward leakage of gas from this or any positive pressure self-contained breathing apparatus is unacceptable because service life will be reduced substantially. Special training in the use of this type of apparatus shall be provided to the wearer.

Note 1: Protection factors for respirators as may be approved by the U.S. Bureau of Mines/National Institute for Occupational Safety and Health (NIOSH), according to applicable approvals for respirators for type and mode of use to protect against airborne radionuclides, may be used to the extent that they do not exceed the protection factors listed in this table. The protection factors listed in this table may not be appropriate to circumstances where chemical or other respiratory hazards exist in addition to radioactive hazards. The selection and use of respirators for such circumstances should take into account applicable approvals of the U.S. Bureau of Mines/NIOSH.

Note 2: Radioactive contaminants for which the concentration values in Table 1, Column 3 of Appendix B to §§ 20.1001–20.2401 of this part are based on internal dose due to inhalation may, in addition, present external exposure hazards at higher concentrations. Under these circumstances, limitations on occupancy may have to be governed by external dose limits.

8. Part 20 is amended by adding Appendix B to §§ 20.1001–20.2401 to read as follows:

Appendix B to §§ 20.1001–20.2401—Annual Limits on Intake (ALIs) and Derived Air Concentrations (DACs) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage

Introduction

For each radionuclide Table 1 indicates the chemical form which is to be used for selecting the appropriate ALI or DAC value. The ALIs and DACs for inhalation are given for an aerosol with an activity median aerodynamic diameter (AMAD) of 1 μm and for three classes (D,W,Y) of radioactive material, which refer to their retention (approximately days, weeks or years) in the pulmonary region of the lung. This classification applies to a range of clearance half-times of less than 10 days, for W from 10 to 100 days, and for Y greater than 100 days. Table 2 provides concentration limits for airborne and liquid effluents released to the general environment. Table 3 provides concentration limits for discharges to sanitary sewer systems.

Notation

The values in Tables 1, 2, and 3 are presented in the computer "E" notation. In this notation a value of 6E−02 represents a value of 6×10^{-2} or 0.06, 6E+2 represents 6×10^{2} or 600, and 6E+0 represents 6×10^{0} or 6.

Table 1 "Occupational"

Note that the columns in Table 1, of this appendix captioned "Oral Ingestion ALI,"

"Inhalation ALI," and "DAC," are applicable to occupational exposure to radioactive material.

The ALIs in this appendix are the annual intakes of a given radionuclide by "Reference Man" which would result in either (1) a committed effective dose equivalent of 5 rems (stochastic ALI) or (2) a committed dose equivalent of 50 rems to an organ or tissue (non-stochastic ALI). The stochastic ALIs were derived to result in a risk, due to irradiation of organs and tissues, comparable to the risk associated with deep dose equivalent to the whole body of 5 rems. The derivation includes multiplying the committed dose equivalent to an organ or tissue by a weighting factor, w_T. This weighting factor is the proportion of the risk of stochastic effects resulting from irradiation of the organ or tissue, T, to the total risk of stochastic effects when the whole body is irradiated uniformly. The values of w_T are listed under the definition of weighting factor in § 20.1003. The non-stochastic ALIs were derived to avoid non-stochastic effects, such as prompt damage to tissue or reduction in organ function.

A value of w_T=0.06 is applicable to each of the five organs or tissues in the "remainder" category receiving the highest dose equivalents, and the dose equivalents of all other remaining tissues may be disregarded. The following parts of the GI tract—stomach, small intestine, upper large intestine, and lower large intestine—are to be treated as four separate organs.

Note that the dose equivalents for extremities (hands and forearms, feet and lower legs), skin, and lens of the eye are not considered in computing the committed effective dose equivalent, but are subject to limits that must be met separately.

When an ALI is defined by the stochastic dose limit, this value alone, is given. When an ALI is determined by the non-stochastic dose limit to an organ, the organ or tissue to which the limit applies is shown, and the ALI for the stochastic limit is shown in parentheses. (Abbreviated organ or tissue designations are used: LLI wall = lower large intestine wall; St. wall = stomach wall; Blad wall = bladder wall; and Bone surf = bone surface.)

The use of the ALIs listed first, the more limiting of the stochastic and non-stochastic ALIs, will ensure that non-stochastic effects are avoided and that the risk of stochastic effects is limited to an acceptably low value. If, in a particular situation involving a radionuclide for which the non-stochastic ALI is limiting, use of that non-stochastic ALI is considered unduly conservative, the licensee may use the stochastic ALI to determine the committed effective dose equivalent. However, the licensee shall also ensure that the 50-rem dose equivalent limit for any organ or tissue is not exceeded by the sum of the external deep dose equivalent plus the internal committed dose to that organ (not the effective dose). For the case where there is no external dose contribution, this would be demonstrated if the sum of the fractions of the nonstochastic ALIs (ALI_{ns}) that contribute to the committed dose equivalent to the organ receiving the highest dose does not exceed unity (i.e., Σ (intake (in μCi) of each radionuclide/ALI_{ins}) <1.0). If there is an external deep dose equivalent contribution of H_d then this sum must be less than $1-(H_d/50)$ instead of being <1.0.

Note that the dose equivalents for extremities (hand and forearms, feet and lower legs), skin, and lens of the eye are not considered in computing the committed effective dose equivalent, but are subject to limits that must be met separately.

The derived air concentration (DAC) values are derived limits intended to control chronic occupational exposures. The relationship between the DAC and the ALI is given by: DAC=ALI(in μCi)/(2000 hours per working year$\times$60 minutes/hour$\times 2\times10^4$ ml per minute)=[ALI/2.4×10^7] μCi/ml, where 2×10^4 ml is the volume of air breathed per minute at work by "Reference Man" under working conditions of "light work."

The DAC values relate to one of two modes of exposure: either external submersion or the internal committed dose equivalents resulting from inhalation of radioactive materials. Derived air concentrations based upon submersion are for immersion in a semi-infinite cloud of uniform concentration and apply to each radionuclide separately.

The ALI and DAC values relate to exposure to the single radionuclide named, but also include contributions from the in-growth of any daughter radionuclide produced in the body by the decay of the parent. However, intakes that include both the parent and daughter radionuclides should be treated by the general method appropriate for mixtures.

The value of ALI and DAC do not apply directly when the individual both ingests and inhales a radionuclide, when the individual is exposed to a mixture of radionuclides by either inhalation or ingestion or both, or when the individual is exposed to both internal and external radiation (see § 20.1202). When an individual is exposed to radioactive materials which fall under several of the translocation classifications (i.e., Class D, Class W, or Class Y) of the same radionuclide, the exposure may be evaluated as if it were a mixture of different radionuclides.

It should be noted that the classification of a compound as Class D, W, or Y is based on the chemical form of the compound and does not take into account the radiological half-life of different radioisotopes. For this reason, values are given for Class D, W, and Y compounds, even for very short-lived radionuclides.

Table 2

The columns in Table 2 of this appendix captioned "Effluents," "Air," and "Water," are applicable to the assessment and control of dose to the public, particularly in the implementation of the provisions of § 20.1302. The concentration values given in Columns 1 and 2 of Table 2 are equivalent to the radionuclide concentrations which, if inhaled or ingested continuously over the course of a year, would produce a total effective dose equivalent of 0.05 rem (50 millirem or 0.5 millisieverts).

Consideration of non-stochastic limits has not been included in deriving the air and water effluent concentration limits because non-stochastic effects are presumed not to occur at the dose levels established for individual members of the public. For radionuclides, where the non-stochastic limit was governing in deriving the occupational DAC, the stochastic ALI was used in deriving the corresponding airborne effluent limit in Table 2. For this reason, the DAC and airborne effluent limits are not always proportional as was the case in appendix B to §§ 20.1–20.601.

The air concentration values listed in Table 2, Column 1, were derived by one of two methods. For those radionuclides for which the stochastic limit is governing, the occupational stochastic inhalation ALI was divided by 2.4×10^9, relating the inhalation ALI to the DAC, as explained above, and then divided by a factor of 300. The factor of 300 includes the following components: a factor of 50 to relate the 5-rem annual occupational dose limit to the 0.1-rem limit for members of the public, a factor of 3 to adjust for the difference in exposure time and the inhalation rate for a worker and that for members of the public; and a factor of 2 to adjust the occupational values (derived for adults) so that they are applicable to other age groups.

For those radionuclides for which submersion (external dose) is limiting, the occupational DAC in Table 1, Column 3, was divided by 219. The factor of 219 is composed of a factor of 50, as described above, and a factor of 4.38 relating occupational exposure for 2,000 hours per year to full-time exposure (8,760 hours per year). Note that an additional factor of 2 for age considerations is not warranted in the submersion case.

The water concentrations were derived by taking the most restrictive occupational stochastic oral ingestion ALI and dividing by 7.3×10^7. The factor of 7.3×10^7 (ml) includes the following components: the factors of 50 and 2 described above and a factor of 7.3×10^5 (ml) which is the annual water intake of "Reference Man."

Note 2 of this appendix provides groupings of radionuclides which are applicable to unknown mixtures of radionuclides. These groupings (including occupational inhalation ALIs and DACs, air and water effluent concentrations and sewerage) require demonstrating that the most limiting radionuclides in successive classes are absent. The limit for the unknown mixture is defined when the presence of the one of the listed radionuclides cannot be definitely excluded as being present either from knowledge of the radionuclide composition of the source or from actual measurements.

Table 3 "Sewer Disposal"

The monthly average concentrations for release to sanitary sewers are applicable to the provisions in § 20.2003. The concentration values were derived by taking the most restrictive occupational stochastic oral ingestion ALI and dividing by 7.3×10^9(ml). The factor of 7.3×10^9(ml) is composed of a factor of 7.3×10^5(ml), the annual water intake by "Reference Man," and a factor of 10, such that the concentrations, if the sewage released by the licensee were the only source of water ingested by a reference man during a year, would result in a

committed effective dose equivalent of 0.5 rem.

LIST OF ELEMENTS

Name	Atomic Symbol	Atomic No.
Actinium	Ac	89
Aluminum	Al	13
Americium	Am	95
Antimony	Sb	51
Argon	Ar	18
Arsenic	As	33
Astatine	At	85
Barium	Ba	56
Berkelium	Bk	97
Beryllium	Be	4
Bismuth	Bi	83
Bromine	Br	35
Cadmium	Cd	48
Calcium	Ca	20
Californium	Cf	98
Carbon	C	6
Cerium	Ce	58
Cesium	Cs	55
Chlorine	Cl	17
Chromium	Cr	24
Cobalt	Co	27
Copper	Cu	29
Curium	Cm	96
Dysprosium	Dy	66
Einsteinium	Es	99
Erbium	Er	68
Europium	Eu	63
Fermium	Fm	100
Fluorine	F	9
Francium	Fr	87
Gadolinium	Gd	64

LIST OF ELEMENTS—Continued

Name	Atomic Symbol	Atomic No.
Gallium	Ga	31
Germanium	Ge	32
Gold	Au	79
Hafnium	Hf	72
Holmium	Ho	67
Hydrogen	H	1
Indium	In	49
Iodine	I	53
Iridium	Ir	77
Iron	Fe	26
Krypton	Kr	36
Lanthanum	La	57
Lead	Pb	82
Lutetium	Lu	71
Magnesium	Mg	12
Manganese	Mn	25
Mendelevium	Md	101
Mercury	Hg	80
Molybdenum	Mo	42
Neodymium	Nd	60
Neptunium	Np	93
Nickel	Ni	28
Niobium	Nb	41
Osmium	Os	76
Palladium	Pd	46
Phosphorus	P	15
Platinum	Pt	78
Plutonium	Pu	94
Polonium	Po	84
Potassium	K	19
Praseodymium	Pr	59
Promethium	Pm	61
Protactinium	Pa	91
Radium	Ra	88

LIST OF ELEMENTS—Continued

Name	Atomic Symbol	Atomic No.
Radon	Rn	86
Rhenium	Re	75
Rhodium	Rh	45
Rubidium	Rb	37
Ruthenium	Ru	44
Samarium	Sm	62
Scandium	Sc	21
Selenium	Se	34
Silicon	Si	14
Silver	Ag	47
Sodium	Na	11
Strontium	Sr	38
Sulfur	S	16
Tantalum	Ta	73
Technetium	Tc	43
Tellurium	Te	52
Terbium	Tb	65
Thallium	Tl	81
Thorium	Th	90
Thalium	Tm	69
Tin	Sn	50
Titanium	Ti	22
Tungsten	W	74
Uranium	U	92
Vanadium	V	23
Xenon	Xe	54
Ytterbium	Yb	70
Yttrium	Y	39
Zinc	Zn	30
Zirconium	Zr	40

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Atomic No.	Radionuclide	Class	Table 1 Occupational Values			Table 2 Effluent Concentrations		Table 3 Releases to Sewers
			Col. 1 Oral Ingestion	Col. 2 Inhalation	Col. 3 Inhalation	Col. 1	Col. 2	
			ALI (μCi)	ALI (μCi)	DAC (μCi/ml)	Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
1	Hydrogen-3	Water, DAC includes skin absorption	8E+4	8E+4	2E-5	1E-7	1E-3	1E-2
		Gas (HT or T_2)Submersion[1]: Use above values as HT and T_2 oxidize in air and in the body to HTO						
4	Beryllium-7	W, all compounds except those given for Y	4E+4	2E+4	9E-6	3E-8	6E-4	6E-3
		Y, oxides, halides and nitrates	-	2E+4	8E-6	3E-8	-	-
4	Beryllium-10	W, see ^{7}Be	1E+3 LLI wall (1E+3)	2E+2	6E-8	2E-10	-	-
		Y, see ^{7}Be	-	1E+1	6E-9	2E-11	2E-5	2E-4
6	Carbon-11[2]	Monoxide	-	1E+6	5E-4	2E-6	-	-
		Dioxide	-	6E+5	3E-4	9E-7	-	-
		Compounds	4E+5	4E+5	2E-4	6E-7	6E-3	6E-2
6	Carbon-14	Monoxide	-	2E+6	7E-4	2E-6	-	-
		Dioxide	-	2E+5	9E-5	3E-7	-	-
		Compounds	2E+3	2E+3	1E-6	3E-9	3E-5	3E-4
9	Fluorine-18[2]	D, fluorides of H, Li, Na, K, Rb, Cs, and Fr	5E+4 St wall (5E+4)	7E+4	3E-5	1E-7	-	-
				-	-	-	7E-4	7E-3
		W, fluorides of Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, As, Sb, Bi, Fe, Ru, Os, Co, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, V, Nb, Ta, Mn, Tc, and Re	-	9E+4	4E-5	1E-7	-	-
		Y, lanthanum fluoride	-	8E+4	3E-5	1E-7	-	-
11	Sodium-22	D, all compounds	4E+2	6E+2	3E-7	9E-10	6E-6	6E-5
11	Sodium-24	D, all compounds	4E+3	5E+3	2E-6	7E-9	5E-5	5E-4
12	Magnesium-28	D, all compounds except those given for W	7E+2	2E+3	7E-7	2E-9	9E-6	9E-5
		W, oxides, hydroxides, carbides, halides, and nitrates	-	1E+3	5E-7	2E-9	-	-
13	Aluminum-26	D, all compounds except those given for W	4E+2	6E+1	3E-8	9E-11	6E-6	6E-5
		W, oxides, hydroxides, carbides, halides, and nitrates	-	9E+1	4E-8	1E-10	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values			Table 2 Effluent Concentrations		Table 3 Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion	Inhalation				
			ALI (μCi)	ALI (μCi)	DAC (μCi/ml)	Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
14	Silicon-31	D, all compounds except those given for W and Y	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
		W, oxides, hydroxides, carbides, and nitrates	-	3E+4	1E-5	5E-8	-	-
		Y, aluminosilicate glass	-	3E+4	1E-5	4E-8	-	-
14	Silicon-32	D, see ^{31}Si	2E+3	2E+2	1E-7	3E-10	-	-
			LLI wall (3E+3)	-	-	-	4E-5	4E-4
		W, see ^{31}Si	-	1E+2	5E-8	2E-10	-	-
		Y, see ^{31}Si	-	5E+0	2E-9	7E-12	-	-
15	Phosphorus-32	D, all compounds except phosphates given for W	6E+2	9E+2	4E-7	1E-9	9E-6	9E-5
		W, phosphates of Zn^{2+}, S^{3+}, Mg^{2+}, Fe^{3+}, Bi^{3+}, and lanthanides	-	4E+2	2E-7	5E-10	-	-
15	Phosphorus-33	D, see ^{32}P	6E+3	8E+3	4E-6	1E-8	8E-5	8E-4
		W, see ^{32}P	-	3E+3	1E-6	4E-9	-	-
16	Sulfur-35	Vapor	-	1E+4	6E-6	2E-8	-	-
		D, sulfides and sulfates except those given for W	1E+4	2E+4	7E-6	2E-8	-	-
			LLI wall (8E+3)	-	-	-	1E-4	1E-3
		W, elemental sulfur, sulfides of Sr, Ba, Ge, Sn, Pb, As, Sb, Bi, Cu, Ag, Au, Zn, Cd, Hg, W, and Mo. Sulfates of Ca, Sr, Ba, Ra, As, Sb, and Bi	6E+3	-	2E+3	9E-7	3E-9	-
17	Chlorine-36	D, chlorides of H, Li, Na, K, Rb, Cs, and Fr	2E+3	2E+3	1E-6	3E-9	2E-5	2E-4
		W, chlorides of lanthanides, Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, Ge, Sn, Pb, As, Sb, Bi, Fe, Ru, Os, Co, Rh, Ir, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, Hf, V, Nb, Ta, Cr, Mo, W, Mn, Tc, and Re	-	2E+2	1E-7	3E-10	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values			Table 2 Effluent Concentrations		Table 3 Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion	Inhalation				
			ALI (μCi)	ALI (μCi)	DAC (μCi/ml)	Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
17	Chlorine-38[2]	D, see ^{36}Cl	2E+4	4E+4	2E-5	6E-8	-	-
			St. wall (3E+4)	-	-	-	3E-4	3E-3
		W, see ^{36}Cl	-	5E+4	2E-5	6E-8	-	-
17	Chlorine-39[2]	D, see ^{36}Cl	2E+4	5E+4	2E-5	7E-8	-	-
			St. wall (4E+4)	-	-	-	5E-4	5E-3
		W, see ^{36}Cl	-	6E+4	2E-5	8E-8	-	-
18	Argon-37	Submersion[1]	-	-	1E+0	6E-3	-	-
18	Argon-39	Submersion[1]	-	-	2E-4	8E-7	-	-
18	Argon-41	Submersion[1]	-	-	3E-6	1E-8	-	-
19	Potassium-40	D, all compounds	3E+2	4E+2	2E-7	6E-10	4E-6	4E-5
19	Potassium-42	D, all compounds	5E+3	5E+3	2E-6	7E-9	6E-5	6E-4
19	Potassium-43	D, all compounds	6E+3	9E+3	4E-6	1E-8	9E-5	9E-4
19	Potassium-44[2]	D, all compounds	2E+4	7E+4	3E-5	9E-8	-	-
			St. wall (4E+4)	-	-	-	5E-4	5E-3
19	Potassium-45[2]	D, all compounds	3E+4	1E+5	5E-5	2E-7	-	-
			St. wall (5E+4)	-	-	-	7E-4	7E-3
20	Calcium-41	W, all compounds	3E+3	4E+3	2E-6	-	-	-
			Bone surf (4E+3)	Bone surf (4E+3)	-	5E-9	6E-5	6E-4
20	Calcium-45	W, all compounds	2E+3	8E+2	4E-7	1E-9	2E-5	2E-4
20	Calcium-47	W, all compounds	8E+2	9E+2	4E-7	1E-9	1E-5	1E-4
21	Scandium-43	Y, all compounds	7E+3	2E+4	9E-6	3E-8	1E-4	1E-3
21	Scandium-44m	Y, all compounds	5E+2	7E+2	3E-7	1E-9	7E-6	7E-5
21	Scandium-44	Y, all compounds	4E+3	1E+4	5E-6	2E-8	5E-5	5E-4
21	Scandium-46	Y, all compounds	9E+2	2E+2	1E-7	3E-10	1E-5	1E-4
21	Scandium-47	Y, all compounds	2E+3	3E+3	1E-6	4E-9	-	-
			LLI wall (3E+3)	-	-	-	4E-5	4E-4
21	Scandium-48	Y, all compounds	8E+2	1E+3	6E-7	2E-9	1E-5	1E-4
21	Scandium-49[2]	Y, all compounds	2E+4	5E+4	2E-5	8E-8	3E-4	3E-3
22	Titanium-44	D, all compounds except those given for W and Y	3E+2	1E+1	5E-9	2E-11	4E-6	4E-5
		W, oxides, hydroxides, carbides, halides, and nitrates	-	3E+1	1E-8	4E-11	-	-
		Y, $SrTiO_3$	-	6E+0	2E-9	8E-12	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
22	Titanium-45	D, see ^{44}Ti	9E+3	3E+4	1E-5	3E-8	1E-4	1E-3
		W, see ^{44}Ti	-	4E+4	1E-5	5E-8	-	-
		Y, see ^{44}Ti	-	3E+4	1E-5	4E-8	-	-
23	Vanadium-47[2]	D, all compounds except those given for W	3E+4 St. wall (3E+4)	8E+4 -	3E-5 -	1E-7 -	- 4E-4	- 4E-3
		W, oxides, hydroxides, carbides, and halides	-	1E+5	4E-5	1E-7	-	-
23	Vanadium-48	D, see ^{47}V	6E+2	1E+3	5E-7	2E-9	9E-6	9E-5
		W, see ^{47}V	-	6E+2	3E-7	9E-10	-	-
23	Vanadium-49	D, see ^{47}V	7E+4 LLI wall (9E+4)	3E+4 Bone surf (3E+4)	1E-5 -	- 5E-8	- 1E-3	- 1E-2
		W, see ^{47}V	-	2E+4	8E-6	2E-8	-	-
24	Chromium-48	D, all compounds except those given for W and Y	6E+3	1E+4	5E-6	2E-8	8E-5	8E-4
		W, halides and nitrates	-	7E+3	3E-6	1E-8	-	-
		Y, oxides and hydroxides	-	7E+3	3E-6	1E-8	-	-
24	Chromium-49[2]	D, see ^{48}Cr	3E+4	8E+4	4E-5	1E-7	4E-4	4E-3
		W, see ^{48}Cr	-	1E+5	4E-5	1E-7	-	-
		Y, see ^{48}Cr	-	9E+4	4E-5	1E-7	-	-
24	Chromium-51	D, see ^{48}Cr	4E+4	5E+4	2E-5	6E-8	5E-4	5E-3
		W, see ^{48}Cr	-	2E+4	1E-5	3E-8	-	-
		Y, see ^{48}Cr	-	2E+4	8E-6	3E-8	-	-
25	Manganese-51[2]	D, all compounds except those given for W	2E+4	5E+4	2E-5	7E-8	3E-4	3E-3
		W, oxides, hydroxides, halides, and nitrates	-	6E+4	3E-5	8E-8	-	-
25	Manganese-52m[2]	D, see ^{51}Mn	3E+4 St. wall (4E+4)	9E+4 -	4E-5 -	1E-7 -	- 5E-4	- 5E-3
		W, see ^{51}Mn	-	1E+5	4E-5	1E-7	-	-
25	Manganese-52	D, see ^{51}Mn	7E+2	1E+3	5E-7	2E-9	1E-5	1E-4
		W, see ^{51}Mn	-	9E+2	4E-7	1E-9	-	-
25	Manganese-53	D, see ^{51}Mn	5E+4	1E+4 Bone surf (2E+4)	5E-6 -	- 3E-8	7E-4 -	7E-3 -
		W, see ^{51}Mn	-	1E+4	5E-6	2E-8	-	-
25	Manganese-54	D, see ^{51}Mn	2E+3	9E+2	4E-7	1E-9	3E-5	3E-4
		W, see ^{51}Mn	-	8E+2	3E-7	1E-9	-	-
25	Manganese-56	D, see ^{51}Mn	5E+3	2E+4	6E-6	2E-8	7E-5	7E-4
		W, see ^{51}Mn	-	2E+4	9E-6	3E-8	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values			Table 2 Effluent Concentrations		Table 3 Releases to Sewers
			Col. 1 Oral Ingestion	Col. 2 Inhalation	Col. 3 Inhalation	Col. 1	Col. 2	
			ALI (μCi)	ALI (μCi)	DAC (μCi/ml)	Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
26	Iron-52	D, all compounds except those given for W	9E+2	3E+3	1E-6	4E-9	1E-5	1E-4
		W, oxides, hydroxides, and halides	-	2E+3	1E-6	3E-9	-	-
26	Iron-55	D, see ^{52}Fe	9E+3	2E+3	8E-7	3E-9	1E-4	1E-3
		W, see ^{52}Fe	-	4E+3	2E-6	6E-9	-	-
26	Iron-59	D, see ^{52}Fe	8E+2	3E+2	1E-7	5E-10	1E-5	1E-4
		W, see ^{52}Fe	-	5E+2	2E-7	7E-10	-	-
26	Iron-60	D, see ^{52}Fe	3E+1	6E+0	3E-9	9E-12	4E-7	4E-6
		W, see ^{52}Fe	-	2E+1	8E-9	3E-11	-	-
27	Cobalt-55	W, all compounds except those given for Y	1E+3	3E+3	1E-6	4E-9	2E-5	2E-4
		Y, oxides, hydroxides, halides, and nitrates	-	3E+3	1E-6	4E-9	-	-
27	Cobalt-56	W, see ^{55}Co	5E+2	3E+2	1E-7	4E-10	6E-6	6E-5
		Y, see ^{55}Co	4E+2	2E+2	8E-8	3E-10	-	-
27	Cobalt-57	W, see ^{55}Co	8E+3	3E+3	1E-6	4E-9	6E-5	6E-4
		Y, see ^{55}Co	4E+3	7E+2	3E-7	9E-10	-	-
27	Cobalt-58m	W, see ^{55}Co	6E+4	9E+4	4E-5	1E-7	8E-4	8E-3
		Y, see ^{55}Co	-	6E+4	3E-5	9E-8	-	-
27	Cobalt-58	W, see ^{55}Co	2E+3	1E+3	5E-7	2E-9	2E-5	2E-4
		Y, see ^{55}Co	1E+3	7E+2	3E-7	1E-9	-	-
27	Cobalt-60m[2]	W, see ^{55}Co	1E+6 St. wall (1E+6)	4E+6	2E-3	6E-6	-	-
		Y, see ^{55}Co	-	3E+6	1E-3	4E-6	2E-2 -	2E-1 -
27	Cobalt-60	W, see ^{55}Co	5E+2	2E+2	7E-8	2E-10	3E-6	3E-5
		Y, see ^{55}Co	2E+2	3E+1	1E-8	5E-11	-	-
27	Cobalt-61[2]	W, see ^{55}Co	2E+4	6E+4	3E-5	9E-8	3E-4	3E-3
		Y, see ^{55}Co	2E+4	6E+4	2E-5	8E-8	-	-
27	Cobalt-62m[2]	W, see ^{55}Co	4E+4 St. wall (5E+4)	2E+5	7E-5	2E-7	-	-
		Y, see ^{55}Co	-	2E+5	6E-5	2E-7	7E-4 -	7E-3 -
28	Nickel-56	D, all compounds except those given for W	1E+3	2E+3	8E-7	3E-9	2E-5	2E-4
		W, oxides, hydroxides, and carbides	-	1E+3	5E-7	2E-9	-	-
		Vapor	-	1E+3	5E-7	2E-9	-	-
28	Nickel-57	D, see ^{56}Ni	2E+3	5E+3	2E-6	7E-9	2E-5	2E-4
		W, see ^{56}Ni	-	3E+3	1E-6	4E-9	-	-
		Vapor	-	6E+3	3E-6	9E-9	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
28	Nickel-59	D, see ^{56}Ni	2E+4	4E+3	2E-6	5E-9	3E-4	3E-3
		W, see ^{56}Ni	-	7E+3	3E-6	1E-8	-	-
		Vapor	-	2E+3	8E-7	3E-9	-	-
28	Nickel-63	D, see ^{56}Ni	9E+3	2E+3	7E-7	2E-9	1E-4	1E-3
		W, see ^{56}Ni	-	3E+3	1E-6	4E-9	-	-
		Vapor	-	8E+2	3E-7	1E-9	-	-
28	Nickel-65	D, see ^{56}Ni	8E+3	2E+4	1E-5	3E-8	1E-4	1E-3
		W, see ^{56}Ni	-	3E+4	1E-5	4E-8	-	-
		Vapor	-	2E+4	7E-6	2E-8	-	-
28	Nickel-66	D, see ^{56}Ni	4E+2	2E+3	7E-7	2E-9	-	-
			LLI wall (5E+2)	-	-	-	6E-6	6E-5
		W, see ^{56}Ni	-	6E+2	3E-7	9E-10	-	-
		Vapor	-	3E+3	1E-6	4E-9	-	-
29	Copper-60[2]	D, all compounds except those given for W and Y	3E+4	9E+4	4E-5	1E-7	-	-
			St. wall (3E+4)	-	-	-	4E-4	4E-3
		W, sulfides, halides, and nitrates	-	1E+5	5E-5	2E-7	-	-
		Y, oxides and hydroxides	-	1E+5	4E-5	1E-7	-	-
29	Copper-61	D, see ^{60}Cu	1E+4	3E+4	1E-5	4E-8	2E-4	2E-3
		W, see ^{60}Cu	-	4E+4	2E-5	6E-8	-	-
		Y, see ^{60}Cu	-	4E+4	1E-5	5E-8	-	-
29	Copper-64	D, see ^{60}Cu	1E+4	3E+4	1E-5	4E-8	2E-4	2E-3
		W, see ^{60}Cu	-	2E+4	1E-5	3E-8	-	-
		Y, see ^{60}Cu	-	2E+4	9E-6	3E-8	-	-
29	Copper-67	D, see ^{60}Cu	5E+3	8E+3	3E-6	1E-8	6E-5	6E-4
		W, see ^{60}Cu	-	5E+3	2E-6	7E-9	-	-
		Y, see ^{60}Cu	-	5E+3	2E-6	6E-9	-	-
30	Zinc-62	Y, all compounds	1E+3	3E+3	1E-6	4E-9	2E-5	2E-4
30	Zinc-63[2]	Y, all compounds	2E+4	7E+4	3E-5	9E-8	-	-
			St. wall (3E+4)	-	-	-	3E-4	3E-3
30	Zinc-65	Y, all compounds	4E+2	3E+2	1E-7	4E-10	5E-6	5E-5
30	Zinc-69m	Y, all compounds	4E+3	7E+3	3E-6	1E-8	6E-5	6E-4
30	Zinc-69[2]	Y, all compounds	6E+4	1E+5	6E-5	2E-7	8E-4	8E-3
30	Zinc-71m	Y, all compounds	6E+3	2E+4	7E-6	2E-8	8E-5	8E-4
30	Zinc-72	Y, all compounds	1E+3	1E+3	5E-7	2E-9	1E-5	1E-4
31	Gallium-65[2]	D, all compounds except those given for W	5E+4	2E+5	7E-5	2E-7	-	-
			St. wall (6E+4)	-	-	-	9E-4	9E-3
		W, oxides, hydroxides, carbides, halides, and nitrates	-	2E+5	8E-5	3E-7	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values			Table 2 Effluent Concentrations		Table 3 Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion	Inhalation				
			ALI (μCi)	ALI (μCi)	DAC (μCi/ml)	Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
31	Gallium-66	D, see ^{65}Ga	1E+3	4E+3	1E-6	5E-9	1E-5	1E-4
		W, see ^{65}Ga	-	3E+3	1E-6	4E-9	-	-
31	Gallium-67	D, see ^{65}Ga	7E+3	1E+4	6E-6	2E-8	1E-4	1E-3
		W, see ^{65}Ga	-	1E+4	4E-6	1E-8	-	-
31	Gallium-68[2]	D, see ^{65}Ga	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see ^{65}Ga	-	5E+4	2E-5	7E-8	-	-
31	Gallium-70[2]	D, see ^{65}Ga	5E+4 St. wall (7E+4)	2E+5	7E-5	2E-7	-	-
			-	-	-	-	1E-3	1E-2
		W, see ^{65}Ga	-	2E+5	8E-5	3E-7	-	-
31	Gallium-72	D, see ^{65}Ga	1E+3	4E+3	1E-6	5E-9	2E-5	2E-4
		W, see ^{65}Ga	-	3E+3	1E-6	4E-9	-	-
31	Gallium-73	D, see ^{65}Ga	5E+3	2E+4	6E-6	2E-8	7E-5	7E-4
		W, see ^{65}Ga	-	2E+4	6E-6	2E-8	-	-
32	Germanium-66	D, all compounds except those given for W	2E+4	3E+4	1E-5	4E-8	3E-4	3E-3
		W, oxides, sulfides, and halides	-	2E+4	8E-6	3E-8	-	-
32	Germanium-67[2]	D, see ^{66}Ge	3E+4 St. wall (4E+4)	9E+4	4E-5	1E-7	-	-
			-	-	-	-	6E-4	6E-3
		W, see ^{66}Ge	-	1E+5	4E-5	1E-7	-	-
32	Germanium-68	D, see ^{66}Ge	5E+3	4E+3	2E-6	5E-9	6E-5	6E-4
		W, see ^{66}Ge	-	1E+2	4E-8	1E-10	-	-
32	Germanium-69	D, see ^{66}Ge	1E+4	2E+4	6E-6	2E-8	2E-4	2E-3
		W, see ^{66}Ge	-	8E+3	3E-6	1E-8	-	-
32	Germanium-71	D, see ^{66}Ge	5E+5	4E+5	2E-4	6E-7	7E-3	7E-2
		W, see ^{66}Ge	-	4E+4	2E-5	6E-8	-	-
32	Germanium-75[2]	D, see ^{66}Ge	4E+4 St. wall (7E+4)	8E+4	3E-5	1E-7	-	-
			-	-	-	-	9E-4	9E-3
		W, see ^{66}Ge	-	8E+4	4E-5	1E-7	-	-
32	Germanium-77	D, see ^{66}Ge	9E+3	1E+4	4E-6	1E-8	1E-4	1E-3
		W, see ^{66}Ge	-	6E+3	2E-6	8E-9	-	-
32	Germanium-78[2]	D, see ^{66}Ge	2E+4 St. wall (2E+4)	2E+4	9E-6	3E-8	-	-
			-	-	-	-	3E-4	3E-3
		W, see ^{66}Ge	-	2E+4	9E-6	3E-8	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
33	Arsenic-69[2]	W, all compounds	3E+4	1E+5	5E-5	2E-7	-	-
			St. wall (4E+4)	-	-	-	6E-4	6E-3
33	Arsenic-70[2]	W, all compounds	1E+4	5E+4	2E-5	7E-8	2E-4	2E-3
33	Arsenic-71	W, all compounds	4E+3	5E+3	2E-6	6E-9	5E-5	5E-4
33	Arsenic-72	W, all compounds	9E+2	1E+3	6E-7	2E-9	1E-5	1E-4
33	Arsenic-73	W, all compounds	8E+3	2E+3	7E-7	2E-9	1E-4	1E-3
33	Arsenic-74	W, all compounds	1E+3	8E+2	3E-7	1E-9	2E-5	2E-4
33	Arsenic-76	W, all compounds	1E+3	1E+3	6E-7	2E-9	1E-5	1E-4
33	Arsenic-77	W, all compounds	4E+3	5E+3	2E-6	7E-9	-	-
			LLI wall (5E+3)	-	-	-	6E-5	6E-4
33	Arsenic-78[2]	W, all compounds	8E+3	2E+4	9E-6	3E-8	1E-4	1E-3
34	Selenium-70[2]	D, all compounds except those given for W	2E+4	4E+4	2E-5	5E-8	1E-4	1E-3
		W, oxides, hydroxides, carbides, and elemental Se	1E+4-	4E+4	2E-5	6E-8	-	-
34	Selenium-73m[2]	D, see ^{70}Se	6E+4	2E+5	6E-5	2E-7	4E-4	4E-3
		W, see ^{70}Se	3E+4	1E+5	6E-5	2E-7	-	-
34	Selenium-73	D, see ^{70}Se	3E+3	1E+4	5E-6	2E-8	4E-5	4E-4
		W, see ^{70}Se	-	2E+4	7E-6	2E-8	-	-
34	Selenium-75	D, see ^{70}Se	5E+2	7E+2	3E-7	1E-9	7E-6	7E-5
		W, see ^{70}Se	-	6E+2	3E-7	8E-10	-	-
34	Selenium-79	D, see ^{70}Se	6E+2	8E+2	3E-7	1E-9	8E-6	8E-5
		W, see ^{70}Se	-	6E+2	2E-7	8E-10	-	-
34	Selenium-81m[2]	D, see ^{70}Se	4E+4	7E+4	3E-5	9E-8	3E-4	3E-3
		W, see ^{70}Se	2E+4	7E+4	3E-5	1E-7	-	-
34	Selenium-81[2]	D, see ^{70}Se	6E+4	2E+5	9E-5	3E-7	-	-
			St. wall (8E+4)	-	-	-	1E-3	1E-2
		W, see ^{70}Se	-	2E+5	1E-4	3E-7	-	-
34	Selenium-83[2]	D, see ^{70}Se	4E+4	1E+5	5E-5	2E-7	4E-4	4E-3
		W, see ^{70}Se	3E+4	1E+5	5E-5	2E-7	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values			Table 2 Effluent Concentrations		Table 3 Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation ALI (μCi)	Inhalation DAC (μCi/ml)	Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
35	Bromine-74m[2]	D, bromides of H, Li, Na, K, Rb, Cs, and Fr	1E+4	4E+4	2E-5	5E-8	-	-
			St. wall (2E+4)	-	-	-	3E-4	3E-3
		W, bromides of lanthanides, Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, Ge, Sn, Pb, As, Sb, Bi, Fe, Ru, Os, Co, Rh, Ir, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, Hf, V, Nb, Ta, Mn, Tc, and Re	-	4E+4	2E-5	6E-8	-	-
35	Bromine-74[2]	D, see ^{74m}Br	2E+4	7E+4	3E-5	1E-7	-	-
			St. wall (8E+4)	-	-	-	5E-4	5E-3
		W, see ^{74m}Br	-	8E+4	4E-5	1E-7	-	-
35	Bromine-75[2]	D, see ^{74m}Br	3E+4	5E+4	2E-5	7E-8	-	-
			St. wall (4E+4)	-	-	-	5E-4	5E-3
		W, see ^{74m}Br	-	5E+4	2E-5	7E-8	-	-
35	Bromine-76	D, see ^{74m}Br	4E+3	5E+3	2E-6	7E-9	5E-5	5E-4
		W, see ^{74m}Br	-	4E+3	2E-6	6E-9	-	-
35	Bromine-77	D, see ^{74m}Br	2E+4	2E+4	1E-5	3E-8	2E-4	2E-3
		W, see ^{74m}Br	-	2E+4	8E-6	3E-8	-	-
35	Bromine-80m	D, see ^{74m}Br	2E+4	2E+4	7E-6	2E-8	3E-4	3E-3
		W, see ^{74m}Br	-	1E+4	6E-6	2E-8	-	-
35	Bromine-80[2]	D, see ^{74m}Br	5E+4	2E+5	8E-5	3E-7	-	-
			St. wall (9E+4)	-	-	-	1E-3	1E-2
		W, see ^{74m}Br	-	2E+5	9E-5	3E-7	-	-
35	Bromine-82	D, see ^{74m}Br	3E+3	4E+3	2E-6	5E-9	4E-5	4E-4
		W, see ^{74m}Br	-	4E+3	2E-6	5E-9	-	-
35	Bromine-83	D, see ^{74m}Br	5E+4	6E+4	3E-5	9E-8	-	-
			St. wall (7E+4)	-	-	-	9E-4	9E-3
		W, see ^{74m}Br	-	6E+4	3E-5	9E-8	-	-
35	Bromine-84[2]	D, see ^{74m}Br	2E+4	6E+4	2E-5	8E-8	-	-
			St. wall (3E+4)	-	-	-	4E-4	4E-3
		W, see ^{74m}Br	-	6E+4	3E-5	9E-8	-	-
36	Krypton-74[2]	Submersion[1]	-	-	3E-6	1E-8	-	-
36	Krypton-76	Submersion[1]	-	-	9E-6	4E-8	-	-
36	Krypton-77[2]	Submersion[1]	-	-	4E-6	2E-8	-	-
36	Krypton-79	Submersion[1]	-	-	2E-5	7E-8	-	-
36	Krypton-81	Submersion[1]	-	-	7E-4	3E-6	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
36	Krypton-83m[2]	Submersion[1]			1E-2	5E-5	-	
36	Krypton-85m	Submersion[1]	-	-	2E-5	1E-7	-	-
36	Krypton-85	Submersion[1]	-	-	1E-4	7E-7	-	-
36	Krypton-87[2]	Submersion[1]	-	-	5E-6	2E-8	-	-
36	Krypton-88	Submersion[1]	-	-	2E-6	9E-9	-	-
37	Rubidium-79[2]	D, all compounds	4E+4	1E+5	5E-5	2E-7	-	-
			St. wall (6E+4)	-	-	-	8E-4	8E-3
37	Rubidium-81m[2]	D, all compounds	2E+5	3E+5	1E-4	5E-7	-	-
			St. wall (3E+5)	-	-	-	4E-3	4E-2
37	Rubidium-81	D, all compounds	4E+4	5E+4	2E-5	7E-8	5E-4	5E-3
37	Rubidium-82m	D, all compounds	1E+4	2E+4	7E-6	2E-8	2E-4	2E-3
37	Rubidium-83	D, all compounds	6E+2	1E+3	4E-7	1E-9	9E-6	9E-5
37	Rubidium-84	D, all compounds	5E+2	8E+2	3E-7	1E-9	7E-6	7E-5
37	Rubidium-86	D, all compounds	5E+2	8E+2	3E-7	1E-9	7E-6	7E-5
37	Rubidium-87	D, all compounds	1E+3	2E+3	6E-7	2E-9	1E-5	1E-4
37	Rubidium-88[2]	D, all compounds	2E+4	6E+4	3E-5	9E-8	-	-
			St. wall (3E+4)	-	-	-	4E-4	4E-3
37	Rubidium-89[2]	D, all compounds	4E+4	1E+5	6E-5	2E-7	-	-
			St. wall (6E+4)	-	-	-	9E-4	9E-3
38	Strontium-80[2]	D, all soluble compounds except $SrTiO_3$	4E+3	1E+4	5E-6	2E-8	6E-5	6E-4
		Y, all insoluble compounds and $SrTiO_3$	-	1E+4	5E-6	2E-8	-	-
38	Strontium-81[2]	D, see ^{80}Sr	3E+4	8E+4	3E-5	1E-7	3E-4	3E-3
		Y, see ^{80}Sr	2E+4	8E+4	3E-5	1E-7	-	-
38	Strontium-82	D, see ^{80}Sr	3E+2	4E+2	2E-7	6E-10	-	-
			LLI wall (2E+2)	-	-	-	3E-6	3E-5
		Y, see ^{80}Sr	2E+2	9E+1	4E-8	1E-10	-	-
38	Strontium-83	D, see ^{80}Sr	3E+3	7E+3	3E-6	1E-8	3E-5	3E-4
		Y, see ^{80}Sr	2E+3	4E+3	1E-6	5E-9	-	-
38	Strontium-85m[2]	D, see ^{80}Sr	2E+5	6E+5	3E-4	9E-7	3E-3	3E-2
		Y, see ^{80}Sr	-	8E+5	4E-4	1E-6	-	-
38	Strontium-85	D, see ^{80}Sr	3E+3	3E+3	1E-6	4E-9	4E-5	4E-4
		Y, see ^{80}Sr	-	2E+3	6E-7	2E-9	-	-
38	Strontium-87m	D, see ^{80}Sr	5E+4	1E+5	5E-5	2E-7	6E-4	6E-3
		Y, see ^{80}Sr	4E+4	2E+5	6E-5	2E-7	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
38	Strontium-89	D, see ^{80}Sr	6E+2	8E+2	4E-7	1E-9	-	-
			LLI wall (6E+2)	-	-	-	8E-6	8E-5
		Y, see ^{80}Sr	5E+2	1E+2	6E-8	2E-10	-	-
38	Strontium-90	D, see ^{80}Sr	3E+1	2E+1	8E-9	-	-	-
			Bone surf (4E+1)	Bone surf (2E+1)	-	3E-11	5E-7	5E-6
		Y, see ^{80}Sr	-	4E+0	2E-9	6E-12	-	-
38	Strontium-91	D, see ^{80}Sr	2E+3	6E+3	2E-6	8E-9	2E-5	2E-4
		Y, see ^{80}Sr	-	4E+3	1E-6	5E-9	-	-
38	Strontium-92	D, see ^{80}Sr	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
		Y, see ^{80}Sr	-	7E+3	3E-6	9E-9	-	-
39	Yttrium-86m[2]	W, all compounds except those given for Y	2E+4	6E+4	2E-5	8E-8	3E-4	3E-3
		Y, oxides and hydroxides	-	5E+4	2E-5	8E-8	-	-
39	Yttrium-86	W, see ^{86m}Y	1E+3	3E+3	1E-6	5E-9	2E-5	2E-4
		Y, see ^{86m}Y	-	3E+3	1E-6	5E-9	-	-
39	Yttrium-87	W, see ^{86m}Y	2E+3	3E+3	1E-6	5E-9	3E-5	3E-4
		Y, see ^{86m}Y	-	3E+3	1E-6	5E-9	-	-
39	Yttrium-88	W, see ^{86m}Y	1E+3	3E+2	1E-7	3E-10	1E-5	1E-4
		Y, see ^{86m}Y	-	2E+2	1E-7	3E-10	-	-
39	Yttrium-90m	W, see ^{86m}Y	8E+3	1E+4	5E-6	2E-8	1E-4	1E-3
		Y, see ^{86m}Y	-	1E+4	5E-6	2E-8	-	-
39	Yttrium-90	W, see ^{86m}Y	4E+2	7E+2	3E-7	9E-10	-	-
			LLI wall (5E+2)	-	-	-	7E-6	7E-5
		Y, see ^{86m}Y	-	6E+2	3E-7	9E-10	-	-
39	Yttrium-91m[2]	W, see ^{86m}Y	1E+5	2E+5	1E-4	3E-7	2E-3	2E-2
		Y, see ^{86m}Y	-	2E+5	7E-5	2E-7	-	-
39	Yttrium-91	W, see ^{86m}Y	5E+2	2E+2	7E-8	2E-10	-	-
			LLI wall (6E+2)	-	-	-	8E-6	8E-5
		Y, see ^{86m}Y	-	1E+2	5E-8	2E-10	-	-
39	Yttrium-92	W, see ^{86m}Y	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
		Y, see ^{86m}Y	-	8E+3	3E-6	1E-8	-	-
39	Yttrium-93	W, see ^{86m}Y	1E+3	3E+3	1E-6	4E-9	2E-5	2E-4
		Y, see ^{86m}Y	-	2E+3	1E-6	3E-9	-	-
39	Yttrium-94[2]	W, see ^{86m}Y	2E+4	8E+4	3E-5	1E-7	-	-
			St. wall (3E+4)	-	-	-	4E-4	4E-3
		Y, see ^{86m}Y	-	8E+4	3E-5	1E-7	-	-
39	Yttrium-95[2]	W, see ^{86m}Y	4E+4	2E+5	6E-5	2E-7	-	-
			St. wall (5E+4)	-	-	-	7E-4	7E-3
		Y, see ^{86m}Y	-	1E+5	6E-5	2E-7	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
40	Zirconium-86	D, all compounds except those given for W and Y	1E+3	4E+3	2E-6	6E-9	2E-5	2E-4
		W, oxides, hydroxides, halides, and nitrates	-	3E+3	1E-6	4E-9	-	-
		Y, carbide	-	2E+3	1E-6	3E-9	-	-
40	Zirconium-88	D, see ^{86}Zr	4E+3	2E+2	9E-8	3E-10	5E-5	5E-4
		W, see ^{86}Zr	-	5E+2	2E-7	7E-10	-	-
		Y, see ^{86}Zr	-	3E+2	1E-7	4E-10	-	-
40	Zirconium-89	D, see ^{86}Zr	2E+3	4E+3	1E-6	5E-9	2E-5	2E-4
		W, see ^{86}Zr	-	2E+3	1E-6	3E-9	-	-
		Y, see ^{86}Zr	-	2E+3	1E-6	3E-9	-	-
40	Zirconium-93	D, see ^{86}Zr	1E+3 Bone surf (3E+3)	6E+0 Bone surf (2E+1)	3E-9 -	- 2E-11	- 4E-5	- 4E-4
		W, see ^{86}Zr	-	2E+1 Bone surf (6E+1)	1E-8 -	- 9E-11	- -	- -
		Y, see ^{86}Zr	-	6E+1 Bone surf (7E+1)	2E-8 -	- 9E-11	- -	- -
40	Zirconium-95	D, see ^{86}Zr	1E+3	1E+2 Bone surf (3E+2)	5E-8 -	- 4E-10	2E-5 -	2E-4 -
		W, see ^{86}Zr	-	4E+2	2E-7	5E-10	-	-
		Y, see ^{86}Zr	-	3E+2	1E-7	4E-10	-	-
40	Zirconium-97	D, see ^{86}Zr	6E+2	2E+3	8E-7	3E-9	9E-6	9E-5
		W, see ^{86}Zr	-	1E+3	6E-7	2E-9	-	-
		Y, see ^{86}Zr	-	1E+3	5E-7	2E-9	-	-
41	Niobium-88[2]	W, all compounds except those given for Y	5E+4 St. wall (7E+4)	2E+5 -	9E-5 -	3E-7 -	- 1E-3	- 1E-2
		Y, oxides and hydroxides	-	2E+5	9E-5	3E-7	-	-
41	Niobium-89m[2] (66 min)	W, see ^{88}Nb	1E+4	4E+4	2E-5	6E-8	1E-4	1E-3
		Y, see ^{88}Nb	-	4E+4	2E-5	5E-8	-	-
41	Niobium-89 (122 min)	W, see ^{88}Nb	5E+3	2E+4	8E-6	3E-8	7E-5	7E-4
		Y, see ^{88}Nb	-	2E+4	6E-6	2E-8	-	-
41	Niobium-90	W, see ^{88}Nb	1E+3	3E+3	1E-6	4E-9	1E-5	1E-4
		Y, see ^{88}Nb	-	2E+3	1E-6	3E-9	-	-
41	Niobium-93m	W, see ^{88}Nb	9E+3 LLI wall (1E+4)	2E+3 -	8E-7 -	3E-9 -	- 2E-4	- 2E-3
		Y, see ^{88}Nb	-	2E+2	7E-8	2E-10	-	-
41	Niobium-94	W, see ^{88}Nb	9E+2	2E+2	8E-8	3E-10	1E-5	1E-4
		Y, see ^{88}Nb	-	2E+1	6E-9	2E-11	-	-
41	Niobium-95m	W, see ^{88}Nb	2E+3 LLI wall (2E+3)	3E+3 -	1E-6 -	4E-9 -	- 3E-5	- 3E-4
		Y, see ^{88}Nb	-	2E+3	9E-7	3E-9	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
41	Niobium-95	W, see ^{88}Nb	2E+3	1E+3	5E-7	2E-9	3E-5	3E-4
		Y, see ^{88}Nb	-	1E+3	5E-7	2E-9	-	-
41	Niobium-96	W, see ^{88}Nb	1E+3	3E+3	1E-6	4E-9	2E-5	2E-4
		Y, see ^{88}Nb	-	2E+3	1E-6	3E-9	-	-
41	Niobium-97[2]	W, see ^{88}Nb	2E+4	8E+4	3E-5	1E-7	3E-4	3E-3
		Y, see ^{88}Nb	-	7E+4	3E-5	1E-7	-	-
41	Niobium-98[2]	W, see ^{88}Nb	1E+4	5E+4	2E-5	8E-8	2E-4	2E-3
		Y, see ^{88}Nb	-	5E+4	2E-5	7E-8	-	-
42	Molybdenum-90	D, all compounds except those given for Y	4E+3	7E+3	3E-6	1E-8	3E-5	3E-4
		Y, oxides, hydroxides, and MoS_2	2E+3	5E+3	2E-6	6E-9	-	-
42	Molybdenum-93m	D, see ^{90}Mo	9E+3	2E+4	7E-6	2E-8	6E-5	6E-4
		Y, see ^{90}Mo	4E+3	1E+4	6E-6	2E-8	-	-
42	Molybdenum-93	D, see ^{90}Mo	4E+3	5E+3	2E-6	8E-9	5E-5	5E-4
		Y, see ^{90}Mo	2E+4	2E+2	8E-8	2E-10	-	-
42	Molybdenum-99	D, see ^{90}Mo	2E+3	3E+3	1E-6	4E-9	-	-
			LLI wall (1E+3)	-	-	-	2E-5	2E-4
		Y, see ^{90}Mo	1E+3	1E+3	6E-7	2E-9	-	-
42	Molybdenum-101[2]	D, see ^{90}Mo	4E+4	1E+5	6E-5	2E-7	-	-
			St. wall (5E+4)	-	-	-	7E-4	7E-3
		Y, see ^{90}Mo	-	1E+5	6E-5	2E-7	-	-
43	Technetium-93m[2]	D, all compounds except those given for W	7E+4	2E+5	6E-5	2E-7	1E-3	1E-2
		W, oxides, hydroxides, halides, and nitrates	-	3E+5	1E-4	4E-7	-	-
43	Technetium-93	D, see ^{93m}Tc	3E+4	7E+4	3E-5	1E-7	4E-4	4E-3
		W, see ^{93m}Tc	-	1E+5	4E-5	1E-7	-	-
43	Technetium-94m[2]	D, see ^{93m}Tc	2E+4	4E+4	2E-5	6E-8	3E-4	3E-3
		W, see ^{93m}Tc	-	6E+4	2E-5	8E-8	-	-
43	Technetium-94	D, see ^{93m}Tc	9E+3	2E+4	8E-6	3E-8	1E-4	1E-3
		W, see ^{93m}Tc	-	2E+4	1E-5	3E-8	-	-
43	Technetium-95m	D, see ^{93m}Tc	4E+3	5E+3	2E-6	8E-9	5E-5	5E-4
		W, see ^{93m}Tc	-	2E+3	8E-7	3E-9	-	-
43	Technetium-95	D, see ^{93m}Tc	1E+4	2E+4	9E-6	3E-8	1E-4	1E-3
		W, see ^{93m}Tc	-	2E+4	8E-6	3E-8	-	-
43	Technetium-96m[2]	D, see ^{93m}Tc	2E+5	3E+5	1E-4	4E-7	2E-3	2E-2
		W, see ^{93m}Tc	-	2E+5	1E-4	3E-7	-	-
43	Technetium-96	D, see ^{93m}Tc	2E+3	3E+3	1E-6	5E-9	3E-5	3E-4
		W, see ^{93m}Tc	-	2E+3	9E-7	3E-9	-	-
43	Technetium-97m	D, see ^{93m}Tc	5E+3	7E+3	3E-6	-	6E-5	6E-4
			-	St. wall (7E+3)	-	1E-8	-	-
		W, see ^{93m}Tc	-	1E+3	5E-7	2E-9	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
43	Technetium-97	D, see ^{93m}Tc	4E+4	5E+4	2E-5	7E-8	5E-4	5E-3
		W, see ^{93m}Tc	-	6E+3	2E-6	8E-9	-	-
43	Technetium-98	D, see ^{93m}Tc	1E+3	2E+3	7E-7	2E-9	1E-5	1E-4
		W, see ^{93m}Tc	-	3E+2	1E-7	4E-10	-	-
43	Technetium-99m	D, see ^{93m}Tc	8E+4	2E+5	6E-5	2E-7	1E-3	1E-2
		W, see ^{93m}Tc	-	2E+5	1E-4	3E-7	-	-
43	Technetium-99	D, see ^{93m}Tc	4E+3	5E+3	2E-6	-	6E-5	6E-4
			-	St. wall (6E+3)	-	8E-9	-	-
		W, see ^{93m}Tc	-	7E+2	3E-7	9E-10	-	-
43	Technetium-101[2]	D, see ^{93m}Tc	9E+4	3E+5	1E-4	5E-7	-	-
			St. wall (1E+5)	-	-	-	2E-3	2E-2
		W, see ^{93m}Tc	-	4E+5	2E-4	5E-7	-	-
43	Technetium-104[2]	D, see ^{93m}Tc	2E+4	7E+4	3E-5	1E-7	-	-
			St. wall (3E+4)	-	-	-	4E-4	4E-3
		W, see ^{93m}Tc	-	9E+4	4E-5	1E-7	-	-
44	Ruthenium-94[2]	D, all compounds except those given for W and Y	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, halides	-	6E+4	3E-5	9E-8	-	-
		Y, oxides and hydroxides	-	6E+4	2E-5	8E-8	-	-
44	Ruthenium-97	D, see ^{94}Ru	8E+3	2E+4	8E-6	3E-8	1E-4	1E-3
		W, see ^{94}Ru	-	1E+4	5E-6	2E-8	-	-
		Y, see ^{94}Ru	-	1E+4	5E-6	2E-8	-	-
44	Ruthenium-103	D, see ^{94}Ru	2E+3	2E+3	7E-7	2E-9	3E-5	3E-4
		W, see ^{94}Ru	-	1E+3	4E-7	1E-9	-	-
		Y, see ^{94}Ru	-	6E+2	3E-7	9E-10	-	-
44	Ruthenium-105	D, see ^{94}Ru	5E+3	1E+4	6E-6	2E-8	7E-5	7E-4
		W, see ^{94}Ru	-	1E+4	6E-6	2E-8	-	-
		Y, see ^{94}Ru	-	1E+4	5E-6	2E-8	-	-
44	Ruthenium-106	D, see ^{94}Ru	2E+2	9E+1	4E-8	1E-10	-	-
			LLI wall (2E+2)	-	-	-	3E-6	3E-5
		W, see ^{94}Ru	-	5E+1	2E-8	8E-11	-	-
		Y, see ^{94}Ru	-	1E+1	5E-9	2E-11	-	-
45	Rhodium-99[1]	D, all compounds except those given for W and Y	2E+4	6E+4	2E-5	8E-8	2E-4	2E-3
		W, halides	-	8E+4	3E-5	1E-7	-	-
		Y, oxides and hydroxides	-	7E+4	3E-5	9E-8	-	-
45	Rhodium-99	D, see ^{99m}Rh	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
		W, see ^{99m}Rh	-	2E+3	9E-7	3E-9	-	-
		Y, see ^{99m}Rh	-	2E+3	8E-7	3E-9	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
45	Rhodium-100	D, see ^{99m}Rh	2E+3	5E+3	2E-6	7E-9	2E-5	2E-4
		W, see ^{99m}Rh	-	4E+3	2E-6	6E-9	-	-
		Y, see ^{99m}Rh	-	4E+3	2E-6	5E-9	-	-
45	Rhodium-101m	D, see ^{99m}Rh	6E+3	1E+4	5E-6	2E-8	8E-5	8E-4
		W, see ^{99m}Rh	-	8E+3	4E-6	1E-8	-	-
		Y, see ^{99m}Rh	-	8E+3	3E-6	1E-8	-	-
45	Rhodium-101	D, see ^{99m}Rh	2E+3	5E+2	2E-7	7E-10	3E-5	3E-4
		W, see ^{99m}Rh	-	8E+2	3E-7	1E-9	-	-
		Y, see ^{99m}Rh	-	2E+2	6E-8	2E-10	-	-
45	Rhodium-102m	D, see ^{99m}Rh	1E+3 LLI wall (1E+3)	5E+2	2E-7	7E-10	-	-
				-	-	-	2E-5	2E-4
		W, see ^{99m}Rh	-	4E+2	2E-7	5E-10	-	-
		Y, see ^{99m}Rh	-	1E+2	5E-8	2E-10	-	-
45	Rhodium-102	D, see ^{99m}Rh	6E+2	9E+1	4E-8	1E-10	8E-6	8E-5
		W, see ^{99m}Rh	-	2E+2	7E-8	2E-10	-	-
		Y, see ^{99m}Rh	-	6E+1	2E-8	8E-11	-	-
45	Rhodium-103m[2]	D, see ^{99m}Rh	4E+5	1E+6	5E-4	2E-6	6E-3	6E-2
		W, see ^{99m}Rh	-	1E+6	5E-4	2E-6	-	-
		Y, see ^{99m}Rh	-	1E+6	5E-4	2E-6	-	-
45	Rhodium-105	D, see ^{99m}Rh	4E+3 LLI wall (4E+3)	1E+4	5E-6	2E-8	-	-
				-	-	-	5E-5	5E-4
		W, see ^{99m}Rh	-	6E+3	3E-6	9E-9	-	-
		Y, see ^{99m}Rh	-	6E+3	2E-6	8E-9	-	-
45	Rhodium-106m	D, see ^{99m}Rh	8E+3	3E+4	1E-5	4E-8	1E-4	1E-3
		W, see ^{99m}Rh	-	4E+4	2E-5	5E-8	-	-
		Y, see ^{99m}Rh	-	4E+4	1E-5	5E-8	-	-
45	Rhodium-107[2]	D, see ^{99m}Rh	7E+4 St. wall (9E+4)	2E+5	1E-4	3E-7	-	-
				-	-	-	1E-3	1E-2
		W, see ^{99m}Rh	-	3E+5	1E-4	4E-7	-	-
		Y, see ^{99m}Rh	-	3E+5	1E-4	3E-7	-	-
46	Palladium-100	D, all compounds except those given for W and Y	1E+3	1E+3	6E-7	2E-9	2E-5	2E-4
		W, nitrates	-	1E+3	5E-7	2E-9	-	-
		Y, oxides and hydroxides	-	1E+3	6E-7	2E-9	-	-
46	Palladium-101	D, see ^{100}Pd	1E+4	3E+4	1E-5	5E-8	2E-4	2E-3
		W, see ^{100}Pd	-	3E+4	1E-5	5E-8	-	-
		Y, see ^{100}Pd	-	3E+4	1E-5	4E-8	-	-
46	Palladium-103	D, see ^{100}Pd	6E+3 LLI wall (7E+3)	6E+3	3E-6	9E-9	-	-
				-	-	-	1E-4	1E-3
		W, see ^{100}Pd	-	4E+3	2E-6	6E-9	-	-
		Y, see ^{100}Pd	-	4E+3	1E-6	5E-9	-	-
46	Palladium-107	D, see ^{100}Pd	3E+4 LLI wall (4E+4)	2E+4 Kidneys (2E+4)	9E-6	-	-	-
				-	-	3E-8	5E-4	5E-3
		W, see ^{100}Pd	-	7E+3	3E-6	1E-8	-	-
		Y, see ^{100}Pd	-	4E+2	2E-7	6E-10	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
46	Palladium-109	D, see ^{100}Pd	2E+3	6E+3	3E-6	9E-9	3E-5	3E-4
		W, see ^{100}Pd	-	5E+3	2E-6	8E-9	-	-
		Y, see ^{100}Pd	-	5E+3	2E-6	6E-9	-	-
47	Silver-102[2]	D, all compounds except those given for W and Y	5E+4	2E+5	8E-5	2E-7	-	-
			St. wall (6E+4)	-	-	-	9E-4	9E-3
		W, nitrates and sulfides	-	2E+5	9E-5	3E-7	-	-
		Y, oxides and hydroxides	-	2E+5	8E-5	3E-7	-	-
47	Silver-103[2]	D, see ^{102}Ag	4E+4	1E+5	4E-5	1E-7	5E-4	5E-3
		W, see ^{102}Ag	-	1E+5	5E-5	2E-7	-	-
		Y, see ^{102}Ag	-	1E+5	5E-5	2E-7	-	-
47	Silver-104m[2]	D, see ^{102}Ag	3E+4	9E+4	4E-5	1E-7	4E-4	4E-3
		W, see ^{102}Ag	-	1E+5	5E-5	2E-7	-	-
		Y, see ^{102}Ag	-	1E+5	5E-5	2E-7	-	-
47	Silver-104[2]	D, see ^{102}Ag	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
		W, see ^{102}Ag	-	1E+5	6E-5	2E-7	-	-
		Y, see ^{102}Ag	-	1E+5	6E-5	2E-7	-	-
47	Silver-105	D, see ^{102}Ag	3E+3	1E+3	4E-7	1E-9	4E-5	4E-4
		W, see ^{102}Ag	-	2E+3	7E-7	2E-9	-	-
		Y, see ^{102}Ag	-	2E+3	7E-7	2E-9	-	-
47	Silver-106m	D, see ^{102}Ag	8E+2	7E+2	3E-7	1E-9	1E-5	1E-4
		W, see ^{102}Ag	-	9E+2	4E-7	1E-9	-	-
		Y, see ^{102}Ag	-	9E+2	4E-7	1E-9	-	-
47	Silver-106[2]	D, see ^{102}Ag	6E+4	2E+5	8E-5	3E-7	-	-
			St. wall (6E+4)	-	-	-	9E-4	9E-3
		W, see ^{102}Ag	-	2E+5	9E-5	3E-7	-	-
		Y, see ^{102}Ag	-	2E+5	8E-5	3E-7	-	-
47	Silver-108m	D, see ^{102}Ag	6E+2	2E+2	8E-8	3E-10	9E-6	9E-5
		W, see ^{102}Ag	-	3E+2	1E-7	4E-10	-	-
		Y, see ^{102}Ag	-	2E+1	1E-8	3E-11	-	-
47	Silver-110m	D, see ^{102}Ag	5E+2	1E+2	5E-8	2E-10	6E-6	6E-5
		W, see ^{102}Ag	-	2E+2	8E-8	3E-10	-	-
		Y, see ^{102}Ag	-	9E+1	4E-8	1E-10	-	-
47	Silver-111	D, see ^{102}Ag	9E+2	2E+3	6E-7	-	-	-
			LLI wall (1E+3)	Liver (2E+3)	-	2E-9	2E-5	2E-4
		W, see ^{102}Ag	-	9E+2	4E-7	1E-9	-	-
		Y, see ^{102}Ag	-	9E+2	4E-7	1E-9	-	-
47	Silver-112	D, see ^{102}Ag	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4
		W, see ^{102}Ag	-	1E+4	4E-6	1E-8	-	-
		Y, see ^{102}Ag	-	9E+3	4E-6	1E-8	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
47	Silver-115[2]	D, see ^{102}Ag	3E+4 St. wall (3E+4)	9E+4	4E-5	1E-7	-	-
		W, see ^{102}Ag	-	-	-	-	4E-4	4E-3
		Y, see ^{102}Ag	-	9E+4	4E-5	1E-7	-	-
			-	8E+4	3E-5	1E-7	-	-
48	Cadmium-104[2]	D, all compounds except those given for W and Y	2E+4	7E+4	3E-5	9E-8	3E-4	3E-3
		W, sulfides, halides, and nitrates	-	1E+5	5E-5	2E-7	-	-
		Y, oxides and hydroxides	-	1E+5	5E-5	2E-7	-	-
48	Cadmium-107	D, see ^{104}Cd	2E+4	5E+4	2E-5	8E-8	3E-4	3E-3
		W, see ^{104}Cd	-	6E+4	2E-5	8E-8	-	-
		Y, see ^{104}Cd	-	5E+4	2E-5	7E-8	-	-
48	Cadmium-109	D, see ^{104}Cd	3E+2 Kidneys (4E+2)	4E+1 Kidneys (5E+1)	1E-8	-	-	-
		W, see ^{104}Cd	-	1E+2 Kidneys (1E+2)	5E-8	7E-11	6E-6	6E-5
		Y, see ^{104}Cd	-	1E+2	5E-8	2E-10	-	-
			-			2E-10	-	-
48	Cadmium-113m	D, see ^{104}Cd	2E+1 Kidneys (4E+1)	2E+0 Kidneys (4E+0)	1E-9	-	-	-
		W, see ^{104}Cd	-	8E+0 Kidneys (1E+1)	4E-9	5E-12	5E-7	5E-6
		Y, see ^{104}Cd	-	1E+1	5E-9	2E-11	-	-
			-			2E-11	-	-
48	Cadmium-113	D, see ^{104}Cd	2E+1 Kidneys (3E+1)	2E+0 Kidneys (3E+0)	9E-10	-	-	-
		W, see ^{104}Cd	-	8E+0 Kidneys (1E+1)	3E-9	5E-12	4E-7	4E-6
		Y, see ^{104}Cd	-	1E+1	6E-9	2E-11	-	-
			-			2E-11	-	-
48	Cadmium-115m	D, see ^{104}Cd	3E+2	5E+1 Kidneys (8E+1)	2E-8	-	4E-6	4E-5
		W, see ^{104}Cd	-	1E+2	5E-8	1E-10	-	-
		Y, see ^{104}Cd	-	1E+2	6E-8	2E-10	-	-
			-			2E-10	-	-
48	Cadmium-115	D, see ^{104}Cd	9E+2 LLI wall (1E+3)	1E+3	6E-7	2E-9	-	-
		W, see ^{104}Cd	-	1E+3	5E-7	2E-9	-	-
		Y, see ^{104}Cd	-	1E+3	6E-7	2E-9	-	-
			-	-	-	-	1E-5	1E-4
48	Cadmium-117m	D, see ^{104}Cd	5E+3	1E+4	5E-6	2E-8	6E-5	6E-4
		W, see ^{104}Cd	-	2E+4	7E-6	2E-8	-	-
		Y, see ^{104}Cd	-	1E+4	6E-6	2E-8	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
48	Cadmium-117	D, see ^{104}Cd	5E+3	1E+4	5E-6	2E-8	6E-5	6E-4
		W, see ^{104}Cd	-	2E+4	7E-6	2E-8	-	-
		Y, see ^{104}Cd	-	1E+4	6E-6	2E-8	-	-
49	Indium-109	D, all compounds except those given for W	2E+4	4E+4	2E-5	6E-8	3E-4	3E-3
		W, oxides, hydroxides, halides, and nitrates	-	6E+4	3E-5	9E-8	-	-
49	Indium-110[2] (69.1 min)	D, see ^{109}In	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see ^{109}In	-	6E+4	2E-5	8E-8	-	-
49	Indium-110 (4.9 h)	D, see ^{109}In	5E+3	2E+4	7E-6	2E-8	7E-5	7E-4
		W, see ^{109}In	-	2E+4	8E-6	3E-8	-	-
49	Indium-111	D, see ^{109}In	4E+3	6E+3	3E-6	9E-9	6E-5	6E-4
		W, see ^{109}In	-	6E+3	3E-6	9E-9	-	-
49	Indium-112[2]	D, see ^{109}In	2E+5	6E+5	3E-4	9E-7	2E-3	2E-2
		W, see ^{109}In	-	7E+5	3E-4	1E-6	-	-
49	Indium-113m[2]	D, see ^{109}In	5E+4	1E+5	6E-5	2E-7	7E-4	7E-3
		W, see ^{109}In	-	2E+5	8E-5	3E-7	-	-
49	Indium-114m	D, see ^{109}In	3E+2 LLI wall (4E+2)	6E+1	3E-8	9E-11	-	-
		W, see ^{109}In	-	1E+2	4E-8	1E-10	5E-6 -	5E-5 -
4	Indium-115m	D, see ^{109}In	1E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see ^{109}In	-	5E+4	2E-5	7E-8	-	-
49	Indium-115	D, see ^{109}In	4E+1	1E+0	6E-10	2E-12	5E-7	5E-6
		W, see ^{109}In	-	5E+0	2E-9	8E-12	-	-
49	Indium-116m[2]	D, see ^{109}In	2E+4	8E+4	3E-5	1E-7	3E-4	3E-3
		W, see ^{109}In	-	1E+5	5E-5	2E-7	-	-
49	Indium-117m[2]	D, see ^{109}In	1E+4	3E+4	1E-5	5E-8	2E-4	2E-3
		W, see ^{109}In	-	4E+4	2E-5	6E-8	-	-
49	Indium-117[2]	D, see ^{109}In	6E+4	2E+5	7E-5	2E-7	8E-4	8E-3
		W, see ^{109}In	-	2E+5	9E-5	3E-7	-	-
49	Indium-119m[2]	D, see ^{109}In	4E+4 St. wall (5E+4)	1E+5	5E-5	2E-7	-	-
		W, see ^{109}In	-	1E+5	6E-5	2E-7	7E-4 -	7E-3 -
50	Tin-110	D, all compounds except those given for W	4E+3	1E+4	5E-6	2E-8	5E-5	5E-4
		W, sulfides, oxides, hydroxides, halides, nitrates, and stannic phosphate	-	1E+4	5E-6	2E-8	-	-
50	Tin-111[2]	D, see ^{110}Sn	7E+4	2E+5	9E-5	3E-7	1E-3	1E-2
		W, see ^{110}Sn	-	3E+5	1E-4	4E-7	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
50	Tin-113	D, see ^{110}Sn	2E+3	1E+3	5E-7	2E-9	-	-
			LLI wall (2E+3)	-	-	-	3E-5	3E-4
		W, see ^{110}Sn	-	5E+2	2E-7	8E-10	-	-
50	Tin-117m	D, see ^{110}Sn	2E+3	1E+3	5E-7	-	-	-
			LLI wall (2E+3)	Bone surf (2E+3)	-	3E-9	3E-5	3E-4
		W, see ^{110}Sn	-	1E+3	6E-7	2E-9	-	-
50	Tin-119m	D, see ^{110}Sn	3E+3	2E+3	1E-6	3E-9	-	-
			LLI wall (4E+3)	-	-	-	6E-5	6E-4
		W, see ^{110}Sn	-	1E+3	4E-7	1E-9	-	-
50	Tin-121m	D, see ^{110}Sn	3E+3	9E+2	4E-7	1E-9	-	-
			LLI wall (4E+3)	-	-	-	5E-5	5E-4
		W, see ^{110}Sn	-	5E+2	2E-7	8E-10	-	-
50	Tin-121	D, see ^{110}Sn	6E+3	2E+4	6E-6	2E-8	-	-
			LLI wall (6E+3)	-	-	-	8E-5	8E-4
		W, see ^{110}Sn	-	1E+4	5E-6	2E-8	-	-
50	Tin-123m[2]	D, see ^{110}Sn	5E+4	1E+5	5E-5	2E-7	7E-4	7E-3
		W, see ^{110}Sn	-	1E+5	6E-5	2E-7	-	-
50	Tin-123	D, see ^{110}Sn	5E+2	6E+2	3E-7	9E-10	-	-
			LLI wall (6E+2)	-	-	-	9E-6	9E-5
		W, see ^{110}Sn	-	2E+2	7E-8	2E-10	-	-
50	Tin-125	D, see ^{110}Sn	4E+2	9E+2	4E-7	1E-9	-	-
			LLI wall (5E+2)	-	-	-	6E-6	6E-5
		W, see ^{110}Sn	-	4E+2	1E-7	5E-10	-	-
50	Tin-126	D, see ^{110}Sn	3E+2	6E+1	2E-8	8E-11	4E-6	4E-5
		W, see ^{110}Sn	-	7E+1	3E-8	9E-11	-	-
50	Tin-127	D, see ^{110}Sn	7E+3	2E+4	8E-6	3E-8	9E-5	9E-4
		W, see ^{110}Sn	-	2E+4	8E-6	3E-8	-	-
50	Tin-128[2]	D, see ^{110}Sn	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
		W, see ^{110}Sn	-	4E+4	1E-5	5E-8	-	-
51	Antimony-115[2]	D, all compounds except those given for W	8E+4	2E+5	1E-4	3E-7	1E-3	1E-2
		W, oxides, hydroxides, halides, sulfides, sulfates, and nitrates	-	3E+5	1E-4	4E-7	-	-
51	Antimony-116m[2]	D, see ^{115}Sb	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
		W, see ^{115}Sb	-	1E+5	6E-5	2E-7	-	-
51	Antimony-116[2]	D, see ^{115}Sb	7E+4	3E+5	1E-4	4E-7	-	-
			St. wall (9E+4)	-	-	-	1E-3	1E-2
		W, see ^{115}Sb	-	3E+5	1E-4	5E-7	-	-
51	Antimony-117	D, see ^{115}Sb	7E+4	2E+5	9E-5	3E-7	9E-4	9E-3
		W, see ^{115}Sb	-	3E+5	1E-4	4E-7	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
51	Antimony-118m	D, see ^{115}Sb	6E+3	2E+4	8E-6	3E-8	7E-5	7E-4
		W, see ^{115}Sb	5E+3	2E+4	9E-6	3E-8	-	-
51	Antimony-119	D, see ^{115}Sb	2E+4	5E+4	2E-5	6E-8	2E-4	2E-3
		W, see ^{115}Sb	2E+4	3E+4	1E-5	4E-8	-	-
51	Antimony-120[2] (16 min)	D, see ^{115}Sb	1E+5 St. wall (2E+5)	4E+5 -	2E-4 -	6E-7 -	- 2E-3	- 2E-2
		W, see ^{115}Sb	-	5E+5	2E-4	7E-7	-	-
51	Antimony-120 (5.76 d)	D, see ^{115}Sb	1E+3	2E+3	9E-7	3E-9	1E-5	1E-4
		W, see ^{115}Sb	9E+2	1E+3	5E-7	2E-9	-	-
51	Antimony-122	D, see ^{115}Sb	8E+2 LLI wall (8E+2)	2E+3 -	1E-6 -	3E-9 -	- 1E-5	- 1E-4
		W, see ^{115}Sb	7E+2	1E+3	4E-7	2E-9	-	-
51	Antimony-124m[2]	D, see ^{115}Sb	3E+5	8E+5	4E-4	1E-6	3E-3	3E-2
		W, see ^{115}Sb	2E+5	6E+5	2E-4	8E-7	-	-
51	Antimony-124	D, see ^{115}Sb	6E+2	9E+2	4E-7	1E-9	7E-6	7E-5
		W, see ^{115}Sb	5E+2	2E+2	1E-7	3E-10	-	-
51	Antimony-125	D, see ^{115}Sb	2E+3	2E+3	1E-6	3E-9	3E-5	3E-4
		W, see ^{115}Sb	-	5E+2	2E-7	7E-10	-	-
51	Antimony-126m[2]	D, see ^{115}Sb	5E+4 St. wall (7E+4)	2E+5 -	8E-5 -	3E-7 -	- 9E-4	- 9E-3
		W, see ^{115}Sb	-	2E+5	8E-5	3E-7	-	-
51	Antimony-126	D, see ^{115}Sb	6E+2	1E+3	5E-7	2E-9	7E-6	7E-5
		W, see ^{115}Sb	5E+2	5E+2	2E-7	7E-10	-	-
51	Antimony-127	D, see ^{115}Sb	8E+2 LLI wall (8E+2)	2E+3 -	9E-7 -	3E-9 -	- 1E-5	- 1E-4
		W, see ^{115}Sb	7E+2	9E+2	4E-7	1E-9	-	-
51	Antimony-128[2] (10.4 min)	D, see ^{115}Sb	8E+4 St. wall (1E+5)	4E+5 -	2E-4 -	5E-7 -	- 1E-3	- 1E-2
		W, see ^{115}Sb	-	4E+5	2E-4	6E-7	-	-
51	Antimony-128 (9.01 h)	D, see ^{115}Sb	1E+3	4E+3	2E-6	6E-9	2E-5	2E-4
		W, see ^{115}Sb	-	3E+3	1E-6	5E-9	-	-
51	Antimony-129	D, see ^{115}Sb	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
		W, see ^{115}Sb	-	9E+3	4E-6	1E-8	-	-
51	Antimony-130[2]	D, see ^{115}Sb	2E+4	6E+4	3E-5	9E-8	3E-4	3E-3
		W, see ^{115}Sb	-	8E+4	3E-5	1E-7	-	-
51	Antimony-131[2]	D, see ^{115}Sb	1E+4 Thyroid (2E+4)	2E+4 Thyroid (4E+4)	1E-5 -	- 6E-8	- 2E-4	- 2E-3
		W, see ^{115}Sb	- -	2E+4 Thyroid (4E+4)	1E-5 -	6E-8	- -	- -

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
52	Tellurium-116	D, all compounds except those given for W	8E+3	2E+4	9E-6	3E-8	1E-4	1E-3
		W, oxides, hydroxides, and nitrates	-	3E+4	1E-5	4E-8	-	-
52	Tellurium-121m	D, see ^{116}Te	5E+2 Bone surf (7E+2)	2E+2 Bone surf (4E+2)	8E-8 -	- 5E-10	- 1E-5	- 1E-4
		W, see ^{116}Te	-	4E+2	2E-7	6E-10	-	-
52	Tellurium-121	D, see ^{116}Te	3E+3	4E+3	2E-6	6E-9	4E-5	4E-4
		W, see ^{116}Te	-	3E+3	1E-6	4E-9	-	-
52	Tellurium-123m	D, see ^{116}Te	6E+2 Bone surf (1E+3)	2E+2 Bone surf (5E+2)	9E-8 -	- 8E-10	- 1E-5	- 1E-4
		W, see ^{116}Te	-	5E+2	2E-7	8E-10	-	-
52	Tellurium-123	D, see ^{116}Te	5E+2 Bone surf (1E+3)	2E+2 Bone surf (5E+2)	8E-8 -	- 7E-10	- 2E-5	- 2E-4
		W, see ^{116}Te	-	4E+2 Bone surf	2E-7	-	-	-
			-	(1E+3)	-	2E-9	-	-
52	Tellurium-125m	D, see ^{116}Te	1E+3 Bone surf (1E+3)	4E+2 Bone surf (1E+3)	2E-7 -	- 1E-9	- 2E-5	- 2E-4
		W, see ^{116}Te	-	7E+2	3E-7	1E-9	-	-
52	Tellurium-127m	D, see ^{116}Te	6E+2	3E+2 Bone surf	1E-7	-	9E-6	9E-5
			-	(4E+2)	-	6E-10	-	-
		W, see ^{116}Te	-	3E+2	1E-7	4E-10	-	-
52	Tellurium-127	D, see ^{116}Te	7E+3	2E+4	9E-6	3E-8	1E-4	1E-3
		W, see ^{116}Te	-	2E+4	7E-6	2E-8	-	-
52	Tellurium-129m	D, see ^{116}Te	5E+2	6E+2	3E-7	9E-10	7E-6	7E-5
		W, see ^{116}Te	-	2E+2	1E-7	3E-10	-	-
52	Tellurium-129[2]	D, see ^{116}Te	3E+4	6E+4	3E-5	9E-8	4E-4	4E-3
		W, see ^{116}Te	-	7E+4	3E-5	1E-7	-	-
52	Tellurium-131m	D, see ^{116}Te	3E+2 Thyroid (6E+2)	4E+2 Thyroid (1E+3)	2E-7 -	- 2E-9	- 8E-6	- 8E-5
		W, see ^{116}Te	-	4E+2 Thyroid	2E-7	-	-	-
			-	(9E+2)	-	1E-9	-	-
52	Tellurium-131[2]	D, see ^{116}Te	3E+3 Thyroid (6E+3)	5E+3 Thyroid (1E+4)	2E-6 -	- 2E-8	- 8E-5	- 8E-4
		W, see ^{116}Te	-	5E+3 Thyroid	2E-6	-	-	-
			-	(1E+4)	-	2E-8	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
52	Tellurium-132	D, see ^{116}Te	2E+2 Thyroid (7E+2)	2E+2 Thyroid (8E+2)	9E-8	-	-	-
		W, see ^{116}Te	-	2E+2 Thyroid (6E+2)	9E-8	1E-9	9E-6	9E-5
			-		-	9E-10	-	-
52	Tellurium-133m[2]	D, see ^{116}Te	3E+3 Thyroid (6E+3)	5E+3 Thyroid (1E+4)	2E-6	-	-	-
		W, see ^{116}Te	-	5E+3 Thyroid (1E+4)	2E-6	2E-8	9E-5	9E-4
			-		-	2E-8	-	-
52	Tellurium-133[2]	D, see ^{116}Te	1E+4 Thyroid (3E+4)	2E+4 Thyroid (6E+4)	9E-6	-	-	-
		W, see ^{116}Te	-	2E+4 Thyroid (6E+4)	9E-6	8E-8	4E-4	4E-3
			-		-	8E-8	-	-
52	Tellurium-134[2]	D, see ^{116}Te	2E+4 Thyroid (2E+4)	2E+4 Thyroid (5E+4)	1E-5	-	-	-
		W, see ^{116}Te	-	2E+4 Thyroid (5E+4)	1E-5	7E-8	3E-4	3E-3
			-		-	7E-8	-	-
53	Iodine-120m[2]	D, all compounds	1E+4 Thyroid (1E+4)	2E+4	9E-6	3E-8	-	-
53	Iodine-120[2]	D, all compounds	4E+3 Thyroid (8E+3)	9E+3 Thyroid (1E+4)	4E-6	-	2E-4	2E-3
53	Iodine-121	D, all compounds	1E+4 Thyroid (3E+4)	2E+4 Thyroid (5E+4)	8E-6	2E-8	1E-4	1E-3
53	Iodine-123	D, all compounds	3E+3 Thyroid (1E+4)	6E+3 Thyroid (2E+4)	3E-6	-	-	-
53	Iodine-124	D, all compounds	5E+1 Thyroid (2E+2)	8E+1 Thyroid (3E+2)	3E-8	2E-8	1E-4	1E-3
53	Iodine-125	D, all compounds	4E+1 Thyroid (1E+2)	6E+1 Thyroid (2E+2)	3E-8	-	-	-
53	Iodine-126	D, all compounds	2E+1 Thyroid (7E+1)	4E+1 Thyroid (1E+2)	1E-8	3E-10	2E-6	2E-5
53	Iodine-128[2]	D, all compounds	4E+4 St. wall (6E+4)	1E+5	5E-5	2E-7	-	-
53	Iodine-129	D, all compounds	5E+0 Thyroid (2E+1)	9E+0 Thyroid (3E+1)	4E-9	4E-11	2E-7	2E-6

Atomic No.	Radionuclide	Class	Table 1 Occupational Values			Table 2 Effluent Concentrations		Table 3 Releases to Sewers
			Col. 1 Oral Ingestion ALI (μCi)	Col. 2 Inhalation ALI (μCi)	Col. 3 Inhalation DAC (μCi/ml)	Col. 1 Air (μCi/ml)	Col. 2 Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
53	Iodine-130	D, all compounds	4E+2 Thyroid (1E+3)	7E+2 Thyroid (2E+3)	3E-7 -	- 3E-9	- 2E-5	- 2E-4
53	Iodine-131	D, all compounds	3E+1 Thyroid (9E+1)	5E+1 Thyroid (2E+2)	2E-8 -	- 2E-10	- 1E-6	- 1E-5
53	Iodine-132m[2]	D, all compounds	4E+3 Thyroid (1E+4)	8E+3 Thyroid (2E+4)	4E-6 -	- 3E-8	- 1E-4	- 1E-3
53	Iodine-132	D, all compounds	4E+3 Thyroid (9E+3)	8E+3 Thyroid (1E+4)	3E-6 -	- 2E-8	- 1E-4	- 1E-3
53	Iodine-133	D, all compounds	1E+2 Thyroid (5E+2)	3E+2 Thyroid (9E+2)	1E-7 -	- 1E-9	- 7E-6	- 7E-5
53	Iodine-134[2]	D, all compounds	2E+4 Thyroid (3E+4)	5E+4 -	2E-5 -	6E-8 -	- 4E-4	- 4E-3
53	Iodine-135	D, all compounds	8E+2 Thyroid (3E+3)	2E+3 Thyroid (4E+3)	7E-7 -	- 6E-9	- 3E-5	- 3E-4
54	Xenon-120[2]	Submersion[1]	-	-	1E-5	4E-8	-	-
54	Xenon-121[2]	Submersion[1]	-	-	2E-6	1E-8	-	-
54	Xenon-122	Submersion[1]	-	-	7E-5	3E-7	-	-
54	Xenon-123	Submersion[1]	-	-	6E-6	3E-8	-	-
54	Xenon-125	Submersion[1]	-	-	2E-5	7E-8	-	-
54	Xenon-127	Submersion[1]	-	-	1E-5	6E-8	-	-
54	Xenon-129m	Submersion[1]	-	-	2E-4	9E-7	-	-
54	Xenon-131m	Submersion[1]	-	-	4E-4	2E-6	-	-
54	Xenon-133m	Submersion[1]	-	-	1E-4	6E-7	-	-
54	Xenon-133	Submersion[1]	-	-	1E-4	5E-7	-	-
54	Xenon-135m[2]	Submersion[1]	-	-	9E-6	4E-8	-	-
54	Xenon-135	Submersion[1]	-	-	1E-5	7E-8	-	-
54	Xenon-138[2]	Submersion[1]	-	-	4E-6	2E-8	-	-
55	Cesium-125[2]	D, all compounds	5E+4 St. wall (9E+4)	1E+5 -	6E-5 -	2E-7 -	- 1E-3	- 1E-2
55	Cesium-127	D, all compounds	6E+4	9E+4	4E-5	1E-7	9E-4	9E-3

Atomic No.	Radionuclide	Class	Table 1 Occupational Values			Table 2 Effluent Concentrations		Table 3 Releases to Sewers
			Col. 1 Oral Ingestion ALI (μCi)	Col. 2 Inhalation ALI (μCi)	Col. 3 Inhalation DAC (μCi/ml)	Col. 1 Air (μCi/ml)	Col. 2 Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
55	Cesium-129	D, all compounds	2E+4	3E+4	1E-5	5E-8	3E-4	3E-3
55	Cesium-130[2]	D, all compounds	6E+4	2E+5	8E-5	3E-7	-	-
			St. wall (1E+5)	-	-	-	1E-3	1E-2
55	Cesium-131	D, all compounds	2E+4	3E+4	1E-5	4E-8	3E-4	3E-3
55	Cesium-132	D, all compounds	3E+3	4E+3	2E-6	6E-9	4E-5	4E-4
55	Cesium-134m	D, all compounds	1E+5	1E+5	6E-5	2E-7	-	-
			St. wall (1E+5)	-	-	-	2E-3	2E-2
55	Cesium-134	D, all compounds	7E+1	1E+2	4E-8	2E-10	9E-7	9E-6
55	Cesium-135m[2]	D, all compounds	1E+5	2E+5	8E-5	3E-7	1E-3	1E-2
55	Cesium-135	D, all compounds	7E+2	1E+3	5E-7	2E-9	1E-5	1E-4
55	Cesium-136	D, all compounds	4E+2	7E+2	3E-7	9E-10	6E-6	6E-5
55	Cesium-137	D, all compounds	1E+2	2E+2	6E-8	2E-10	1E-6	1E-5
55	Cesium-138[2]	D, all compounds	2E+4	6E+4	2E-5	8E-8	-	-
			St. wall (3E+4)	-	-	-	4E-4	4E-3
56	Barium-126[2]	D, all compounds	6E+3	2E+4	6E-6	2E-8	8E-5	8E-4
56	Barium-128	D, all compounds	5E+2	2E+3	7E-7	2E-9	7E-6	7E-5
56	Barium-131m[2]	D, all compounds	4E+5	1E+6	6E-4	2E-6	-	-
			St. wall (5E+5)	-	-	-	7E-3	7E-2
56	Barium-131	D, all compounds	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4
56	Barium-133m	D, all compounds	2E+3	9E+3	4E-6	1E-8	-	-
			LLI wall (3E+3)	-	-	-	4E-5	4E-4
56	Barium-133	D, all compounds	2E+3	7E+2	3E-7	9E-10	2E-5	2E-4
56	Barium-135m	D, all compounds	3E+3	1E+4	5E-6	2E-8	4E-5	4E-4
56	Barium-139[2]	D, all compounds	1E+4	3E+4	1E-5	4E-8	2E-4	2E-3
56	Barium-140	D, all compounds	5E+2	1E+3	6E-7	2E-9	-	-
			LLI wall (6E+2)	-	-	-	8E-6	8E-5
56	Barium-141[2]	D, all compounds	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
56	Barium-142[2]	D, all compounds	5E+4	1E+5	6E-5	2E-7	7E-4	7E-3
57	Lanthanum-131[2]	D, all compounds except those given for W	5E+4	1E+5	5E-5	2E-7	6E-4	6E-3
		W, oxides and hydroxides	-	2E+5	7E-5	2E-7	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
57	Lanthanum-132	D, see ^{131}La	3E+3	1E+4	4E-6	1E-8	4E-5	4E-4
		W, see ^{131}La	-	1E+4	5E-6	2E-8	-	-
57	Lanthanum-135	D, see ^{131}La	4E+4	1E+5	4E-5	1E-7	5E-4	5E-3
		W, see ^{131}La	-	9E+4	4E-5	1E-7	-	-
57	Lanthanum-137	D, see ^{131}La	1E+4	6E+1 Liver	3E-8	-	2E-4	2E-3
			-	(7E+1)	-	1E-10	-	-
		W, see ^{131}La	-	3E+2 Liver	1E-7	-	-	-
			-	(3E+2)	-	4E-10	-	-
57	Lanthanum-138	D, see ^{131}La	9E+2	4E+0	1E-9	5E-12	1E-5	1E-4
		W, see ^{131}La	-	1E+1	6E-9	2E-11	-	-
57	Lanthanum-140	D, see ^{131}La	6E+2	1E+3	6E-7	2E-9	9E-6	9E-5
		W, see ^{131}La	-	1E+3	5E-7	2E-9	-	-
57	Lanthanum-141	D, see ^{131}La	4E+3	9E+3	4E-6	1E-8	5E-5	5E-4
		W, see ^{131}La	-	1E+4	5E-6	2E-8	-	-
57	Lanthanum-142[2]	D, see ^{131}La	8E+3	2E+4	9E-6	3E-8	1E-4	1E-3
		W, see ^{131}La	-	3E+4	1E-5	5E-8	-	-
57	Lanthanum-143[2]	D, see ^{131}La	4E+4	1E+5	4E-5	1E-7	-	-
			St. wall (4E+4)	-	-	-	5E-4	5E-3
		W, see ^{131}La	-	9E+4	4E-5	1E-7	-	-
58	Cerium-134	W, all compounds except those given for Y	5E+2	7E+2	3E-7	1E-9	-	-
			LLI wall (6E+2)	-	-	-	8E-6	8E-5
		Y, oxides, hydroxides, and fluorides	-	7E+2	3E-7	9E-10	-	-
58	Cerium-135	W, see ^{134}Ce	2E+3	4E+3	2E-6	5E-9	2E-5	2E-4
		Y, see ^{134}Ce	-	4E+3	1E-6	5E-9	-	-
58	Cerium-137m	W, see ^{134}Ce	2E+3	4E+3	2E-6	6E-9	-	-
			LLI wall (2E+3)	-	-	-	3E-5	3E-4
		Y, see ^{134}Ce	-	4E+3	2E-6	5E-9	-	-
58	Cerium-137	W, see ^{134}Ce	5E+4	1E+5	6E-5	2E-7	7E-4	7E-3
		Y, see ^{134}Ce	-	1E+5	5E-5	2E-7	-	-
58	Cerium-139	W, see ^{134}Ce	5E+3	8E+2	3E-7	1E-9	7E-5	7E-4
		Y, see ^{134}Ce	-	7E+2	3E-7	9E-10	-	-
58	Cerium-141	W, see ^{134}Ce	2E+3	7E+2	3E-7	1E-9	-	-
			LLI wall (2E+3)	-	-	-	3E-5	3E-4
		Y, see ^{134}Ce	-	6E+2	2E-7	8E-10	-	-
58	Cerium-143	W, see ^{134}Ce	1E+3	2E+3	8E-7	3E-9	-	-
			LLI wall (1E+3)	-	-	-	2E-5	2E-4
		Y, see ^{134}Ce	-	2E+3	7E-7	2E-9	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
58	Cerium-144	W, see ^{134}Ce	2E+2	3E+1	1E-8	4E-11	-	-
			LLI wall (3E+2)	-	-	-	3E-6	3E-5
		Y, see ^{134}Ce	-	1E+1	6E-9	2E-11	-	-
59	Praseodymium-136[2]	W, all compounds except those given for Y	5E+4	2E+5	1E-4	3E-7	-	-
			St. wall (7E+4)	-	-	-	1E-3	1E-2
		Y, oxides, hydroxides, carbides, and fluorides	-	2E+5	9E-5	3E-7	-	-
59	Praseodymium-137[2]	W, see ^{136}Pr	4E+4	2E+5	6E-5	2E-7	5E-4	5E-3
		Y, see ^{136}Pr	-	1E+5	6E-5	2E-7	-	-
59	Praseodymium-138m	W, see ^{136}Pr	1E+4	5E+4	2E-5	8E-8	1E-4	1E-3
		Y, see ^{136}Pr	-	4E+4	2E-5	6E-8	-	-
59	Praseodymium-139	W, see ^{136}Pr	4E+4	1E+5	5E-5	2E-7	6E-4	6E-3
		Y, see ^{136}Pr	-	1E+5	5E-5	2E-7	-	-
59	Praseodymium-142m[2]	W, see ^{136}Pr	8E+4	2E+5	7E-5	2E-7	1E-3	1E-2
		Y, see ^{136}Pr	-	1E+5	6E-5	2E-7	-	-
59	Praseodymium-142	W, see ^{136}Pr	1E+3	2E+3	9E-7	3E-9	1E-5	1E-4
		Y, see ^{136}Pr	-	2E+3	8E-7	3E-9	-	-
59	Praseodymium-143	W, see ^{136}Pr	9E+2	8E+2	3E-7	1E-9	-	-
			LLI wall (1E+3)	-	-	-	2E-5	2E-4
		Y, see ^{136}Pr	-	7E+2	3E-7	9E-10	-	-
59	Praseodymium-144[2]	W, see ^{136}Pr	3E+4	1E+5	5E-5	2E-7	-	-
			St. wall (4E+4)	-	-	-	6E-4	6E-3
		Y, see ^{136}Pr	-	1E+5	5E-5	2E-7	-	-
59	Praseodymium-145	W, see ^{136}Pr	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
		Y, see ^{136}Pr	-	8E+3	3E-6	1E-8	-	-
59	Praseodymium-147[2]	W, see ^{136}Pr	5E+4	2E+5	8E-5	3E-7	-	-
			St. wall (8E+4)	-	-	-	1E-3	1E-2
		Y, see ^{136}Pr	-	2E+5	8E-5	3E-7	-	-
60	Neodymium-136[2]	W, all compounds except those given for Y	1E+4	6E+4	2E-5	8E-8	2E-4	2E-3
		Y, oxides, hydroxides, carbides, and fluorides	-	5E+4	2E-5	8E-8	-	-
60	Neodymium-138	W, see ^{136}Nd	2E+3	6E+3	3E-6	9E-9	3E-5	3E-4
		Y, see ^{136}Nd	-	5E+3	2E-6	7E-9	-	-
60	Neodymium-139m	W, see ^{136}Nd	5E+3	2E+4	7E-6	2E-8	7E-5	7E-4
		Y, see ^{136}Nd	-	1E+4	6E-6	2E-8	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values: Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values: Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values: Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations: Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations: Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers: Monthly Average Concentration (μCi/ml)
60	Neodymium-139[2]	W, see ^{136}Nd	9E+4	3E+5	1E-4	5E-7	1E-3	1E-2
		Y, see ^{136}Nd	-	3E+5	1E-4	4E-7	-	-
60	Neodymium-141	W, see ^{136}Nd	2E+5	7E+5	3E-4	1E-6	2E-3	2E-2
		Y, see ^{136}Nd	-	6E+5	3E-4	9E-7	-	-
60	Neodymium-147	W, see ^{136}Nd	1E+3	9E+2	4E-7	1E-9	-	-
			LLI wall (1E+3)	-	-	-	2E-5	2E-4
		Y, see ^{136}Nd	-	8E+2	4E-7	1E-9	-	-
60	Neodymium-149[2]	W, see ^{136}Nd	1E+4	3E+4	1E-5	4E-8	1E-4	1E-3
		Y, see ^{136}Nd	-	2E+4	1E-5	3E-8	-	-
60	Neodymium-151[2]	W, see ^{136}Nd	7E+4	2E+5	8E-5	3E-7	9E-4	9E-3
		Y, see ^{136}Nd	-	2E+5	8E-5	3E-7	-	-
61	Promethium-141[2]	W, all compounds except those given for Y	5E+4	2E+5	8E-5	3E-7	-	-
			St. wall (6E+4)	-	-	-	8E-4	8E-3
		Y, oxides, hydroxides, carbides, and fluorides	-	2E+5	7E-5	2E-7	-	-
61	Promethium-143	W, see ^{141}Pm	5E+3	6E+2	2E-7	8E-10	7E-5	7E-4
		Y, see ^{141}Pm	-	7E+2	3E-7	1E-9	-	-
61	Promethium-144	W, see ^{141}Pm	1E+3	1E+2	5E-8	2E-10	2E-5	2E-4
		Y, see ^{141}Pm	-	1E+2	5E-8	2E-10	-	-
61	Promethium-145	W, see ^{141}Pm	1E+4	2E+2	7E-8	-	1E-4	1E-3
			-	Bone surf (2E+2)	-	3E-10	-	-
		Y, see ^{141}Pm	-	2E+2	8E-8	3E-10	-	-
61	Promethium-146	W, see ^{141}Pm	2E+3	5E+1	2E-8	7E-11	2E-5	2E-4
		Y, see ^{141}Pm	-	4E+1	2E-8	6E-11	-	-
61	Promethium-147	W, see ^{141}Pm	4E+3	1E+2	5E-8	-	-	-
			LLI wall (5E+3)	Bone surf (2E+2)	-	3E-10	7E-5	7E-4
		Y, see ^{141}Pm	-	1E+2	6E-8	2E-10	-	-
61	Promethium-148m	W, see ^{141}Pm	7E+2	3E+2	1E-7	4E-10	1E-5	1E-4
		Y, see ^{141}Pm	-	3E+2	1E-7	5E-10	-	-
61	Promethium-148	W, see ^{141}Pm	4E+2	5E+2	2E-7	8E-10	-	-
			LLI wall (5E+2)	-	-	-	7E-6	7E-5
		Y, see ^{141}Pm	-	5E+2	2E-7	7E-10	-	-
61	Promethium-149	W, see ^{141}Pm	1E+3	2E+3	8E-7	3E-9	-	-
			LLI wall (1E+3)	-	-	-	2E-5	2E-4
		Y, see ^{141}Pm	-	2E+3	8E-7	2E-9	-	-
61	Promethium-150	W, see ^{141}Pm	5E+3	2E+4	8E-6	3E-8	7E-5	7E-4
		Y, see ^{141}Pm	-	2E+4	7E-6	2E-8	-	-
61	Promethium-151	W, see ^{141}Pm	2E+3	4E+3	1E-6	5E-9	2E-5	2E-4
		Y, see ^{141}Pm	-	3E+3	1E-6	4E-9	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values			Table 2 Effluent Concentrations		Table 3 Releases to Sewers
			Col. 1 Oral Ingestion ALI (μCi)	Col. 2 Inhalation ALI (μCi)	Col. 3 Inhalation DAC (μCi/ml)	Col. 1 Air (μCi/ml)	Col. 2 Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
62	Samarium-141m[2]	W, all compounds	3E+4	1E+5	4E-5	1E-7	4E-4	4E-3
62	Samarium-141[2]	W, all compounds	5E+4	2E+5	8E-5	2E-7	-	-
			St. wall (6E+4)	-		-	8E-4	8E-3
62	Samarium-142[2]	W, all compounds	8E+3	3E+4	1E-5	4E-8	1E-4	1E-3
62	Samarium-145	W, all compounds	6E+3	5E+2	2E-7	7E-10	8E-5	8E-4
62	Samarium-146	W, all compounds	1E+1	4E-2	1E-11	-	-	-
			Bone surf (3E+1)	Bone surf (6E-2)	-	9E-14	3E-7	3E-6
62	Samarium-147	W, all compounds	2E+1	4E-2	2E-11	-	-	-
			Bone surf (3E+1)	Bone surf (7E-2)	-	1E-13	4E-7	4E-6
62	Samarium-151	W, all compounds	1E+4	1E+2	4E-8	-	-	-
			LLI wall (1E+4)	Bone surf (2E+2)	-	2E-10	2E-4	2E-3
62	Samarium-153	W, all compounds	2E+3	3E+3	1E-6	4E-9	-	-
			LLI wall (2E+3)	-	-	-	3E-5	3E-4
62	Samarium-155[2]	W, all compounds	6E+4	2E+5	9E-5	3E-7	-	-
			St. wall (8E+4)	-	-	-	1E-3	1E-2
62	Samarium-156	W, all compounds	5E+3	9E+3	4E-6	1E-8	7E-5	7E-4
63	Europium-145	W, all compounds	2E+3	2E+3	8E-7	3E-9	2E-5	2E-4
63	Europium-146	W, all compounds	1E+3	1E+3	5E-7	2E-9	1E-5	1E-4
63	Europium-147	W, all compounds	3E+3	2E+3	7E-7	2E-9	4E-5	4E-4
63	Europium-148	W, all compounds	1E+3	4E+2	1E-7	5E-10	1E-5	1E-4
63	Europium-149	W, all compounds	1E+4	3E+3	1E-6	4E-9	2E-4	2E-3
63	Europium-150 (12.62 h)	W, all compounds	3E+3	8E+3	4E-6	1E-8	4E-5	4E-4
63	Europium-150 (34.2 y)	W, all compounds	8E+2	2E+1	8E-9	3E-11	1E-5	1E-4
63	Europium-152m	W, all compounds	3E+3	6E+3	3E-6	9E-9	4E-5	4E-4
63	Europium-152	W, all compounds	8E+2	2E+1	1E-8	3E-11	1E-5	1E-4
63	Europium-154	W, all compounds	5E+2	2E+1	8E-9	3E-11	7E-6	7E-5
63	Europium-155	W, all compounds	4E+3	9E+1	4E-8	-	5E-5	5E-4
			-	Bone surf (1E+2)	-	2E-10	-	-
63	Europium-156	W, all compounds	6E+2	5E+2	2E-7	6E-10	8E-6	8E-5

Atomic No.	Radionuclide	Class	Table 1 Occupational Values			Table 2 Effluent Concentrations		Table 3 Releases to Sewers
			Col. 1 Oral Ingestion	Col. 2 Inhalation		Col. 1	Col. 2	
			ALI (μCi)	ALI (μCi)	DAC (μCi/ml)	Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
63	Europium-157	W, all compounds	2E+3	5E+3	2E-6	7E-9	3E-5	3E-4
63	Europium-158[2]	W, all compounds	2E+4	6E+4	2E-5	8E-8	3E-4	3E-3
64	Gadolinium-145[2]	D, all compounds except those given for W	5E+4	2E+5	6E-5	2E-7	-	-
			St. wall (5E+4)	-	-	-	6E-4	6E-3
		W, oxides, hydroxides, and fluorides	-	2E+5	7E-5	2E-7	-	-
64	Gadolinium-146	D, see ^{145}Gd	1E+3	1E+2	5E-8	2E-10	2E-5	2E-4
		W, see ^{145}Gd	-	3E+2	1E-7	4E-10	-	-
64	Gadolinium-147	D, see ^{145}Gd	2E+3	4E+3	2E-6	6E-9	3E-5	3E-4
		W, see ^{145}Gd	-	4E+3	1E-6	5E-9	-	-
64	Gadolinium-148	D, see ^{145}Gd	1E+1	8E-3	3E-12	-	-	-
			Bone surf (2E+1)	Bone surf (2E-2)	-	2E-14	3E-7	3E-6
		W, see ^{145}Gd	-	3E-2	1E-11	-	-	-
			-	Bone surf (6E-2)	-	8E-14	-	-
64	Gadolinium-149	D, see ^{145}Gd	3E+3	2E+3	9E-7	3E-9	4E-5	4E-4
		W, see ^{145}Gd	-	2E+3	1E-6	3E-9	-	-
64	Gadolinium-151	D, see ^{145}Gd	6E+3	4E+2	2E-7	-	9E-5	9E-4
			-	Bone surf (6E+2)	-	9E-10	-	-
		W, see ^{145}Gd	-	1E+3	5E-7	2E-9	-	-
64	Gadolinium-152	D, see ^{145}Gd	2E+1	1E-2	4E-12	-	-	-
			Bone surf (3E+1)	Bone surf (2E-2)	-	3E-14	4E-7	4E-6
		W, see ^{145}Gd	-	4E-2	2E-11	-	-	-
			-	Bone surf (8E-2)	-	1E-13	-	-
64	Gadolinium-153	D, see ^{145}Gd	5E+3	1E+2	6E-8	-	6E-5	6E-4
			-	Bone surf (2E+2)	-	3E-10	-	-
		W, see ^{145}Gd	-	6E+2	2E-7	8E-10	-	-
64	Gadolinium-159	D, see ^{145}Gd	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4
		W, see ^{145}Gd	-	6E+3	2E-6	8E-9	-	-
65	Terbium-147[2]	W, all compounds	9E+3	3E+4	1E-5	5E-8	1E-4	1E-3
65	Terbium-149	W, all compounds	5E+3	7E+2	3E-7	1E-9	7E-5	7E-4
65	Terbium-150	W, all compounds	5E+3	2E+4	9E-6	3E-8	7E-5	7E-4
65	Terbium-151	W, all compounds	4E+3	9E+3	4E-6	1E-8	5E-5	5E-4
65	Terbium-153	W, all compounds	5E+3	7E+3	3E-6	1E-8	7E-5	7E-4
65	Terbium-154	W, all compounds	2E+3	4E+3	2E-6	6E-9	2E-5	2E-4
65	Terbium-155	W, all compounds	6E+3	8E+3	3E-6	1E-8	8E-5	8E-4
65	Terbium-156m (5.0 h)	W, all compounds	2E+4	3E+4	1E-5	4E-8	2E-4	2E-3

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
65	Terbium-156m (24.4 h)	W, all compounds	7E+3	8E+3	3E-6	1E-8	1E-4	1E-3
65	Terbium-156	W, all compounds	1E+3	1E+3	6E-7	2E-9	1E-5	1E-4
65	Terbium-157	W, all compounds	5E+4 LLI wall (5E+4)	3E+2 Bone surf (6E+2)	1E-7 -	- 8E-10	- 7E-4	- 7E-3
65	Terbium-158	W, all compounds	1E+3	2E+1	8E-9	3E-11	2E-5	2E-4
65	Terbium-160	W, all compounds	8E+2	2E+2	9E-8	3E-10	1E-5	1E-4
65	Terbium-161	W, all compounds	2E+3 LLI wall (2E+3)	2E+3 -	7E-7 -	2E-9 -	- 3E-5	- 3E-4
66	Dysprosium-155	W, all compounds	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
66	Dysprosium-157	W, all compounds	2E+4	6E+4	3E-5	9E-8	3E-4	3E-3
66	Dysprosium-159	W, all compounds	1E+4	2E+3	1E-6	3E-9	2E-4	2E-3
66	Dysprosium-165	W, all compounds	1E+4	5E+4	2E-5	6E-8	2E-4	2E-3
66	Dysprosium-166	W, all compounds	6E+2 LLI wall (8E+2)	7E+2 -	3E-7 -	1E-9 -	- 1E-5	- 1E-4
67	Holmium-155[2]	W, all compounds	4E+4	2E+5	6E-5	2E-7	6E-4	6E-3
67	Holmium-157[2]	W, all compounds	3E+5	1E+6	6E-4	2E-6	4E-3	4E-2
67	Holmium-159[2]	W, all compounds	2E+5	1E+6	4E-4	1E-6	3E-3	3E-2
67	Holmium-161	W, all compounds	1E+5	4E+5	2E-4	6E-7	1E-3	1E-2
67	Holmium-162m[2]	W, all compounds	5E+4	3E+5	1E-4	4E-7	7E-4	7E-3
67	Holmium-162[2]	W, all compounds	5E+5 St. wall (8E+5)	2E+6 -	1E-3 -	3E-6 -	- 1E-2	- 1E-1
67	Holmium-164m[2]	W, all compounds	1E+5	3E+5	1E-4	4E-7	1E-3	1E-2
67	Holmium-164[2]	W, all compounds	2E+5 St. wall (2E+5)	6E+5 -	3E-4 -	9E-7 -	- 3E-3	- 3E-2
67	Holmium-166m	W, all compounds	6E+2	7E+0	3E-9	9E-12	9E-6	9E-5
67	Holmium-166	W, all compounds	9E+2 LLI wall (9E+2)	2E+3 -	7E-7 -	2E-9 -	- 1E-5	- 1E-4
67	Holmium-167	W, all compounds	2E+4	6E+4	2E-5	8E-8	2E-4	2E-3
68	Erbium-161	W, all compounds	2E+4	6E+4	3E-5	9E-8	2E-4	2E-3
68	Erbium-165	W, all compounds	6E+4	2E+5	8E-5	3E-7	9E-4	9E-3

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
68	Erbium-169	W, all compounds	3E+3	3E+3	1E-6	4E-9	-	-
			LLI wall (4E+3)	-	-	-	5E-5	5E-4
68	Erbium-171	W, all compounds	4E+3	1E+4	4E-6	1E-8	5E-5	5E-4
68	Erbium-172	W, all compounds	1E+3	1E+3	6E-7	2E-9	-	-
			LLI wall (1E+3)	-	-	-	2E-5	2E-4
69	Thulium-162[2]	W, all compounds	7E+4	3E+5	1E-4	4E-7	-	-
			St. wall (7E+4)	-	-	-	1E-3	1E-2
69	Thulium-166	W, all compounds	4E+3	1E+4	6E-6	2E-8	6E-5	6E-4
69	Thulium-167	W, all compounds	2E+3	2E+3	8E-7	3E-9	-	-
			LLI wall (2E+3)	-	-	-	3E-5	3E-4
69	Thulium-170	W, all compounds	8E+2	2E+2	9E-8	3E-10	-	-
			LLI wall (1E+3)	-	-	-	1E-5	1E-4
69	Thulium-171	W, all compounds	1E+4	3E+2	1E-7	-	-	-
			LLI wall (1E+4)	Bone surf (6E+2)	-	8E-10	2E-4	2E-3
69	Thulium-172	W, all compounds	7E+2	1E+3	5E-7	2E-9	-	-
			LLI wall (8E+2)	-	-	-	1E-5	1E-4
69	Thulium-173	W, all compounds	4E+3	1E+4	5E-6	2E-8	6E-5	6E-4
69	Thulium-175[2]	W, all compounds	7E+4	3E+5	1E-4	4E-7	-	-
			St. wall (9E+4)	-	-	-	1E-3	1E-2
70	Ytterbium-162[2]	W, all compounds except those given for Y	7E+4	3E+5	1E-4	4E-7	1E-3	1E-2
		Y, oxides, hydroxides, and fluorides	-	3E+5	1E-4	4E-7	-	-
70	Ytterbium-166	W, see ^{162}Yb	1E+3	2E+3	8E-7	3E-9	2E-5	2E-4
		Y, see ^{162}Yb	-	2E+3	8E-7	3E-9	-	-
70	Ytterbium-167[2]	W, see ^{162}Yb	3E+5	8E+5	3E-4	1E-6	4E-3	4E-2
		Y, see ^{162}Yb	-	7E+5	3E-4	1E-6	-	-
70	Ytterbium-169	W, see ^{162}Yb	2E+3	8E+2	4E-7	1E-9	2E-5	2E-4
		Y, see ^{162}Yb	-	7E+2	3E-7	1E-9	-	-
70	Ytterbium-175	W, see ^{162}Yb	3E+3	4E+3	1E-6	5E-9	-	-
			LLI wall (3E+3)	-	-	-	4E-5	4E-4
		Y, see ^{162}Yb	-	3E+3	1E-6	5E-9	-	-
70	Ytterbium-177[2]	W, see ^{162}Yb	2E+4	5E+4	2E-5	7E-8	2E-4	2E-3
		Y, see ^{162}Yb	-	5E+4	2E-5	6E-8	-	-
70	Ytterbium-178[2]	W, see ^{162}Yb	1E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		Y, see ^{162}Yb	-	4E+4	2E-5	5E-8	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
71	Lutetium-169	W, all compounds except those given for Y	3E+3	4E+3	2E-6	6E-9	3E-5	3E-4
		Y, oxides, hydroxides, and fluorides	-	4E+3	2E-6	6E-9	-	-
71	Lutetium-170	W, see ^{169}Lu	1E+3	2E+3	9E-7	3E-9	2E-5	2E-4
		Y, see ^{169}Lu	-	2E+3	8E-7	3E-9	-	-
71	Lutetium-171	W, see ^{169}Lu	2E+3	2E+3	8E-7	3E-9	3E-5	3E-4
		Y, see ^{169}Lu	-	2E+3	8E-7	3E-9	-	-
71	Lutetium-172	W, see ^{169}Lu	1E+3	1E+3	5E-7	2E-9	1E-5	1E-4
		Y, see ^{169}Lu	-	1E+3	5E-7	2E-9	-	-
71	Lutetium-173	W, see ^{169}Lu	5E+3	3E+2 Bone surf	1E-7	-	7E-5	7E-4
			-	(5E+2)	-	6E-10	-	-
		Y, see ^{169}Lu	-	3E+2	1E-7	4E-10	-	-
71	Lutetium-174m	W, see ^{169}Lu	2E+3 LLI wall	2E+2 Bone surf	1E-7	-	-	-
			(3E+3)	(3E+2)	-	5E-10	4E-5	4E-4
		Y, see ^{169}Lu	-	2E+2	9E-8	3E-10	-	-
71	Lutetium-174	W, see ^{169}Lu	5E+3	1E+2 Bone surf	5E-8	-	7E-5	7E-4
			-	(2E+2)	-	3E-10	-	-
		Y, see ^{169}Lu	-	2E+2	6E-8	2E-10	-	-
71	Lutetium-176m	W, see ^{169}Lu	8E+3	3E+4	1E-5	3E-8	1E-4	1E-3
		Y, see ^{169}Lu	-	2E+4	9E-6	3E-8	-	-
71	Lutetium-176	W, see ^{169}Lu	7E+2	5E+0 Bone surf	2E-9	-	1E-5	1E-4
			-	(1E+1)	-	2E-11	-	-
		Y, see ^{169}Lu	-	8E+0	3E-9	1E-11	-	-
71	Lutetium-177m	W, see ^{169}Lu	7E+2	1E+2 Bone surf	5E-8	-	1E-5	1E-4
			-	(1E+2)	-	2E-10	-	-
		Y, see ^{169}Lu	-	8E+1	3E-8	1E-10	-	-
71	Lutetium-177	W, see ^{169}Lu	2E+3 LLI wall	2E+3	9E-7	3E-9	-	-
			(3E+3)	-	-	-	4E-5	4E-4
		Y, see ^{169}Lu	-	2E+3	9E-7	3E-9	-	-
71	Lutetium-178m[2]	W, see ^{169}Lu	5E+4 St. wall	2E+5	8E-5	3E-7	-	-
			(6E+4)	-	-	-	8E-4	8E-3
		Y, see ^{169}Lu	-	2E+5	7E-5	2E-7	-	-
71	Lutetium-178[2]	W, see ^{169}Lu	4E+4 St. wall	1E+5	5E-5	2E-7	-	-
			(4E+4)	-	-	-	6E-4	6E-3
		Y, see ^{169}Lu	-	1E+5	5E-5	2E-7	-	-
71	Lutetium-179	W, see ^{169}Lu	6E+3	2E+4	8E-6	3E-8	9E-5	9E-4
		Y, see ^{169}Lu	-	2E+4	6E-6	3E-8	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
72	Hafnium-170	D, all compounds except those given for W	3E+3	6E+3	2E-6	8E-9	4E-5	4E-4
		W, oxides, hydroxides, carbides, and nitrates	-	5E+3	2E-6	6E-9	-	-
72	Hafnium-172	D, see ^{170}Hf	1E+3	9E+0	4E-9	-	2E-5	2E-4
			-	Bone surf (2E+1)	-	3E-11	-	-
		W, see ^{170}Hf	-	4E+1	2E-8	-	-	-
			-	Bone surf (6E+1)	-	8E-11	-	-
72	Hafnium-173	D, see ^{170}Hf	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4
		W, see ^{170}Hf	-	1E+4	5E-6	2E-8	-	-
72	Hafnium-175	D, see ^{170}Hf	3E+3	9E+2	4E-7	-	4E-5	4E-4
			-	Bone surf (1E+3)	-	1E-9	-	-
		W, see ^{170}Hf	-	1E+3	5E-7	2E-9	-	-
72	Hafnium-177m[2]	D, see ^{170}Hf	2E+4	6E+4	2E-5	8E-8	3E-4	3E-3
		W, see ^{170}Hf	-	9E+4	4E-5	1E-7	-	-
72	Hafnium-178m	D, see ^{170}Hf	3E+2	1E+0	5E-10	-	3E-6	3E-5
			-	Bone surf (2E+0)	-	3E-12	-	-
		W, see ^{170}Hf	-	5E+0	2E-9	-	-	-
			-	Bone surf (9E+0)	-	1E-11	-	-
72	Hafnium-179m	D, see ^{170}Hf	1E+3	3E+2	1E-7	-	1E-5	1E-4
			-	Bone surf (6E+2)	-	8E-10	-	-
		W, see ^{170}Hf	-	6E+2	3E-7	8E-10	-	-
72	Hafnium-180m	D, see ^{170}Hf	7E+3	2E+4	9E-6	3E-8	1E-4	1E-3
		W, see ^{170}Hf	-	3E+4	1E-5	4E-8	-	-
72	Hafnium-181	D, see ^{170}Hf	1E+3	2E+2	7E-8	-	2E-5	2E-4
			-	Bone surf (4E+2)	-	6E-10	-	-
		W, see ^{170}Hf	-	4E+2	2E-7	6E-10	-	-
72	Hafnium-182m[2]	D, see ^{170}Hf	4E+4	9E+4	4E-5	1E-7	5E-4	5E-3
		W, see ^{170}Hf	-	1E+5	6E-5	2E-7	-	-
72	Hafnium-182	D, see ^{170}Hf	2E+2	8E-1	3E-10	-	-	-
			Bone surf (4E+2)	Bone surf (2E+0)	-	2E-12	5E-6	5E-5
		W, see ^{170}Hf	-	3E+0	1E-9	-	-	-
			-	Bone surf (7E+0)	-	1E-11	-	-
72	Hafnium-183[2]	D, see ^{170}Hf	2E+4	5E+4	2E-5	6E-8	3E-4	3E-3
		W, see ^{170}Hf	-	6E+4	2E-5	8E-8	-	-
72	Hafnium-184	D, see ^{170}Hf	2E+3	8E+3	3E-6	1E-8	3E-5	3E-4
		W, see ^{170}Hf	-	6E+3	3E-6	9E-9	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
73	Tantalum-172[2]	W, all compounds except those given for Y	4E+4	1E+5	5E-5	2E-7	5E-4	5E-3
		Y, elemental Ta, oxides, hydroxides, halides, carbides, nitrates, and nitrides	-	1E+5	4E-5	1E-7	-	-
73	Tantalum-173	W, see ^{172}Ta	7E+3	2E+4	8E-6	3E-8	9E-5	9E-4
		Y, see ^{172}Ta	-	2E+4	7E-6	2E-8	-	-
73	Tantalum-174[2]	W, see ^{172}Ta	3E+4	1E+5	4E-5	1E-7	4E-4	4E-3
		Y, see ^{172}Ta	-	9E+4	4E-5	1E-7	-	-
73	Tantalum-175	W, see ^{172}Ta	6E+3	2E+4	7E-6	2E-8	8E-5	8E-4
		Y, see ^{172}Ta	-	1E+4	6E-6	2E-8	-	-
73	Tantalum-176	W, see ^{172}Ta	4E+3	1E+4	5E-6	2E-8	5E-5	5E-4
		Y, see ^{172}Ta	-	1E+4	5E-6	2E-8	-	-
73	Tantalum-177	W, see ^{172}Ta	1E+4	2E+4	8E-6	3E-8	2E-4	2E-3
		Y, see ^{172}Ta	-	2E+4	7E-6	2E-8	-	-
73	Tantalum-178	W, see ^{172}Ta	2E+4	9E+4	4E-5	1E-7	2E-4	2E-3
		Y, see ^{172}Ta	-	7E+4	3E-5	1E-7	-	-
73	Tantalum-179	W, see ^{172}Ta	2E+4	5E+3	2E-6	8E-9	3E-4	3E-3
		Y, see ^{172}Ta	-	9E+2	4E-7	1E-9	-	-
73	Tantalum-180m	W, see ^{172}Ta	2E+4	7E+4	3E-5	9E-8	3E-4	3E-3
		Y, see ^{172}Ta	-	6E+4	2E-5	8E-8	-	-
73	Tantalum-180	W, see ^{172}Ta	1E+3	4E+2	2E-7	6E-10	2E-5	2E-4
		Y, see ^{172}Ta	-	2E+1	1E-8	3E-11	-	-
73	Tantalum-182m[2]	W, see ^{172}Ta	2E+5 St. wall (2E+5)	5E+5	2E-4	8E-7	-	-
		Y, see ^{172}Ta	-	4E+5	2E-4	6E-7	3E-3 -	3E-2 -
73	Tantalum-182	W, see ^{172}Ta	8E+2	3E+2	1E-7	5E-10	1E-5	1E-4
		Y, see ^{172}Ta	-	1E+2	6E-8	2E-10	-	-
73	Tantalum-183	W, see ^{172}Ta	9E+2 LLI wall (1E+3)	1E+3	5E-7	2E-9	-	-
		Y, see ^{172}Ta	-	1E+3	4E-7	1E-9	2E-5 -	2E-4 -
73	Tantalum-184	W, see ^{172}Ta	2E+3	5E+3	2E-6	8E-9	3E-5	3E-4
		Y, see ^{172}Ta	-	5E+3	2E-6	7E-9	-	-
73	Tantalum-185[2]	W, see ^{172}Ta	3E+4	7E+4	3E-5	1E-7	4E-4	4E-3
		Y, see ^{172}Ta	-	6E+4	3E-5	9E-8	-	-
73	Tantalum-186[2]	W, see ^{172}Ta	5E+4 St. wall (7E+4)	2E+5	1E-4	3E-7	-	
		Y, see ^{172}Ta	-	2E+5	9E-5	3E-7	1E-3 -	1E-2 -
74	Tungsten-176	D, all compounds	1E+4	5E+4	2E-5	7E-8	1E-4	1E-3
74	Tungsten-177	D, all compounds	2E+4	9E+4	4E-5	1E-7	3E-4	3E-3

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
74	Tungsten-178	D, all compounds	5E+3	2E+4	8E-6	3E-8	7E-5	7E-4
74	Tungsten-179[2]	D, all compounds	5E+5	2E+6	7E-4	2E-6	7E-3	7E-2
74	Tungsten-181	D, all compounds	2E+4	3E+4	1E-5	5E-8	2E-4	2E-3
74	Tungsten-185	D, all compounds	2E+3	7E+3	3E-6	9E-9	-	-
			LLI wall (3E+3)	-	-	-	4E-5	4E-4
74	Tungsten-187	D, all compounds	2E+3	9E+3	4E-6	1E-8	3E-5	3E-4
74	Tungsten-188	D, all compounds	4E+2	1E+3	5E-7	2E-9	-	-
			LLI wall (5E+2)	-	-	-	7E-6	7E-5
75	Rhenium-177[2]	D, all compounds except those given for W	9E+4	3E+5	1E-4	4E-7	-	-
			St. wall (1E+5)	-	-	-	2E-3	2E-2
		W, oxides, hydroxides, and nitrates	-	4E+5	1E-4	5E-7	-	-
75	Rhenium-178[2]	D, see ^{177}Re	7E+4	3E+5	1E-4	4E-7	-	-
			St. wall (1E+5)	-	-	-	1E-3	1E-2
		W, see ^{177}Re	-	3E+5	1E-4	4E-7	-	-
75	Rhenium-181	D, see ^{177}Re	5E+3	9E+3	4E-6	1E-8	7E-5	7E-4
		W, see ^{177}Re	-	9E+3	4E-6	1E-8	-	-
75	Rhenium-182 (12.7 h)	D, see ^{177}Re	7E+3	1E+4	5E-6	2E-8	9E-5	9E-4
		W, see ^{177}Re	-	2E+4	6E-6	2E-8	-	-
75	Rhenium-182 (64.0 h)	D, see ^{177}Re	1E+3	2E+3	1E-6	3E-9	2E-5	2E-4
		W, see ^{177}Re	-	2E+3	9E-7	3E-9	-	-
75	Rhenium-184m	D, see ^{177}Re	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
		W, see ^{177}Re	-	4E+2	2E-7	6E-10	-	-
75	Rhenium-184	D, see ^{177}Re	2E+3	4E+3	1E-6	5E-9	3E-5	3E-4
		W, see ^{177}Re	-	1E+3	6E-7	2E-9	-	-
75	Rhenium-186m	D, see ^{177}Re	1E+3	2E+3	7E-7	-	-	-
			St. wall (2E+3)	St. wall (2E+3)	-	3E-9	2E-5	2E-4
		W, see ^{177}Re	-	2E+2	6E-8	2E-10	-	-
75	Rhenium-186	D, see ^{177}Re	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
		W, see ^{177}Re	-	2E+3	7E-7	2E-9	-	-
75	Rhenium-187	D, see ^{177}Re	6E+5	8E+5	4E-4	-	8E-3	8E-2
			-	St. wall (9E+5)	-	1E-6	-	-
		W, see ^{177}Re	-	1E+5	4E-5	1E-7	-	-
75	Rhenium-188m[2]	D, see ^{177}Re	8E+4	1E+5	6E-5	2E-7	1E-3	1E-2
		W, see ^{177}Re	-	1E+5	6E-5	2E-7	-	-
75	Rhenium-188	D, see ^{177}Re	2E+3	3E+3	1E-6	4E-9	2E-5	2E-4
		W, see ^{177}Re	-	3E+3	1E-6	4E-9	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values: Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values: Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values: Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations: Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations: Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers: Monthly Average Concentration (μCi/ml)
75	Rhenium-189	D, see ^{177}Re	3E+3	5E+3	2E-6	7E-9	4E-5	4E-4
		W, see ^{177}Re	-	4E+3	2E-6	6E-9	-	-
76	Osmium-180[2]	D, all compounds except those given for W and Y	1E+5	4E+5	2E-4	5E-7	1E-3	1E-2
		W, halides and nitrates	-	5E+5	2E-4	7E-7	-	-
		Y, oxides and hydroxides	-	5E+5	2E-4	6E-7	-	-
76	Osmium-181[2]	D, see ^{180}Os	1E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see ^{180}Os	-	5E+4	2E-5	6E-8	-	-
		Y, see ^{180}Os	-	4E+4	2E-5	6E-8	-	-
76	Osmium-182	D, see ^{180}Os	2E+3	6E+3	2E-6	8E-9	3E-5	3E-4
		W, see ^{180}Os	-	4E+3	2E-6	6E-9	-	-
		Y, see ^{180}Os	-	4E+3	2E-6	6E-9	-	-
76	Osmium-185	D, see ^{180}Os	2E+3	5E+2	2E-7	7E-10	3E-5	3E-4
		W, see ^{180}Os	-	8E+2	3E-7	1E-9	-	-
		Y, see ^{180}Os	-	8E+2	3E-7	1E-9	-	-
76	Osmium-189m	D, see ^{180}Os	8E+4	2E+5	1E-4	3E-7	1E-3	1E-2
		W, see ^{180}Os	-	2E+5	9E-5	3E-7	-	-
		Y, see ^{180}Os	-	2E+5	7E-5	2E-7	-	-
76	Osmium-191m	D, see ^{180}Os	1E+4	3E+4	1E-5	4E-8	2E-4	2E-3
		W, see ^{180}Os	-	2E+4	8E-6	3E-8	-	-
		Y, see ^{180}Os	-	2E+4	7E-6	2E-8	-	-
76	Osmium-191	D, see ^{180}Os	2E+3	2E+3	9E-7	3E-9	-	-
			LLI wall (3E+3)	-	-	-	3E-5	3E-4
		W, see ^{180}Os	-	2E+3	7E-7	2E-9	-	-
		Y, see ^{180}Os	-	1E+3	6E-7	2E-9	-	-
76	Osmium-193	D, see ^{180}Os	2E+3	5E+3	2E-6	6E-9	-	-
			LLI wall (2E+3)	-	-	-	2E-5	2E-4
		W, see ^{180}Os	-	3E+3	1E-6	4E-9	-	-
		Y, see ^{180}Os	-	3E+3	1E-6	4E-9	-	-
76	Osmium-194	D, see ^{180}Os	4E+2	4E+1	2E-8	6E-11	-	-
			LLI wall (6E+2)	-	-	-	8E-6	8E-5
		W, see ^{180}Os	-	6E+1	2E-8	8E-11	-	-
		Y, see ^{180}Os	-	8E+0	3E-9	1E-11	-	-
77	Iridium-182[2]	D, all compounds except those given for W and Y	4E+4	1E+5	6E-5	2E-7	-	-
			St. wall (4E+4)	-	-	-	6E-4	6E-3
		W, halides, nitrates, and metallic iridium	-	2E+5	6E-5	2E-7	-	-
		Y, oxides and hydroxides	-	1E+5	5E-5	2E-7	-	-
77	Iridium-184	D, see ^{182}Ir	8E+3	2E+4	1E-5	3E-8	1E-4	1E-3
		W, see ^{182}Ir	-	3E+4	1E-5	5E-8	-	-
		Y, see ^{182}Ir	-	3E+4	1E-5	4E-8	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
77	Iridium-185	D, see ^{182}Ir	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4
		W, see ^{182}Ir	-	1E+4	5E-6	2E-8	-	-
		Y, see ^{182}Ir	-	1E+4	4E-6	1E-8	-	-
77	Iridium-186	D, see ^{182}Ir	2E+3	8E+3	3E-6	1E-8	3E-5	3E-4
		W, see ^{182}Ir	-	6E+3	3E-6	9E-9	-	-
		Y, see ^{182}Ir	-	6E+3	2E-6	8E-9	-	-
77	Iridium-187	D, see ^{182}Ir	1E+4	3E+4	1E-5	5E-8	1E-4	1E-3
		W, see ^{182}Ir	-	3E+4	1E-5	4E-8	-	-
		Y, see ^{182}Ir	-	3E+4	1E-5	4E-8	-	-
77	Iridium-188	D, see ^{182}Ir	2E+3	5E+3	2E-6	6E-9	3E-5	3E-4
		W, see ^{182}Ir	-	4E+3	1E-6	5E-9	-	-
		Y, see ^{182}Ir	-	3E+3	1E-6	5E-9	-	-
77	Iridium-189	D, see ^{182}Ir	5E+3	5E+3	2E-6	7E-9	-	-
			LLI wall (5E+3)	-	-	-	7E-5	7E-4
		W, see ^{182}Ir	-	4E+3	2E-6	5E-9	-	-
		Y, see ^{182}Ir	-	4E+3	1E-6	5E-9	-	-
77	Iridium-190m[2]	D, see ^{182}Ir	2E+5	2E+5	8E-5	3E-7	2E-3	2E-2
		W, see ^{182}Ir	-	2E+5	9E-5	3E-7	-	-
		Y, see ^{182}Ir	-	2E+5	8E-5	3E-7	-	-
77	Iridium-190	D, see ^{182}Ir	1E+3	9E+2	4E-7	1E-9	1E-5	1E-4
		W, see ^{182}Ir	-	1E+3	4E-7	1E-9	-	-
		Y, see ^{182}Ir	-	9E+2	4E-7	1E-9	-	-
77	Iridium-192m	D, see ^{182}Ir	3E+3	9E+1	4E-8	1E-10	4E-5	4E-4
		W, see ^{182}Ir	-	2E+2	9E-8	3E-10	-	-
		Y, see ^{182}Ir	-	2E+1	6E-9	2E-11	-	-
77	Iridium-192	D, see ^{182}Ir	9E+2	3E+2	1E-7	4E-10	1E-5	1E-4
		W, see ^{182}Ir	-	4E+2	2E-7	6E-10	-	-
		Y, see ^{182}Ir	-	2E+2	9E-8	3E-10	-	-
77	Iridium-194m	D, see ^{182}Ir	6E+2	9E+1	4E-8	1E-10	9E-6	9E-5
		W, see ^{182}Ir	-	2E+2	7E-8	2E-10	-	-
		Y, see ^{182}Ir	-	1E+2	4E-8	1E-10	-	-
77	Iridium-194	D, see ^{182}Ir	1E+3	3E+3	1E-6	4E-9	1E-5	1E-4
		W, see ^{182}Ir	-	2E+3	9E-7	3E-9	-	-
		Y, see ^{182}Ir	-	2E+3	8E-7	3E-9	-	-
77	Iridium-195m	D, see ^{182}Ir	8E+3	2E+4	1E-5	3E-8	1E-4	1E-3
		W, see ^{182}Ir	-	3E+4	1E-5	4E-8	-	-
		Y, see ^{182}Ir	-	2E+4	9E-6	3E-8	-	-
77	Iridium-195	D, see ^{182}Ir	1E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see ^{182}Ir	-	5E+4	2E-5	7E-8	-	-
		Y, see ^{182}Ir	-	4E+4	2E-5	6E-8	-	-
78	Platinum-186	D, all compounds	1E+4	4E+4	2E-5	5E-8	2E-4	2E-3
78	Platinum-188	D, all compounds	2E+3	2E+3	7E-7	2E-9	2E-5	2E-4
78	Platinum-189	D, all compounds	1E+4	3E+4	1E-5	4E-8	1E-4	1E-3
78	Platinum-191	D, all compounds	4E+3	8E+3	4E-6	1E-8	5E-5	5E-4

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
78	Platinum-193m	D, all compounds	3E+3	6E+3	3E-6	8E-9	-	-
			LLI wall (3E+4)	-	-	-		
78	Platinum-193	D, all compounds	4E+4	2E+4	1E-5	3E-8	4E-5	4E-4
			LLI wall (5E+4)	-	-	-	-	-
78	Platinum-195m	D, all compounds	2E+3	4E+3	2E-6	6E-9	6E-4	6E-3
			LLI wall (2E+3)	-	-	-	-	-
78	Platinum-197m[2]	D, all compounds	2E+4	4E+4	2E-5	6E-8	3E-5	3E-4
78	Platinum-197	D, all compounds	3E+3	1E+4	4E-6	1E-8	2E-4	2E-3
78	Platinum-199[2]	D, all compounds	5E+4	1E+5	6E-5	2E-7	4E-5	4E-4
78	Platinum-200	D, all compounds	1E+3	3E+3	1E-6	5E-9	7E-4	7E-3
79	Gold-193	D, all compounds except those given for W and Y	9E+3	3E+4	1E-5	4E-8	2E-5	2E-4
		W, halides and nitrates	-	2E+4	9E-6	3E-8	1E-4	1E-3
		Y, oxides and hydroxides	-	2E+4	8E-6	3E-8	-	-
79	Gold-194	D, see ^{193}Au	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4
		W, see ^{193}Au	-	5E+3	2E-6	8E-9	-	-
		Y, see ^{193}Au	-	5E+3	2E-6	7E-9	-	-
79	Gold-195	D, see ^{193}Au	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4
		W, see ^{193}Au	-	1E+3	6E-7	2E-9	-	-
		Y, see ^{193}Au	-	4E+2	2E-7	6E-10	-	-
79	Gold-198m	D, see ^{193}Au	1E+3	3E+3	1E-6	4E-9	1E-5	1E-4
		W, see ^{193}Au	-	1E+3	5E-7	2E-9	-	-
		Y, see ^{193}Au	-	1E+3	5E-7	2E-9	-	-
79	Gold-198	D, see ^{193}Au	1E+3	4E+3	2E-6	5E-9	2E-5	2E-4
		W, see ^{193}Au	-	2E+3	8E-7	3E-9	-	-
		Y, see ^{193}Au	-	2E+3	7E-7	2E-9	-	-
79	Gold-199	D, see ^{193}Au	3E+3	9E+3	4E-6	1E-8	-	-
			LLI wall (3E+3)	-	-	-		
		W, see ^{193}Au	-	4E+3	2E-6	6E-9	4E-5	4E-4
		Y, see ^{193}Au	-	4E+3	2E-6	5E-9	-	-
79	Gold-200m	D, see ^{193}Au	1E+3	4E+3	1E-6	5E-9	2E-5	2E-4
		W, see ^{193}Au	-	3E+3	1E-6	4E-9	-	-
		Y, see ^{193}Au	-	2E+3	1E-6	3E-9	-	-
79	Gold-200[2]	D, see ^{193}Au	3E+4	6E+4	3E-5	9E-8	4E-4	4E-3
		W, see ^{193}Au	-	8E+4	3E-5	1E-7	-	-
		Y, see ^{193}Au	-	7E+4	3E-5	1E-7	-	-
79	Gold-201[2]	D, see ^{193}Au	7E+4	2E+5	9E-5	3E-7	-	-
			St. wall (9E+4)	-	-	-		
		W, see ^{193}Au	-	2E+5	1E-4	3E-7	1E-3	1E-2
		Y, see ^{193}Au	-	2E+5	9E-5	3E-7	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values			Table 2 Effluent Concentrations		Table 3 Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion	Inhalation				
			ALI (μCi)	ALI (μCi)	DAC (μCi/ml)	Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
80	Mercury-193m	Vapor	-	8E+3	4E-6	1E-8	-	-
		Organic D	4E+3	1E+4	5E-6	2E-8	6E-5	6E-4
		D, sulfates	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
		W, oxides, hydroxides, halides, nitrates, and sulfides	-	8E+3	3E-6	1E-8	-	-
80	Mercury-193	Vapor	-	3E+4	1E-5	4E-8	-	-
		Organic D	2E+4	6E+4	3E-5	9E-8	3E-4	3E-3
		D, see ^{193m}Hg	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see ^{193m}Hg	-	4E+4	2E-5	6E-8	-	-
80	Mercury-194	Vapor	-	3E+1	1E-8	4E-11	-	-
		Organic D	2E+1	3E+1	1E-8	4E-11	2E-7	2E-6
		D, see ^{193m}Hg	8E+2	4E+1	2E-8	6E-11	1E-5	1E-4
		W, see ^{193m}Hg	-	1E+2	5E-8	2E-10	-	-
80	Mercury-195m	Vapor	-	4E+3	2E-6	6E-9	-	-
		Organic D	3E+3	6E+3	3E-6	8E-9	4E-5	4E-4
		D, see ^{193m}Hg	2E+3	5E+3	2E-6	7E-9	3E-5	3E-4
		W, see ^{193m}Hg	-	4E+3	2E-6	5E-9	-	-
80	Mercury-195	Vapor	-	3E+4	1E-5	4E-8	-	-
		Organic D	2E+4	5E+4	2E-5	6E-8	2E-4	2E-3
		D, see ^{193m}Hg	1E+4	4E+4	1E-5	5E-8	2E-4	2E-3
		W, see ^{193m}Hg	-	3E+4	1E-5	5E-8	-	-
80	Mercury-197m	Vapor	-	5E+3	2E-6	7E-9	-	-
		Organic D	4E+3	9E+3	4E-6	1E-8	5E-5	5E-4
		D, see ^{193m}Hg	3E+3	7E+3	3E-6	1E-8	4E-5	4E-4
		W, see ^{193m}Hg	-	5E+3	2E-6	7E-9	-	-
80	Mercury-197	Vapor	-	8E+3	4E-6	1E-8	-	-
		Organic D	7E+3	1E+4	6E-6	2E-8	9E-5	9E-4
		D, see ^{193m}Hg	6E+3	1E+4	5E-6	2E-8	8E-5	8E-4
		W, see ^{193m}Hg	-	9E+3	4E-6	1E-8	-	-
80	Mercury-199m[2]	Vapor	-	8E+4	3E-5	1E-7	-	-
		Organic D	6E+4	2E+5	7E-5	2E-7	-	-
			St. wall (1E+5)	-	-	-	1E-3	1E-2
		D, see ^{193m}Hg	6E+4	1E+5	6E-5	2E-7	8E-4	8E-3
		W, see ^{193m}Hg	-	2E+5	7E-5	2E-7	-	-
80	Mercury-203	Vapor	-	8E+2	4E-7	1E-9	-	-
		Organic D	5E+2	8E+2	3E-7	1E-9	7E-6	7E-5
		D, see ^{193m}Hg	2E+3	1E+3	5E-7	2E-9	3E-5	3E-4
		W, see ^{193m}Hg	-	1E+3	5E-7	2E-9	-	-
81	Thallium-194m[2]	D, all compounds	5E+4	2E+5	6E-5	2E-7	-	-
			St. wall (7E+4)	-	-	-	1E-3	1E-2

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
81	Thallium-194[2]	D, all compounds	3E+5 St. wall (3E+5)	6E+5 -	2E-4 -	8E-7 -	- 4E-3	- 4E-2
81	Thallium-195[2]	D, all compounds	6E+4	1E+5	5E-5	2E-7	9E-4	9E-3
81	Thallium-197	D, all compounds	7E+4	1E+5	5E-5	2E-7	1E-3	1E-2
81	Thallium-198m[2]	D, all compounds	3E+4	5E+4	2E-5	8E-8	4E-4	4E-3
81	Thallium-198	D, all compounds	2E+4	3E+4	1E-5	5E-8	3E-4	3E-3
81	Thallium-199	D, all compounds	6E+4	8E+4	4E-5	1E-7	9E-4	9E-3
81	Thallium-200	D, all compounds	8E+3	1E+4	5E-6	2E-8	1E-4	1E-3
81	Thallium-201	D, all compounds	2E+4	2E+4	9E-6	3E-8	2E-4	2E-3
81	Thallium-202	D, all compounds	4E+3	5E+3	2E-6	7E-9	5E-5	5E-4
81	Thallium-204	D, all compounds	2E+3	2E+3	9E-7	3E-9	2E-5	2E-4
82	Lead-195m[2]	D, all compounds	6E+4	2E+5	8E-5	3E-7	8E-4	8E-3
82	Lead-198	D, all compounds	3E+4	6E+4	3E-5	9E-8	4E-4	4E-3
82	Lead-199[2]	D, all compounds	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
82	Lead-200	D, all compounds	3E+3	6E+3	3E-6	9E-9	4E-5	4E-4
82	Lead-201	D, all compounds	7E+3	2E+4	8E-6	3E-8	1E-4	1E-3
82	Lead-202m	D, all compounds	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
82	Lead-202	D, all compounds	1E+2	5E+1	2E-8	7E-11	2E-6	2E-5
82	Lead-203	D, all compounds	5E+3	9E+3	4E-6	1E-8	7E-5	7E-4
82	Lead-205	D, all compounds	4E+3	1E+3	6E-7	2E-9	5E-5	5E-4
82	Lead-209	D, all compounds	2E+4	6E+4	2E-5	8E-8	3E-4	3E-3
82	Lead-210	D, all compounds	6E-1 Bone surf (1E+0)	2E-1 Bone surf (4E-1)	1E-10 -	- 6E-13	- 1E-8	- 1E-7
82	Lead-211[2]	D, all compounds	1E+4	6E+2	3E-7	9E-10	2E-4	2E-3
82	Lead-212	D, all compounds	8E+1 Bone surf (1E+2)	3E+1 -	1E-8 -	5E-11 -	- 2E-6	- 2E-5
82	Lead-214[2]	D, all compounds	9E+3	8E+2	3E-7	1E-9	1E-4	1E-3
83	Bismuth-200[2]	D, nitrates W, all other compounds	3E+4 -	8E+4 1E+5	4E-5 4E-5	1E-7 1E-7	4E-4 -	4E-3 -
83	Bismuth-201[2]	D, see ^{200}Bi W, see ^{200}Bi	1E+4 -	2E+4 4E+4	1E-5 2E-5	4E-8 5E-8	2E-4 -	2E-3 -
83	Bismuth-202[2]	D, see ^{200}Bi W, see ^{200}Bi	1E+4 -	4E+4 8E+4	2E-5 3E-5	6E-8 1E-7	2E-4 -	2E-3 -

Atomic No.	Radionuclide	Class	Table 1 Occupational Values			Table 2 Effluent Concentrations		Table 3 Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion	Inhalation				
			ALI (μCi)	ALI (μCi)	DAC (μCi/ml)	Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
83	Bismuth-203	D, see ^{200}Bi	2E+3	7E+3	3E-6	9E-9	3E-5	3E-4
		W, see ^{200}Bi	-	6E+3	3E-6	9E-9	-	-
83	Bismuth-205	D, see ^{200}Bi	1E+3	3E+3	1E-6	3E-9	2E-5	2E-4
		W, see ^{200}Bi	-	1E+3	5E-7	2E-9	-	-
83	Bismuth-206	D, see ^{200}Bi	6E+2	1E+3	6E-7	2E-9	9E-6	9E-5
		W, see ^{200}Bi	-	9E+2	4E-7	1E-9	-	-
83	Bismuth-207	D, see ^{200}Bi	1E+3	2E+3	7E-7	2E-9	1E-5	1E-4
		W, see ^{200}Bi	-	4E+2	1E-7	5E-10	-	-
83	Bismuth-210m	D, see ^{200}Bi	4E+1 Kidneys (6E+1)	5E+0 Kidneys (6E+0)	2E-9	-	-	-
		W, see ^{200}Bi	-	7E-1	3E-10	9E-12 9E-13	8E-7 -	8E-6 -
83	Bismuth-210	D, see ^{200}Bi	8E+2	2E+2 Kidneys (4E+2)	1E-7	-	1E-5	1E-4
		W, see ^{200}Bi	- -	3E+1	1E-8	5E-10 4E-11	- -	- -
83	Bismuth-212[2]	D, see ^{200}Bi	5E+3	2E+2	1E-7	3E-10	7E-5	7E-4
		W, see ^{200}Bi	-	3E+2	1E-7	4E-10	-	-
83	Bismuth-213[2]	D, see ^{200}Bi	7E+3	3E+2	1E-7	4E-10	1E-4	1E-3
		W, see ^{200}Bi	-	4E+2	1E-7	5E-10	-	-
83	Bismuth-214[2]	D, see ^{200}Bi	2E+4 St. wall (2E+4)	8E+2	3E-7	1E-9	-	-
		W, see ^{200}Bi	-	9E-2	4E-7	- 1E-9	3E-4 -	3E-3 -
84	Polonium-203[2]	D, all compounds except those given for W	3E+4	6E+4	3E-5	9E-8	3E-4	3E-3
		W, oxides, hydroxides, and nitrates	-	9E+4	4E-5	1E-7	-	-
84	Polonium-205[2]	D, see ^{203}Po	2E+4	4E+4	2E-5	5E-8	3E-4	3E-3
		W, see ^{203}Po	-	7E+4	3E-5	1E-7	-	-
84	Polonium-207	D, see ^{203}Po	8E+3	3E+4	1E-5	3E-8	1E-4	1E-3
		W, see ^{203}Po	-	3E+4	1E-5	4E-8	-	-
84	Polonium-210	D, see ^{203}Po	3E+0	6E-1	3E-10	9E-13	4E-8	4E-7
		W, see ^{203}Po	-	6E-1	3E-10	9E-13	-	-
85	Astatine-207[2]	D, halides	6E+3	3E+3	1E-6	4E-9	8E-5	8E-4
		W	-	2E+3	9E-7	3E-9	-	-
85	Astatine-211	D, halides	1E+2	8E+1	3E-8	1E-10	2E-6	2E-5
		W	-	5E+1	2E-8	8E-11	-	-
86	Radon-220	With daughters removed	-	2E+4	7E-6	2E-8	-	-
		With daughters present	-	2E+1 (or 12 working level months)	9E-9 (or 1.0 working level)	3E-11	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
86	Radon-222	With daughters removed	-	1E+4	4E-6	1E-8	-	-
		With daughters present	-	1E+2 (or 4 working level months)	3E-8 (or 0.33 working level)	1E-10	-	-
87	Francium-222[2]	D, all compounds	2E+3	5E+2	2E-7	6E-10	3E-5	3E-4
87	Francium-223[2]	D, all compounds	6E+2	8E+2	3E-7	1E-9	8E-6	8E-5
88	Radium-223	W, all compounds	5E+0 Bone surf (9E+0)	7E-1	3E-10	9E-13	-	-
				-	-	-	1E-7	1E-6
88	Radium-224	W, all compounds	8E+0 Bone surf (2E+1)	2E+0	7E-10	2E-12	-	-
				-	-	-	2E-7	2E-6
88	Radium-225	W, all compounds	8E+0 Bone surf (2E+1)	7E-1	3E-10	9E-13	-	-
				-	-	-	2E-7	2E-6
88	Radium-226	W, all compounds	2E+0 Bone surf (5E+0)	6E-1	3E-10	9E-13	-	-
				-	-	-	6E-8	6E-7
88	Radium-227[2]	W, all compounds	2E+4 Bone surf (2E+4)	1E+4 Bone surf (2E+4)	6E-6	-	-	-
					-	3E-8	3E-4	3E-3
88	Radium-228	W, all compounds	2E+0 Bone surf (4E+0)	1E+0	5E-10	2E-12	-	-
				-	-	-	6E-8	6E-7
89	Actinium-224	D, all compounds except those given for W and Y	2E+3 LLI wall (2E+3)	3E+1 Bone surf (4E+1)	1E-8	-	-	-
					-	5E-11	3E-5	3E-4
		W, halides and nitrates	-	5E+1	2E-8	7E-11	-	-
		Y, oxides and hydroxides	-	5E+1	2E-8	6E-11	-	-
89	Actinium-225	D, see ^{224}Ac	5E+1 LLI wall (5E+1)	3E-1 Bone surf (5E-1)	1E-10	-	-	-
					-	7E-13	7E-7	7E-6
		W, see ^{224}Ac	-	6E-1	3E-10	9E-13	-	-
		Y, see ^{224}Ac	-	6E-1	3E-10	9E-13	-	-
89	Actinium-226	D, see ^{224}Ac	1E+2 LLI wall (1E+2)	3E+0 Bone surf (4E+0)	1E-9	-	-	-
					-	5E-12	2E-6	2E-5
		W, see ^{224}Ac	-	5E+0	2E-9	7E-12	-	-
		Y, see ^{224}Ac	-	5E+0	2E-9	6E-12	-	-
89	Actinium-227	D, see ^{224}Ac	2E-1 Bone surf (4E-1)	4E-4 Bone surf (8E-4)	2E-13	-	-	-
					-	1E-15	5E-9	5E-8
		W, see ^{224}Ac	-	2E-3 Bone surf (3E-3)	7E-13	-	-	-
					-	4E-15	-	-
		Y, see ^{224}Ac	-	4E-3	2E-12	6E-15	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
89	Actinium-228	D, see ^{224}Ac	2E+3	9E+0 Bone surf	4E-9	-	3E-5	3E-4
			-	(2E+1)	-	2E-11	-	-
		W, see ^{224}Ac	-	4E+1	2E-8	-	-	-
			-	Bone surf (6E+1)	-	8E-11	-	-
		Y, see ^{224}Ac	-	4E+1	2E-8	6E-11	-	-
90	Thorium-226[2]	W, all compounds except those given for Y	5E+3 St. wall (5E+3)	2E+2	6E-8	2E-10	-	-
				-	-	-	7E-5	7E-4
		Y, oxides and hydroxides	-	1E+2	6E-8	2E-10	-	-
90	Thorium-227	W, see ^{226}Th	1E+2	3E-1	1E-10	5E-13	2E-6	2E-5
		Y, see ^{226}Th	-	3E-1	1E-10	5E-13	-	-
90	Thorium-228	W, see ^{226}Th	6E+0 Bone surf (1E+1)	1E-2 Bone surf (2E-2)	4E-12 -	- 3E-14	- 2E-7	- 2E-6
		Y, see ^{226}Th	-	2E-2	7E-12	2E-14	-	-
90	Thorium-229	W, see ^{226}Th	6E-1 Bone surf (1E+0)	9E-4 Bone surf (2E-3)	4E-13 -	- 3E-15	- 2E-8	- 2E-7
		Y, see ^{226}Th	-	2E-3	1E-12	-	-	-
			-	Bone surf (3E-3)	-	4E-15	-	-
90	Thorium-230	W, see ^{226}Th	4E+0 Bone surf (9E+0)	6E-3 Bone surf (2E-2)	3E-12 -	- 2E-14	- 1E-7	- 1E-6
		Y, see ^{226}Th	-	2E-2	6E-12	-	-	-
			-	Bone surf (2E-2)	-	3E-14	-	-
90	Thorium-231	W, see ^{226}Th	4E+3	6E+3	3E-6	9E-9	5E-5	5E-4
		Y, see ^{226}Th	-	6E+3	3E-6	9E-9	-	-
90	Thorium-232	W, see ^{226}Th	7E-1 Bone surf (2E+0)	1E-3 Bone surf (3E-3)	5E-13 -	- 4E-15	- 3E-8	- 3E-7
		Y, see ^{226}Th	-	3E-3	1E-12	-	-	-
			-	Bone surf (4E-3)	-	6E-15	-	-
90	Thorium-234	W, see ^{226}Th	3E+2 LLI wall (4E+2)	2E+2	8E-8	3E-10	-	-
				-	-	-	5E-6	5E-5
		Y, see ^{226}Th	-	2E+2	6E-8	2E-10	-	-
91	Protactinium-227[2]	W, all compounds except those given for Y	4E+3	1E+2	5E-8	2E-10	5E-5	5E-4
		Y, oxides and hydroxides	-	1E+2	4E-8	1E-10	-	-
91	Protactinium-228	W, see ^{227}Pa	1E+3	1E+1 Bone surf (2E+1)	5E-9 -	- 3E-11	2E-5 -	2E-4 -
		Y, see ^{226}Pa	-	1E+1	5E-9	2E-11	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
91	Protactinium-230	W, see ^{227}Pa	6E+2	5E+0	2E-9	7E-12	-	-
			Bone surf (9E+2)	-	-	-	1E-5	1E-4
		Y, see ^{227}Pa	-	4E+0	1E-9	5E-12	-	-
91	Protactinium-231	W, see ^{227}Pa	2E-1	2E-3	6E-13	-	-	-
			Bone surf (5E-1)	Bone surf (4E-3)	-	6E-15	6E-9	6E-8
		Y, see ^{226}Pa	-	4E-3	2E-12	-	-	-
			-	Bone surf (6E-3)	-	8E-15	-	-
91	Protactinium-232	W, see ^{227}Pa	1E+3	2E+1	9E-9	-	2E-5	2E-4
			-	Bone surf (6E+1)	-	8E-11	-	-
		Y, see ^{227}Pa	-	6E+1	2E-8	-	-	-
			-	Bone surf (7E+1)	-	1E-10	-	-
91	Protactinium-233	W, see ^{227}Pa	1E+3	7E+2	3E-7	1E-9	-	-
			LLI wall (2E+3)	-	-	-	2E-5	2E-4
		Y, see ^{227}Pa	-	6E+2	2E-7	8E-10	-	-
91	Protactinium-234	W, see ^{227}Pa	2E+3	8E+3	3E-6	1E-8	3E-5	3E-4
		Y, see ^{227}Pa	-	7E+3	3E-6	9E-9	-	-
92	Uranium-230	D, UF_6, UO_2F_2, $UO_2(NO_3)_2$	4E+0	4E-1	2E-10	-	-	-
			Bone surf (6E+0)	Bone surf (6E-1)	-	8E-13	8E-8	8E-7
		W, UO_3, UF_4, UCl_4	-	4E-1	1E-10	5E-13	-	-
		Y, UO_2, U_3O_8	-	3E-1	1E-10	4E-13	-	-
92	Uranium-231	D, see ^{230}U	5E+3	8E+3	3E-6	1E-8	-	-
			LLI wall (4E+3)	-	-	-	6E-5	6E-4
		W, see ^{230}U	-	6E+3	2E-6	8E-9	-	-
		Y, see ^{230}U	-	5E+3	2E-6	6E-9	-	-
92	Uranium-232	D, see ^{230}U	2E+0	2E-1	9E-11	-	-	-
			Bone surf (4E+0)	Bone surf (4E-1)	-	6E-13	6E-8	6E-7
		W, see ^{230}U	-	4E-1	2E-10	5E-13	-	-
		Y, see ^{230}U	-	8E-3	3E-12	1E-14	-	-
92	Uranium-233	D, see ^{230}U	1E+1	1E+0	5E-10	-	-	-
			Bone surf (2E+1)	Bone surf (2E+0)	-	3E-12	3E-7	3E-6
		W, see ^{230}U	-	7E-1	3E-10	1E-12	-	-
		Y, see ^{230}U	-	4E-2	2E-11	5E-14	-	-
92	Uranium-234[3]	D, see ^{230}U	1E+1	1E+0	5E-10	-	-	-
			Bone surf (2E+1)	Bone surf (2E+0)	-	3E-12	3E-7	3E-6
		W, see ^{230}U	-	7E-1	3E-10	1E-12	-	-
		Y, see ^{230}U	-	4E-2	2E-11	5E-14	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
92	Uranium-235[3]	D, see ^{230}U	1E+1 Bone surf (2E+1)	1E+0 Bone surf (2E+0)	6E-10 -	- 3E-12	- 3E-7	- 3E-6
		W, see ^{230}U	-	8E-1	3E-10	1E-12	-	-
		Y, see ^{230}U	-	4E-2	2E-11	6E-14	-	-
92	Uranium-236	D, see ^{230}U	1E+1 Bone surf (2E+1)	1E+0 Bone surf (2E+0)	5E-10 -	- 3E-12	- 3E-7	- 3E-6
		W, see ^{230}U	-	8E-1	3E-10	1E-12	-	-
		Y, see ^{230}U	-	4E-2	2E-11	6E-14	-	-
92	Uranium-237	D, see ^{230}U	2E+3 LLI wall (2E+3)	3E+3 -	1E-6 -	4E-9 -	- 3E-5	- 3E-4
		W, see ^{230}U	-	2E+3	7E-7	2E-9	-	-
		Y, see ^{230}U	-	2E+3	6E-7	2E-9	-	-
92	Uranium-238[3]	D, see ^{230}U	1E+1 Bone surf (2E+1)	1E+0 Bone surf (2E+0)	6E-10 -	- 3E-12	- 3E-7	- 3E-6
		W, see ^{230}U	-	8E-1	3E-10	1E-12	-	-
		Y, see ^{230}U	-	4E-2	2E-11	6E-14	-	-
92	Uranium-239[2]	D, see ^{230}U	7E+4	2E+5	8E-5	3E-7	9E-4	9E-3
		W, see ^{230}U	-	2E+5	7E-5	2E-7	-	-
		Y, see ^{230}U	-	2E+5	6E-5	2E-7	-	-
92	Uranium-240	D, see ^{230}U	1E+3	4E+3	2E-6	5E-9	2E-5	2E-4
		W, see ^{230}U	-	3E+3	1E-6	4E-9	-	-
		Y, see ^{230}U	-	2E+3	1E-6	3E-9	-	-
92	Uranium-natural[3]	D, see ^{230}U	1E+1 Bone surf (2E+1)	1E+0 Bone surf (2E+0)	5E-10 -	- 3E-12	- 3E-7	- 3E-6
		W, see ^{230}U	-	8E-1	3E-10	9E-13	-	-
		Y, see ^{230}U	-	5E-2	2E-11	9E-14	-	-
9	Neptunium-232[2]	W, all compounds	1E+5 -	2E+3 Bone surf (5E+2)	7E-7 -	- 6E-9	2E-3 -	2E-2 -
93	Neptunium-233[2]	W, all compounds	8E+5	3E+6	1E-3	4E-6	1E-2	1E-1
93	Neptunium-234	W, all compounds	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
93	Neptunium-235	W, all compounds	2E+4 LLI wall (2E+4)	8E+2 Bone surf (1E+3)	3E-7 -	- 2E-9	- 3E-4	- 3E-3
93	Neptunium-236 (1.15E+5 y)	W, all compounds	3E+0 Bone surf (6E+0)	2E-2 Bone surf (5E-2)	9E-12 -	- 8E-14	- 9E-8	- 9E-7
93	Neptunium-236m (22.5 h)	W, all compounds	3E+3 Bone surf (4E+3)	3E+1 Bone surf (7E+1)	1E-8 -	- 1E-10	- 5E-5	- 5E-4
93	Neptunium-237	W, all compounds	5E-1 Bone surf (1E+0)	4E-3 Bone surf (1E-2)	2E-12 -	- 1E-14	- 2E-8	- 2E-7

Atomic No.	Radionuclide	Class	Table 1 Occupational Values			Table 2 Effluent Concentrations		Table 3 Releases to Sewers
			Col. 1 Oral Ingestion ALI (μCi)	Col. 2 Inhalation ALI (μCi)	Col. 3 Inhalation DAC (μCi/ml)	Col. 1 Air (μCi/ml)	Col. 2 Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
93	Neptunium-238	W, all compounds	1E+3	6E+1	3E-8	-	2E-5	2E-4
			-	Bone surf (2E+2)	-	2E-10	-	-
93	Neptunium-239	W, all compounds	2E+3	2E+3	9E-7	3E-9	-	-
			LLI wall (2E+3)	-	-	-	2E-5	2E-4
93	Neptunium-240[2]	W, all compounds	2E+4	8E+4	3E-5	1E-7	3E-4	3E-3
94	Plutonium-234	W, all compounds except PuO_2	8E+3	2E+2	9E-8	3E-10	1E-4	1E-3
		Y, PuO_2	-	2E+2	8E-8	3E-10	-	-
94	Plutonium-235[2]	W, see ^{234}Pu	9E+5	3E+6	1E-3	4E-6	1E-2	1E-1
		Y, see ^{234}Pu	-	3E+6	1E-3	3E-6	-	-
94	Plutonium-236	W, see ^{234}Pu	2E+0	2E-2	8E-12	-	-	-
			Bone surf (4E+0)	Bone surf (4E-2)	-	5E-14	6E-8	6E-7
		Y, see ^{234}Pu	-	4E-2	2E-11	6E-14	-	-
94	Plutonium-237	W, see ^{234}Pu	1E+4	3E+3	1E-6	5E-9	2E-4	2E-3
		Y, see ^{234}Pu	-	3E+3	1E-6	4E-9	-	-
94	Plutonium-238	W, see ^{234}Pu	9E-1	7E-3	3E-12	-	-	-
			Bone surf (2E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
		Y, see ^{234}Pu	-	2E-2	8E-12	2E-14	-	-
94	Plutonium-239	W, see ^{234}Pu	8E-1	6E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
		Y, see ^{234}Pu	-	2E-2	7E-12	-	-	-
			-	Bone surf (2E-2)	-	2E-14	-	-
94	Plutonium-240	W, see ^{234}Pu	8E-1	6E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
		Y, see ^{234}Pu	-	2E-2	7E-12	-	-	-
			-	Bone surf (2E-2)	-	2E-14	-	-
94	Plutonium-241	W, see ^{234}Pu	4E+1	3E-1	1E-10	-	-	-
			Bone surf (7E+1)	Bone surf (6E-1)	-	8E-13	1E-6	1E-5
		Y, see ^{234}Pu	-	8E-1	3E-10	-	-	-
			-	Bone surf (1E+0)	-	1E-12	-	-

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
94	Plutonium-242	W, see ^{234}Pu	8E-1 Bone surf (1E+0)	7E-3 Bone surf (1E-2)	3E-12 -	- 2E-14	- 2E-8	- 2E-7
		Y, see ^{234}Pu	-	2E-2 Bone surf (2E-2)	7E-12 -	- 2E-14	- -	- -
94	Plutonium-243	W, see ^{234}Pu	2E+4	4E+4	2E-5	5E-8	2E-4	2E-3
		Y, see ^{234}Pu	-	4E+4	2E-5	5E-8	-	-
94	Plutonium-244	W, see ^{234}Pu	8E-1 Bone surf (2E+0)	7E-3 Bone surf (1E-2)	3E-12 -	- 2E-14	- 2E-8	- 2E-7
		Y, see ^{234}Pu	-	2E-2 Bone surf (2E-2)	7E-12 -	- 2E-14	- -	- -
94	Plutonium-245	W, see ^{234}Pu	2E+3	5E+3	2E-6	6E-9	3E-5	3E-4
		Y, see ^{234}Pu	-	4E+3	2E-6	6E-9	-	-
94	Plutonium-246	W, see ^{234}Pu	4E+2 LLI wall (4E+2)	3E+2 -	1E-7 -	4E-10 -	- 6E-6	- 6E-5
		Y, see ^{234}Pu	-	3E+2	1E-7	4E-10	-	-
95	Americium-237[2]	W, all compounds	8E+4	3E+5	1E-4	4E-7	1E-3	1E-2
95	Americium-238[2]	W, all compounds	4E+4	3E+3 Bone surf (6E+3)	1E-6 -	- 9E-9	5E-4 -	5E-3 -
95	Americium-239	W, all compounds	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4
95	Americium-240	W, all compounds	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
95	Americium-241	W, all compounds	8E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12 -	- 2E-14	- 2E-8	- 2E-7
95	Americium-242m	W, all compounds	8E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12 -	- 2E-14	- 2E-8	- 2E-7
95	Americium-242	W, all compounds	4E+3	8E+1 Bone surf (9E+1)	4E-8 -	- 1E-10	5E-5 -	5E-4 -
95	Americium-243	W, all compounds	8E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12 -	- 2E-14	- 2E-8	- 2E-7
95	Americium-244m[2]	W, all compounds	6E+4 St. wall (8E+4)	4E+3 Bone surf (7E+3)	2E-6 -	- 1E-8	- 1E-3	- 1E-2
95	Americium-244	W, all compounds	3E+3	2E+2 Bone surf (3E+2)	8E-8 -	- 4E-10	4E-5 -	4E-4 -
95	Americium-245	W, all compounds	3E+4	8E+4	3E-5	1E-7	4E-4	4E-3

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
95	Americium-246m[2]	W, all compounds	5E+4	2E+5	8E-5	3E-7	-	-
			St. wall (6E+4)	-	-	-	8E-4	8E-3
95	Americium-246[2]	W, all compounds	3E+4	1E+5	4E-5	1E-7	4E-4	4E-3
96	Curium-238	W, all compounds	2E+4	1E+3	5E-7	2E-9	2E-4	2E-3
96	Curium-240	W, all compounds	6E+1	6E-1	2E-10	-	-	-
			Bone surf (8E+1)	Bone surf (6E-1)	-	9E-13	1E-6	1E-5
96	Curium-241	W, all compounds	1E+3	3E+1	1E-8	-	2E-5	2E-4
			-	Bone surf (4E+1)	-	5E-11	-	-
96	Curium-242	W, all compounds	3E+1	3E-1	1E-10	-	-	-
			Bone surf (5E+1)	Bone surf (3E-1)	-	4E-13	7E-7	7E-6
96	Curium-243	W, all compounds	1E+0	9E-3	4E-12	-	-	-
			Bone surf (2E+0)	Bone surf (2E-2)	-	2E-14	3E-8	3E-7
96	Curium-244	W, all compounds	1E+0	1E-2	5E-12	-	-	-
			Bone surf (3E+0)	Bone surf (2E-2)	-	3E-14	3E-8	3E-7
96	Curium-245	W, all compounds	7E-1	6E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
96	Curium-246	W, all compounds	7E-1	6E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
96	Curium-247	W, all compounds	8E-1	6E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
96	Curium-248	W, all compounds	2E-1	2E-3	7E-13	-	-	-
			Bone surf (4E-1)	Bone surf (3E-3)	-	4E-15	5E-9	5E-8
96	Curium-249[2]	W, all compounds	5E+4	2E+4	7E-6	-	7E-4	7E-3
			-	Bone surf (3E+4)	-	4E-8	-	-
96	Curium-250	W, all compounds	4E-2	3E-4	1E-13	-	-	-
			Bone surf (6E-2)	Bone surf (5E-4)	-	8E-16	9E-10	9E-9
97	Berkelium-245	W, all compounds	2E+3	1E+3	5E-7	2E-9	3E-5	3E-4
97	Berkelium-246	W, all compounds	3E+3	3E+3	1E-6	4E-9	4E-5	4E-4
97	Berkelium-247	W, all compounds	5E-1	4E-3	2E-12	-	-	-
			Bone surf (1E+0)	Bone surf (9E-3)	-	1E-14	2E-8	2E-7
97	Berkelium-249	W, all compounds	2E+2	2E+0	7E-10	-	-	-
			Bone surf (5E+2)	Bone surf (4E+0)	-	5E-12	6E-6	6E-5

Atomic No.	Radionuclide	Class	Table 1 Occupational Values			Table 2 Effluent Concentrations		Table 3 Releases to Sewers
			Col. 1 Oral Ingestion ALI (μCi)	Col. 2 Inhalation ALI (μCi)	Col. 3 Inhalation DAC (μCi/ml)	Col. 1 Air (μCi/ml)	Col. 2 Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
97	Berkelium-250	W, all compounds	9E+3	3E+2 Bone surf	1E-7	-	1E-4	1E-3
			-	(7E+2)	-	1E-9	-	-
98	Californium-244[2]	W, all compounds except those given for Y	3E+4 St. wall	6E+2	2E-7	8E-10	-	-
			(3E+4)	-	-	-	4E-4	4E-3
		Y, oxides and hydroxides	-	6E+2	2E-7	8E-10	-	-
98	Californium-246	W, see ^{244}Cf	4E+2	9E+0	4E-9	1E-11	5E-6	5E-5
		Y, see ^{244}Cf	-	9E+0	4E-9	1E-11	-	-
98	Californium-248	W, see ^{244}Cf	8E+0 Bone surf	6E-2 Bone surf	3E-11	-	-	-
			(2E+1)	(1E-1)	-	2E-13	2E-7	2E-6
		Y, see ^{244}Cf	-	1E-1	4E-11	1E-13	-	-
98	Californium-249	W, see ^{244}Cf	5E-1 Bone surf	4E-3 Bone surf	2E-12	-	-	-
			(1E+0)	(9E-3)	-	1E-14	2E-8	2E-7
		Y, see ^{244}Cf	-	1E-2 Bone surf	4E-12	-	-	-
			-	(1E-2)	-	2E-14	-	-
98	Californium-250	W, see ^{244}Cf	1E+0 Bone surf	9E-3 Bone surf	4E-12	-	-	-
			(2E+0)	(2E-2)	-	3E-14	3E-8	3E-7
		Y, see ^{244}Cf	-	3E-2	1E-11	4E-14	-	-
98	Californium-251	W, see ^{244}Cf	5E-1 Bone surf	4E-3 Bone surf	2E-12	-	-	-
			(1E+0)	(9E-3)	-	1E-14	2E-8	2E-7
		Y, see ^{244}Cf	-	1E-2 Bone surf	4E-12	-	-	-
			-	(1E-2)	-	2E-14	-	-
98	Californium-252	W, see ^{244}Cf	2E+0 Bone surf	2E-2 Bone surf	8E-12	-	-	-
			(5E+0)	(4E-2)	-	5E-14	7E-8	7E-7
		Y, see ^{244}Cf	-	3E-2	1E-11	5E-14	-	-
98	Californium-253	W, see ^{244}Cf	2E+2 Bone surf	2E+0	8E-10	3E-12	-	-
			(4E+2)	-	-	-	5E-6	5E-5
		Y, see ^{244}Cf	-	2E+0	7E-10	2E-12	-	-
98	Californium-254	W, see ^{244}Cf	2E+0	2E-2	9E-12	3E-14	3E-8	3E-7
		Y, see ^{244}Cf	-	2E-2	7E-12	2E-14	-	-
99	Einsteinium-250	W, all compounds	4E+4	5E+2 Bone surf	2E-7	-	6E-4	6E-3
			-	(1E+3)	-	2E-9	-	-
99	Einsteinium-251	W, all compounds	7E+3	9E+2 Bone surf	4E-7	-	1E-4	1E-3
			-	(1E+3)	-	2E-9	-	-
99	Einsteinium-253	W, all compounds	2E+2	1E+0	6E-10	2E-12	2E-6	2E-5

Atomic No.	Radionuclide	Class	Table 1 Occupational Values Col. 1 Oral Ingestion ALI (μCi)	Table 1 Occupational Values Col. 2 Inhalation ALI (μCi)	Table 1 Occupational Values Col. 3 Inhalation DAC (μCi/ml)	Table 2 Effluent Concentrations Col. 1 Air (μCi/ml)	Table 2 Effluent Concentrations Col. 2 Water (μCi/ml)	Table 3 Releases to Sewers Monthly Average Concentration (μCi/ml)
99	Einsteinium-254m	W, all compounds	3E+2	1E+1	4E-9	1E-11	-	-
			LLI wall (3E+2)	-	-	-	4E-6	4E-5
99	Einsteinium-254	W, all compounds	8E+0	7E-2	3E-11	-	-	-
			Bone surf (2E+1)	Bone surf (1E-1)	-	2E-13	2E-7	2E-6
100	Fermium-252	W, all compounds	5E+2	1E+1	5E-9	2E-11	6E-6	6E-5
100	Fermium-253	W, all compounds	1E+3	1E+1	4E-9	1E-11	1E-5	1E-4
100	Fermium-254	W, all compounds	3E+3	9E+1	4E-8	1E-10	4E-5	4E-4
100	Fermium-255	W, all compounds	5E+2	2E+1	9E-9	3E-11	7E-6	7E-5
100	Fermium-257	W, all compounds	2E+1	2E-1	7E-11	-	-	-
			Bone surf (4E+1)	Bone surf (2E-1)	-	3E-13	5E-7	5E-6
101	Mendelevium-257	W, all compounds	7E+3	8E+1	4E-8	-	1E-4	1E-3
			-	Bone surf (9E+1)	-	1E-10	-	-
101	Mendelevium-258	W, all compounds	3E+1	2E-1	1E-10	-	-	-
			Bone surf (5E+1)	Bone surf (3E-1)	-	5E-13	6E-7	6E-6
-	Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life less than 2 hours	Submersion[1]	-	2E+2	1E-7	1E-9	-	-
-	Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life greater than 2 hours	. . . .	-	2E-1	1E-10	1E-12	1E-8	1E-7
-	Any single radionuclide not listed above that decays by alpha emission or spontaneous fission, or any mixture for which either the identity or the concentration of any radionuclide in the mixture is not known	. . . .	-	4E-4	2E-13	1E-15	2E-9	2E-8

FOOTNOTES:

[1]"Submersion" means that values given are for submersion in a hemispherical semi-infinite cloud of airborne material.

[2]These radionuclides have radiological half-lives of less than 2 hours. The total effective dose equivalent received during operations with these radionuclides might include a significant contribution from external exposure. The DAC values for all radionuclides, other than those designated Class "Submersion," are based upon the committed effective dose equivalent due to the intake of the radionuclide into the body and do NOT include potentially significant contributions to dose equivalent from external exposures. The licensee may substitute 1E-7 μCi/ml for the listed DAC to account for the submersion dose prospectively, but should use individual monitoring devices or other radiation measuring instruments that measure external exposure to demonstrate compliance with the limits. (See § 20.1203.)

[3]For soluble mixtures of U-238, U-234, and U-235 in air, chemical toxicity may be the limiting factor (see § 20.1201(e)). If the percent by weight (enrichment) of U-235 is not greater than 5, the concentration value for a 40-hour workweek is 0.2 milligrams uranium per cubic meter of air average. For any enrichment, the product of the average concentration and time of exposure during a 40-hour workweek shall not exceed 8E-3 (SA) μCi-hr/ml, where SA is the specific activity of the uranium inhaled. The specific activity for natural uranium is 6.77E-7 curies per gram U. The specific activity for other mixtures of U-238, U-235, and U-234, if not known, shall be:

SA = 3.6E-7 curies/gram U U-depleted

$$SA = [0.4 + 0.38\ (\text{enrichment}) + 0.0034\ (\text{enrichment})^2]\ E\text{-}6\ ,\quad \text{enrichment} \geq 0.72$$

where enrichment is the percentage by weight of U-235, expressed as percent.

NOTE:

1. If the identity of each radionuclide in a mixture is known but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of any radionuclide in the mixture.

2. If the identity of each radionuclide in the mixture is not known, but it is known that certain radionuclides specified in this appendix are not present in the mixture, the inhalation ALI, DAC, and effluent and sewage concentrations for the mixture are the lowest values specified in this appendix for any radionuclide that is not known to be absent from the mixture; or

	Table 1 Occupational Values			Table 2 Effluent Concentrations		Table 3 Releases to Sewers
	Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
	Oral Ingestion	Inhalation				
Radionuclide	ALI (μCi)	ALI (μCi)	DAC (μCi/ml)	Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
If it is known that Ac-227-D and Cm-250-W are not present	-	7E-4	3E-13	-	-	-
If, in addition, it is known that Ac-227-W,Y, Th-229-W,Y, Th-230-W, Th-232-W,Y, Pa-231-W,Y, Np-237-W, Pu-239-W, Pu-240-W, Pu-242-W, Am-241-W, Am-242m-W, Am-243-W, Cm-245-W, Cm-246-W, Cm-247-W, Cm-248-W, Bk-247-W, Cf-249-W, and Cf-251-W are not present	-	7E-3	3E-12	-	-	-
If, in addition, it is known that Sm-146-W, Sm-147-W, Gd-148-D,W, Gd-152-D,W, Th-228-W,Y, Th-230-Y, U-232-Y, U-233-Y, U-234-Y, U-235-Y, U-236-Y, U-238-Y, Np-236-W, Pu-236-W,Y, Pu-238-W,Y, Pu-239-Y, Pu-240-Y, Pu-242-Y, Pu-244-W,Y, Cm-243-W, Cm-244-W, Cf-248-W, Cf-249-Y, Cf-250-W,Y, Cf-251-Y, Cf-252-W,Y, and Cf-254-W,Y are not present	-	7E-2	3E-11	-	-	-
If, in addition, it is known that Pb-210-D, Bi-210m-W, Po-210-D,W, Ra-223-W, Ra-225-W, Ra-226-W, Ac-225-D,W,Y, Th-227-W,Y, U-230-D,W,Y, U-232-D,W, Pu-241-W, Cm-240-W, Cm-242-W, Cf-248-Y, Es-254-W, Fm-257-W, and Md-258-W are not present	-	7E-1	3E-10	-	-	-

Radionuclide	Table 1 Occupational Values			Table 2 Effluent Concentrations		Table 3 Releases to Sewers
	Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
	Oral Ingestion	Inhalation				Monthly Average
	ALI (μCi)	ALI (μCi)	DAC (μCi/ml)	Air (μCi/ml)	Water (μCi/ml)	Concentration (μCi/ml)
If, in addition, it is known that Si-32-Y, Ti-44-Y, Fe-60-D, Sr-90-Y, Zr-93-D, Cd-113m-D, Cd-113-D, In-115-D,W, La-138-D, Lu-176-W, Hf-178m-D,W, Hf-182-D,W, Bi-210m-D, Ra-224-W, Ra-228-W, Ac-226-D,W,Y, Pa-230-W,Y, U-233-D,W, U-234-D,W, U-235-D,W, U-236-D,W, U-238-D,W, Pu-241-Y, Bk-249-W, Cf-253-W,Y, and Es-253-W are not present	-	7E+0	3E-9	-	-	-
If it is known that Ac-227-D,W,Y, Th-229-W,Y, Th-232-W,Y, Pa-231-W,Y, Cm-248-W, and Cm-250-W are not present -	-	-		1E-14	-	-
If, in addition, it is known that Sm-146-W, Gd-148-D,W, Gd-152-D, Th-228-W,Y, Th-230-W,Y, U-232-Y, U-233-Y, U-234-Y, U-235-Y, U-236-Y, U-238-Y, U-Nat-Y, Np-236-W, Np-237-W, Pu-236-W,Y, Pu-238-W,Y, Pu-239-W,Y, Pu-240-W,Y, Pu-242-W,Y, Pu-244-W,Y, Am-241-W, Am-242m-W, Am-243-W, Cm-243-W, Cm-244-W, Cm-245-W, Cm-246-W, Cm-247-W, Bk-247-W, Cf-249-W,Y, Cf-250-W,Y, Cf-251-W,Y, Cf-252-W,Y, and Cf-254-W,Y are not present			-	1E-13	-	-
If, in addition, it is known that Sm-147-W, Gd-152-W, Pb-210-D, Bi-210m-W, Po-210-D,W, Ra-223-W, Ra-225-W, Ra-226-W, Ac-225-D,W,Y, Th-227-W,Y, U-230-D,W,Y, U-232-D,W, U-Nat-W, Pu-241-W, Cm-240-W, Cm-242-W, Cf-248-W,Y, Es-254-W, Fm-257-W, and Md-258-W are not present			-	1E-12	-	-
If, in addition it is known that Fe-60, Sr-90, Cd-113m, Cd-113, In-115, I-129, Cs-134, Sm-145, Sm-147, Gd-148, Gd-152, Hg-194 (organic), Bi-210m, Ra-223, Ra-224, Ra-225, Ac-225, Th-228, Th-230, U-233, U-234, U-235, U-236, U-238, U-Nat, Cm-242, Cf-248, Es-254, Fm-257, and Md-258 are not present	-	-	-	-	1E-6	1E-5

3 If a mixture of radionuclides consists of uranium and its daughters in ore dust (10 μm AMAD particle distribution assumed) prior to chemical separation of the uranium from the ore, the following values may be used for the DAC of the mixture: 6E-11 μCi of gross alpha activity from uranium-238, uranium-234, thorium-230, and radium-226 per milliliter of air; 3E-11 μCi of natural uranium per milliliter of air; or 45 micrograms of natural uranium per cubic meter of air.

4 If the identity and concentration of each radionuclide in a mixture are known, the limiting values should be derived as follows: determine, for each radionuclide in the mixture, the ratio between the concentration present in the mixture and the concentration otherwise established in Appendix B for the specific radionuclide when not in a mixture. The sum of such ratios for all of the radionuclides in the mixture may not exceed "1" (i.e., "unity").

Example: If radionuclides "A," "B," and "C" are present in concentrations C_A, C_B, and C_C, and if the applicable DACs are DAC_A, DAC_B, and DAC_C, respectively, then the concentrations shall be limited so that the following relationship exists:

$$\frac{C_A}{DAC_A} + \frac{C_B}{DAC_B} + \frac{C_C}{DAC_C} < 1$$

BILLING CODE 7590-01-C

9. Part 20 is amended by adding appendix C to §§ 20.1001–20.2401 to read as follows:

APPENDIX C TO §§ 20.1001–20.2401 QUANTITIES [1] OF LICENSED MATERIAL REQUIRING LABELING

Radionuclide	Quantity (μCi)
Hydrogen-3	1,000
Beryllium-7	1,000
Beryllium-10	1
Carbon-11	1,000
Carbon-14	1,000
Fluorine-18	1,000
Sodium-22	10
Sodium-24	100
Magnesium-28	100
Aluminum-26	10
Silicon-31	1,000
Silicon-32	1
Phosphorus-32	10
Phosphorus-33	100
Sulfur-35	100
Chlorine-36	10
Chlorine-38	1,000
Chlorine-39	1,000
Argon-39	1,000
Argon-41	1,000
Potassium-40	100
Potassium-42	1,000
Potassium-43	1,000
Potassium-44	1,000
Potassium-45	1,000
Calcium-41	100
Calcium-45	100
Calcium-47	100
Scandium-43	1,000
Scandium-44m	100
Scandium-44	100
Scandium-46	10
Scandium-47	100
Scandium-48	100
Scandium-49	1,000
Titanium-44	1
Titanium-45	1,000
Vanadium-47	1,000
Vanadium-48	100
Vanadium-49	1,000
Chromium-48	1,000
Chromium-49	1,000
Chromium-51	1,000
Manganese-51	1,000
Manganese-52m	1,000
Manganese-52	100
Manganese-53	1,000
Manganese-54	100
Manganese-56	1,000
Iron-52	100
Iron-55	100
Iron-59	10
Iron-60	1
Cobalt-55	100
Cobalt-56	10
Cobalt-57	100
Cobalt-58m	1,000
Cobalt-58	100
Cobalt-60m	1,000
Cobalt-60	1
Cobalt-61	1,000
Cobalt-62m	1,000
Nickel-56	100
Nickel-57	100
Nickel-59	100
Nickel-63	100
Nickel-65	1,000
Nickel-66	10
Copper-60	1,000
Copper-61	1,000
Copper-64	1,000

APPENDIX C TO §§ 20.1001–20.2401 QUANTITIES [1] OF LICENSED MATERIAL REQUIRING LABELING—Continued

Radionuclide	Quantity (μCi)
Copper-67	1,000
Zinc-62	100
Zinc-63	1,000
Zinc-65	10
Zinc-69m	100
Zinc-69	1,000
Zinc-71m	1,000
Zinc-72	100
Gallium-65	1,000
Gallium-66	100
Gallium-67	1,000
Gallium-68	1,000
Gallium-70	1,000
Gallium-72	100
Gallium-73	1,000
Germanium-66	1,000
Germanium-67	1,000
Germanium-68	10
Germanium-69	1,000
Germanium-71	1,000
Germanium-75	1,000
Germanium-77	1,000
Germanium-78	1,000
Arsenic-69	1,000
Arsenic-70	1,000
Arsenic-71	100
Arsenic-72	100
Arsenic-73	100
Arsenic-74	100
Arsenic-76	100
Arsenic-77	100
Arsenic-78	1,000
Selenium-70	1,000
Selenium-73m	1,000
Selenium-73	100
Selenium-75	100
Selenium-79	100
Selenium-81m	1,000
Selenium-81	1,000
Selenium-83	1,000
Bromine-74m	1,000
Bromine-74	1,000
Bromine-75	1,000
Bromine-76	100
Bromine-77	1,000
Bromine-80m	1,000
Bromine-80	1,000
Bromine-82	100
Bromine-83	1,000
Bromine-84	1,000
Krypton-74	1,000
Krypton-76	1,000
Krypton-77	1,000
Krypton-79	1,000
Krypton-81	1,000
Krypton-83m	1,000
Krypton-85m	1,000
Krypton-85	1,000
Krypton-87	1,000
Krypton-88	1,000
Rubidium-79	1,000
Rubidium-81m	1,000
Rubidium-81	1,000
Rubidium-82m	1,000
Rubidium-83	100
Rubidium-84	100
Rubidium-86	100
Rubidium-87	100
Rubidium-88	1,000
Rubidium-89	1,000
Strontium-80	100
Strontium-81	1,000
Strontium-83	100
Strontium-85m	1,000
Strontium-85	100
Strontium-87m	1,000

APPENDIX C TO §§ 20.1001–20.2401 QUANTITIES [1] OF LICENSED MATERIAL REQUIRING LABELING—Continued

Radionuclide	Quantity (μCi)
Strontium-89	10
Strontium-90	0.1
Strontium-91	100
Strontium-92	100
Yttrium-86m	1,000
Yttrium-86	100
Yttrium-87	100
Yttrium-88	10
Yttrium-90m	1,000
Yttrium-90	10
Yttrium-91m	1,000
Yttrium-91	10
Yttrium-92	100
Yttrium-93	100
Yttrium-94	1,000
Yttrium-95	1,000
Zirconium-86	100
Zirconium-88	10
Zirconium-89	100
Zirconium-93	1
Zirconium-95	10
Zirconium-97	100
Niobium-88	1,000
Niobium-89m (66 min)	1,000
Niobium-89 (122 min)	1,000
Niobium-90	100
Niobium-93m	10
Niobium-94	1
Niobium-95m	100
Niobium-95	100
Niobium-96	100
Niobium-97	1,000
Niobium-98	1,000
Molybdenum-90	100
Molybdenum-93m	100
Molybdenum-93	10
Molybdenum-99	100
Molybdenum-101	1,000
Technetium-93m	1,000
Technetium-93	1,000
Technetium-94m	1,000
Technetium-94	1,000
Technetium-96m	1,000
Technetium-96	100
Technetium-97m	100
Technetium-97	1,000
Technetium-98	10
Technetium-99m	1,000
Technetium-99	100
Technetium-101	1,000
Technetium-104	1,000
Ruthenium-94	1,000
Ruthenium-97	1,000
Ruthenium-103	100
Ruthenium-105	1,000
Ruthenium-106	1
Rhodium-99m	1,000
Rhodium-99	100
Rhodium-100	100
Rhodium-101m	1,000
Rhodium-101	10
Rhodium-102m	10
Rhodium-102	10
Rhodium-103m	1,000
Rhodium-105	100
Rhodium-106m	1,000
Rhodium-107	1,000
Palladium-100	100
Palladium-101	1,000
Palladium-103	100
Palladium-107	10
Palladium-109	100
Silver-102	1,000
Silver-103	1,000
Silver-104m	1,000
Silver-104	1,000

APPENDIX C TO §§ 20.1001–20.2401 QUANTITIES [1] OF LICENSED MATERIAL REQUIRING LABELING—Continued

Radionuclide	Quantity (μCi)
Silver-105	100
Silver-106m	100
Silver-106	1,000
Silver-108m	1
Silver-110m	10
Silver-111	100
Silver-112	100
Silver-115	1,000
Cadmium-104	1,000
Cadmium-107	1,000
Cadmium-109	1
Cadmium-113m	0.1
Cadmium-113	100
Cadmium-115m	10
Cadmium-115	100
Cadmium-117m	1,000
Cadmium-117	1,000
Indium-109	1,000
Indium-110 (69.1min.)	1,000
Indium-110 (4.9h)	1,000
Indium-111	100
Indium-112	1,000
Indium-113m	1,000
Indium-114m	10
Indium-115m	1,000
Indium-115	100
Indium-116m	1,000
Indium-117m	1,000
Indium-117	1,000
Indium-119m	1,000
Tin-110	100
Tin-111	1,000
Tin-113	100
Tin-117m	100
Tin-119m	100
Tin-121m	100
Tin-121	1,000
Tin-123m	1,000
Tin-123	10
Tin-125	10
Tin-126	10
Tin-127	1,000
Tin-128	1,000
Antimony-115	1,000
Antimony-116m	1,000
Antimony-116	1,000
Antimony-117	1,000
Antimony-118m	1,000
Antimony-119	1,000
Antimony-120 (16min.)	1,000
Antimony-120 (5.76d)	100
Antimony-122	100
Antimony-124m	1,000
Antimony-124	10
Antimony-125	100
Antimony-126m	1,000
Antimony-126	100
Antimony-127	100
Antimony-128 (10.4min.)	1,000
Antimony-128 (9.01h)	100
Antimony-129	100
Antimony-130	1,000
Antimony-131	1,000
Tellurium-116	1,000
Tellurium-121m	10
Tellurium-121	100
Tellurium-123m	10
Tellurium-123	100
Tellurium-125m	10
Tellurium-127m	10
Tellurium-127	1,000
Tellurium-129m	10
Tellurium-129	1,000
Tellurium-131m	10
Tellurium-131	100

APPENDIX C TO §§ 20.1001–20.2401 QUANTITIES [1] OF LICENSED MATERIAL REQUIRING LABELING—Continued

Radionuclide	Quantity (μCi)
Tellurium-132	10
Tellurium-133m	100
Tellurium-133	1,000
Tellurium-134	1,000
Iodine-120m	1,000
Iodine-120	100
Iodine-121	1,000
Iodine-123	100
Iodine-124	10
Iodine-125	1
Iodine-126	1
Iodine-128	1,000
Iodine-129	1
Iodine-130	10
Iodine-131	1
Iodine-132m	100
Iodine-132	100
Iodine-133	10
Iodine-134	1,000
Iodine-135	100
Xenon-120	1,000
Xenon-121	1,000
Xenon-122	1,000
Xenon-123	1,000
Xenon-125	1,000
Xenon-127	1,000
Xenon-129m	1,000
Xenon-131m	1,000
Xenon-133m	1,000
Xenon-133	1,000
Xenon-135m	1,000
Xenon-135	1,000
Xenon-138	1,000
Cesium-125	1,000
Cesium-127	1,000
Cesium-129	1,000
Cesium-130	1,000
Cesium-131	1,000
Cesium-132	100
Cesium-134m	1,000
Cesium-134	10
Cesium-135m	1,000
Cesium-135	100
Cesium-136	10
Cesium-137	10
Cesium-138	1,000
Barium-126	1,000
Barium-128	100
Barium-131m	1,000
Barium-131	100
Barium-133m	100
Barium-133	100
Barium-135m	100
Barium-139	1,000
Barium-140	100
Barium-141	1,000
Barium-142	1,000
Lanthanum-131	1,000
Lanthanum-132	100
Lanthanum-135	1,000
Lanthanum-137	10
Lanthanum-138	100
Lanthanum-140	100
Lanthanum-141	100
Lanthanum-142	1,000
Lanthanum-143	1,000
Cerium-134	100
Cerium-135	100
Cerium-137m	100
Cerium-137	1,000
Cerium-139	100
Cerium-141	100
Cerium-143	100
Cerium-144	1
Praseodymium-136	1,000
Praseodymium-137	1,000

APPENDIX C TO §§ 20.1001–20.2401 QUANTITIES [1] OF LICENSED MATERIAL REQUIRING LABELING—Continued

Radionuclide	Quantity (μCi)
Praseodymium-138m	,000
Praseodymium-139	1,000
Praseodymium-142m	1,000
Praseodymium-142	100
Praseodymium-143	100
Praseodymium-144	1,000
Praseodymium-145	100
Praseodymium-147	1,000
Neodymium-136	1,000
Neodymium-138	100
Neodymium-139m	1,000
Neodymium-139	1,000
Neodymium-141	1,000
Neodymium-147	100
Neodymium-149	1,000
Neodymium-151	1,000
Promethium-141	1,000
Promethium-143	100
Promethium-144	10
Promethium-145	10
Promethium-146	1
Promethium-147	10
Promethium-148m	10
Promethium-148	10
Promethium-149	100
Promethium-150	1,000
Promethium-151	100
Samarium-141m	1,000
Samarium-141	1,000
Samarium-142	1,000
Samarium-145	100
Samarium-146	1
Samarium-147	100
Samarium-151	10
Samarium-153	100
Samarium-155	1,000
Samarium-156	1,000
Europium-145	100
Europium-146	100
Europium-147	100
Europium-148	10
Europium-149	100
Europium-150 (12.62h)	100
Europium-150 (34.2y)	1
Europium-152m	100
Europium-152	1
Europium-154	1
Europium-155	10
Europium-156	100
Europium-157	100
Europium-158	1,000
Gadolinium-145	1,000
Gadolinium-146	10
Gadolinium-147	100
Gadolinium-148	0.001
Gadolinium-149	100
Gadolinium-151	10
Gadolinium-152	100
Gadolinium-153	10
Gadolinium-159	100
Terbium-147	1,000
Terbium-149	100
Terbium-150	1,000
Terbium-151	100
Terbium-153	1,000
Terbium-154	100
Terbium-155	1,000
Terbium-156m (5.0h)	1,000
Terbium-156m (24.4h)	1,000
Terbium-156	100
Terbium-157	10
Terbium-158	1
Terbium-160	10
Terbium-161	100
Dysprosium-155	1,000
Dysprosium-157	1,000

APPENDIX C TO §§ 20.1001–20.2401 QUANTITIES [1] OF LICENSED MATERIAL REQUIRING LABELING—Continued

Radionuclide	Quantity (μCi)
Dysprosium-159	100
Dysprosium-165	1,000
Dysprosium-166	100
Holmium-155	1,000
Holmium-157	1,000
Holmium-159	1,000
Holmium-161	1,000
Holmium-162m	1,000
Holmium-162	1,000
Holmium-164m	1,000
Holmium-164	1,000
Holmium-166m	1
Holmium-166	100
Holmium-167	1,000
Erbium-161	1,000
Erbium-165	1,000
Erbium-169	100
Erbium-171	100
Erbium-172	100
Thulium-162	1,000
Thulium-166	100
Thulium-167	100
Thulium-170	10
Thulium-171	10
Thulium-172	100
Thulium-173	100
Thulium-175	1,000
Ytterbium-162	1,000
Ytterbium-166	100
Ytterbium-167	1,000
Ytterbium-169	100
Ytterbium-175	100
Ytterbium-177	1,000
Ytterbium-178	1,000
Lutetium-169	100
Lutetium-170	100
Lutetium-171	100
Lutetium-172	100
Lutetium-173	10
Lutetium-174m	10
Lutetium-174	10
Lutetium-176m	1,000
Lutetium-176	100
Lutetium-177m	10
Lutetium-177	100
Lutetium-178m	1,000
Lutetium-178	1,000
Lutetium-179	1,000
Hafnium-170	100
Hafnium-172	1
Hafnium-173	1,000
Hafnium-175	100
Hafnium-177m	1,000
Hafnium-178m	0.1
Hafnium-179m	10
Hafnium-180m	1,000
Hafnium-181	10
Hafnium-182m	1,000
Hafnium-182	0.1
Hafnium-183	1,000
Hafnium-184	100
Tantalum-172	1,000
Tantalum-173	1,000
Tantalum-174	1,000
Tantalum-175	1,000
Tantalum-176	100
Tantalum-177	1,000
Tantalum-178	1,000
Tantalum-179	100
Tantalum-180m	1,000
Tantalum-180	100
Tantalum-182m	1,000
Tantalum-182	10
Tantalum-183	100
Tantalum-184	100
Tantalum-185	1,000
Tantalum-186	1,000
Tungsten-176	1,000
Tungsten-177	1,000
Tungsten-178	1,000
Tungsten-179	1,000
Tungsten-181	1,000
Tungsten-185	100
Tungsten-187	100
Tungsten-188	10
Rhenium-177	1,000
Rhenium-178	1,000
Rhenium-181	1,000
Rhenium-182 (12.7h)	1,000
Rhenium-182 (64.0h)	100
Rhenium-184m	10
Rhenium-184	100
Rhenium-186m	10
Rhenium-186	100
Rhenium-187	1,000
Rhenium-188m	1,000
Rhenium-188	100
Rhenium-189	100
Osmium-180	1,000
Osmium-181	1,000
Osmium-182	100
Osmium-185	100
Osmium-189m	1,000
Osmium-191m	1,000
Osmium-191	100
Osmium-193	100
Osmium-194	1
Iridium-182	1,000
Iridium-184	1,000
Iridium-185	1,000
Iridium-186	100
Iridium-187	1,000
Iridium-188	100
Iridium-189	100
Iridium-190m	1,000
Iridium-190	100
Iridium-192 (73.8d)	1
Iridium-192m (1.4min.)	10
Iridium-194m	10
Iridium-194	100
Iridium-195m	1,000
Iridium-195	1,000
Platinum-186	1,000
Platinum-188	100
Platinum-189	1,000
Platinum-191	100
Platinum-193m	100
Platinum-193	1,000
Platinum-195m	100
Platinum-197m	1,000
Platinum-197	100
Platinum-199	1,000
Platinum-200	100
Gold-193	1,000
Gold-194	100
Gold-195	10
Gold-198m	100
Gold-198	100
Gold-199	100
Gold-200m	100
Gold-200	1,000
Gold-201	1,000
Mercury-193m	100
Mercury-193	1,000
Mercury-194	1
Mercury-195m	100
Mercury-195	1,000
Mercury-197m	100
Mercury-197	1,000
Mercury-199m	1,000
Mercury-203	100
Thallium-194m	1,000
Thallium-194	1,000
Thallium-195	1,000
Thallium-197	1,000
Thallium-198m	1,000
Thallium-198	1,000
Thallium-199	1,000
Thallium-200	1,000
Thallium-201	1,000
Thallium-202	100
Thallium-204	100
Lead-195m	1,000
Lead-198	1,000
Lead-199	1,000
Lead-200	100
Lead-201	1,000
Lead-202m	1,000
Lead-202	10
Lead-203	1,000
Lead-205	100
Lead-209	1,000
Lead-210	0.0
Lead-211	100
Lead-212	1
Lead-214	100
Bismuth-200	1,000
Bismuth-201	1,000
Bismuth-202	1,000
Bismuth-203	100
Bismuth-205	100
Bismuth-206	100
Bismuth-207	10
Bismuth-210m	0.1
Bismuth-210	1
Bismuth-212	10
Bismuth-213	10
Bismuth-214	100
Polonium-203	1,000
Polonium-205	1,000
Polonium-207	1,000
Polonium-210	0.1
Astatine-207	100
Astatine-211	10
Radon-220	1
Radon-222	1
Francium-222	100
Francium-223	100
Radium-223	0.1
Radium-224	0.1
Radium-225	0.1
Radium-226	0.1
Radium-227	1,000
Radium-228	0.1
Actinium-224	1
Actinium-225	0.01
Actinium-226	0.1
Actinium-227	0.001
Actinium-228	1
Thorium-226	10
Thorium-227	0.01
Thorium-228	0.001
Thorium-229	0.001
Thorium-230	0.001
Thorium-231	100
Thorium-232	100
Thorium-234	10
Thorium-natural	100
Protactinium-227	10
Protactinium-228	1
Protactinium-230	0.1
Protactinium-231	0.001
Protactinium-232	1
Protactinium-233	100
Protactinium-234	100
Uranium-230	0.01
Uranium-231	100
Uranium-232	0.001

APPENDIX C TO §§ 20.1001–20.2401 QUANTITIES [1] OF LICENSED MATERIAL REQUIRING LABELING—Continued

Radionuclide	Quantity (μCi)
Uranium-233	0.001
Uranium-234	0.001
Uranium-235	0.001
Uranium-236	0.001
Uranium-237	100
Uranium-238	100
Uranium-239	1,000
Uranium-240	100
Uranium-natural	100
Neptunium-232	100
Neptunium-233	1,000
Neptunium-234	100
Neptunium-235	100
Neptunium-236 (1.15x10^{5}y)	0.001
Neptunium-236 (22.5h)	1
Neptunium-237	1.001
Neptunium-238	10
Neptunium-239	100
Neptunium-240	1,000
Plutonium-234	10
Plutonium-235	1,000
Plutonium-236	0.001
Plutonium-237	100
Plutonium-238	0.001
Plutonium-239	0.001
Plutonium-240	0.001
Plutonium-241	0.01
Plutonium-242	0.001
Plutonium-243	1,000
Plutonium-244	0.001
Plutonium-245	100
Americium-237	1,000
Americium-238	100
Americium-239	1,000
Americium-240	100
Americium-241	0.001
Americium-242m	0.001
Americium-242	10
Americium-243	0.001
Americium-244m	100
Americium-244	10
Americium-245	1,000
Americium-246m	1,000
Americium-246	1,000
Curium-238	100
Curium-240	0.1
Curium-241	1
Curium-242	0.01
Curium-243	0.001
Curium-244	0.001
Curium-245	0.001
Curium-246	0.001
Curium-247	0.001
Curium-248	0.001
Curium-249	1,000
Berkelium-245	100
Berkelium-246	100
Berkelium-247	0.001
Berkelium-249	0.1
Berkelium-250	10
Californium-244	100
Californium-246	1
Californium-248	0.01
Californium-249	0.001
Californium-250	0.001
Californium-251	0.001
Californium-252	0.001
Californium-253	0.1
Californium-254	0.001
Any alpha emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition	0.001
Einsteinium-250	100
Einsteinium-251	100
Einsteinium-253	0.1
Einsteinium-254m	1
Einsteinium-254	0.01
Fermium-252	1
Fermium-253	1
Fermium-254	10
Fermium-255	1
Fermium-257	0.01
Mendelevium-257	10
Mendelevium-258	0.01
Any radionuclide other than alpha emitting radionuclides not listed above, or mixtures of beta emitters of unknown composition	0.01

[1] The quantities listed above were derived by taking 1/10th of the most restrictive ALI listed in table 1, columns 1 and 2, of appendix B to §§ 20.1001–20.2401 of this part, rounding to the nearest factor of 10, and arbitrarily constraining the values listed between 0.001 and 1,000 wμCi. Values of 100 wμCi have been assigned for radionuclides having a radioactive half-life in excess of 10^9 years (except rhenium, 1000 wμCi) to take into account their low specific activity.

Note: For purposes of §§ 20.1902(e), 20.1905(a), and 20.2201(a) where there is involved a combination of radionuclides in known amounts, the limit for the combination should be derived as follows: determine, for each radionuclide in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific radionuclide when not in combination. The sum of such ratios for all radionuclides in the combination may not exceed "1" (i.e., "unity").

10. Part 20 is amended by adding appendix D to §§ 20.1001–20.2401 to read as follows:

Appendix D to §§ 20.1001–20.2401—United States Nuclear Regulatory Commission Regional Offices

	Address	Telephone (24 hour)
Region I: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.	USNRC, Region I, 475 Allendale Road, King of Prussia, PA 19406.	(215) 337–5000, (FTS) 346–5000.
Region II: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, Virgin Islands, and West Virginia.	USNRC, Region II, 101 Marietta Street, NW., Suite 2900, Atlanta, GA 30323.	(404) 331–4503, (FTS) 841–4503.
Region III: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.	USNRC, Region III, 799 Roosevelt Road, Glen Ellyn, IL 60137.	(708) 790–5500, (FTS) 388–5500.
Region IV: Arkansas, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.	USNRC, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, TX 76011.	(817) 860–8100, (FTS) 728–8100.
Region IV: Field Office	USNRC, Region IV, Uranium Recovery Field Office, 730 Simms Street, Suite 100a, Golden, CO 80401, Mail: P.O. Box 25325, Denver, CO 80225.	(303) 231–5800, (FTS) 554–2805.
Region V: Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington, and U.S. territories and possessions in the Pacific.	USNRC, Region V, 1450 Maria Lane, Suite 210, Walnut Creek, CA 94596.	(415) 975–0200.

11. Part 20 is amended by adding and reserving appendix E to §§ 20.1001–20.2401.

Appendix E to §§ 20.1001–20.2401 [Reserved]

12. Part 20 is amended by adding appendix F to §§ 20.1001–20.2401 to read as follows:

Appendix F to §§ 20.1001–20.2401—Requirements for Low-Level-Waste Transfer for Disposal at Land Disposal Facilities and Manifests

I. Manifest

The shipment manifest shall contain the name, address, and telephone number of the person generating the waste. The manifest shall also include the name, address, and telephone number or the name and EPA hazardous waste identification number of the person transporting the waste to the land disposal facility. The manifest must also indicate as completely as practicable: a physical description of the waste, the volume, radionuclide identity and quantity, the total radioactivity, and the principal chemical form. The solidification agent must be specified. Waste containing more than 0.1% chelating agents by weight must be identified and the weight percentage of the chelating agent estimated. Wastes classified as Class A, Class B, or Class C in § 61.55 of this

chapter must be clearly identified as such in the manifest. The total quantity of the radionuclides ^{3}H, ^{14}C, ^{99}Tc, and ^{129}I must be shown. The manifest required by this paragraph may be shipping papers used to meet Department of Transportation or Environmental Protection Agency regulations or requirements of the receiver, provided all the required information is included. Copies of manifests required by this section may be legible carbon copies or legible photocopies.

II. Certification

The waste generator shall include in the shipment manifest a certification that the transported materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation and the Commission. An authorized representative of the waste generator shall sign and date the manifest.

III. Control and Tracking

A. Any generating licensee who transfers radioactive waste to a land disposal facility or a licensed waste collector shall comply with the requirements in paragraphs A.1 through 8 of this section. Any generating licensee who transfers waste to a licensed waste processor who treats or repackages waste shall comply with the requirements of paragraphs A.4 through 8 of this section. A licensee shall:

1. Prepare all wastes so that the waste is classified according to § 61.55 of this chapter and meets the waste characteristics requirements in § 61.56 of this chapter;

2. Label each package of waste to identify whether it is Class A waste, Class B waste, or Class C waste, in accordance with § 61.55 of this chapter;

3. Conduct a quality control program to ensure compliance with §§ 61.55 and 61.56 of this chapter; the program must include management evaluation of audits;

4. Prepare shipping manifests to meet the requirements of sections I and II of this appendix;

5. Forward a copy of the manifest to the intended recipient, at the time of shipment, or deliver to a collector at the time the waste is collected, obtaining acknowledgment of receipt in the form of a signed copy of the manifest or equivalent documentation from the collector;

6. Include one copy of the manifest with the shipment;

7. Retain a copy of the manifest and documentation of acknowledgment of receipt as the record of transfer of licensed material as required by parts 30, 40, and 70 of this chapter; and

8. For any shipments or any part of a shipment for which acknowledgment of receipt has not been received within the times set forth in this section, conduct an investigation in accordance with paragraph E of this appendix.

B. Any waste collector licensee who handles only prepackaged waste shall:

1. Acknowledge receipt of the waste from the generator within 1 week of receipt by returning a signed copy of the manifest or equivalent documentation;

2. Prepare a new manifest to reflect consolidated shipments; the new manifest shall serve as a listing or index for the detailed generator manifests. Copies of the generator manifests shall be a part of the new manifest. The waste collector may prepare a new manifest without attaching the generator manifests, provided the new manifest contains for each package the information specified in section I of this appendix. The collector licensee shall certify that nothing has been done to the waste that would invalidate the generator's certification;

3. Forward a copy of the new manifest to the land disposal facility operator at the time of shipment;

4. Include the new manifest with the shipment to the disposal site;

5. Retain a copy of the manifest and documentation of acknowledgment of receipt as the record of transfer of licensed material as required by parts 30, 40, and 70 of this chapter, and retain information from generator manifest until disposition is authorized by the Commission; and

6. For any shipments or any part of a shipment for which acknowledgment of receipt is not received within the times set forth in this section, conduct an investigation in accordance with section III, E of this appendix.

C. Any licensed waste processor who treats or repackages wastes shall:

1. Acknowledge receipt of the waste from the generator within 1 week of receipt by returning a signed copy of the manifest or equivalent documentation;

2. Prepare a new manifest that meets the requirements of sections I and II of this appendix. Preparation of the new manifest reflects that the processor is responsible for the waste;

3. Prepare all wastes so that the waste is classified according to § 61.55 of this chapter and meets the waste characteristics requirements in § 61.56 of this chapter;

4. Label each package of waste to identify whether it is Class A waste, Class B waste, or Class C waste, in accordance with §§ 61.55 and 61.57 of this chapter;

5. Conduct a quality control program to ensure compliance with §§ 61.55 and 61.56 of this chapter. The program shall include management evaluation of audits;

6. Forward a copy of the new manifest to the disposal site operator or waste collector at the time of shipment, or deliver to a collector at the time the waste is collected, obtaining acknowledgment of receipt in the form of a signed copy of the manifest or equivalent documentation by the collector;

7. Include the new manifest with the shipment;

8. Retain copies of original manifests and new manifests and documentation of acknowledgment of receipt as the record of transfer of licensed material required by parts 30, 40, and 70 of this chapter; and

9. For any shipment or part of a shipment for which acknowledgment is not received within the times set forth in this section, conduct an investigation in accordance with section III. E of this appendix.

D. The land disposal facility operator shall:

1. Acknowledge receipt of the waste within 1 week of receipt by returning a signed copy of the manifest or equivalent documentation to the shipper. The shipper to be notified is the licensee who last possessed the waste and transferred the waste to the operator. The returned copy of the manifest or equivalent documentation shall indicate any discrepancies between materials listed on the manifest and materials received;

2. Maintain copies of all completed manifests or equivalent documentation until the Commission authorizes their disposition; and

3. Notify the shipper (i.e., the generator, the collector, or processor) and the Administrator of the nearest Commission Regional Office listed in appendix D to this part when any shipment or part of a shipment has not arrived within 60 days after the advance manifest was received.

E. Any shipment or part of a shipment for which acknowledgment is not received within the times set forth in this section must:

1. Be investigated by the shipper if the shipper has not received notification or receipt within 20 days after transfer; and

2. Be traced and reported. The investigation shall include tracing the shipment and filing a report with the nearest Commission Regional Office listed in appendix D to this part. Each licensee who conducts a trace investigation shall file a written report with the appropriate NRC Regional Office within 2 weeks of completion of the investigation.

Conforming Amendments

The following amendments to other parts of Chapter I of title 10 generally update citations to 10 CFR part 20 that are found in these other parts of the NRC regulations. Two amendments are particularly important as they go beyond updating cross-reference citations. The amendment to 10 CFR part 2 appendix C to §§ 20.1001–20.2401 updates and modifies the examples of the severity levels associated with violations of 10 CFR part 20 (§§ 20.1001–20.2401). The earlier version of the severity levels, which is retained as Part 2, appendix C for §§ 20.1–20.601, will apply until January 1, 1993 or until the licensee adopts the amendments to part 20 in this final rule (§§ 20.1001–20.2401). Because appendix C is a policy statement of the Commission, and not a regulation, the Commission is issuing the amendments to the Commission's enforcement policy in 10 CFR part 2, appendix C in final form without public comment.

The other important change in the conforming amendments is the deletion of "upon request" from § 19.13(b). This has the effect of requiring annual dose reports to all workers rather than only upon a request by the worker. This change conforms to the 1987 Federal Radiation Guidance from the President. The requirement to report doses to the worker at least annually applies to licensees adopting the amendments to part 20 in this final rule (§§ 20.1001–

20.2401) and will apply to all licensees on January 1, 1993.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

13. The authority citation for part 2 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841) * * *.

14. In appendix C to 10 CFR part 2, supplement IV is amended by revising the existing subject center heading and by adding a new subject center heading and paragraphs F through J to read as follows:

Appendix C—General Statement of Policy and Procedure for NRC Enforcement Actions

* * * * *

Supplement IV—Severity Categories

Health Physics 10 CFR Part 20 (to accompany §§ 20.1–20.601)[15]

* * * * *

Health Physics 10 CFR Part 20 (to accompany §§ 20.1001–20.2401)[15a]

F. Severity I—Violations Involving For Example

1. Single radiation exposure of a worker in excess of 25 rems total effective dose equivalent, 75 rems to the lens of the eye, or 250 rads to the skin of the whole body, or to the feet, ankles, hands or forearms, or to any other organ or tissue;

2. Single radiation exposure of the embryo/fetus of a declared pregnant woman in excess of 2.5 rems total effective dose equivalent;

3. Single radiation exposure of a minor in excess of 2.5 rems total effective dose equivalent, 7.5 rems to the lens of the eye, or 25 rems to the skin of the whole body, or to the feet, ankles, hands or forearms, or to any other organ or tissue;

4. Annual exposure of a member of the public in excess of 2.5 rems total effective dose equivalent;

5. Release of radioactive material to an unrestricted area at concentrations in excess of 50 times the limits or members of the public in table 2 of appendix B of §§ 20.1001–20.2401 of 10 CFR part 20; or

6. Disposal of licensed material in quantities or concentrations in excess of 10 times the limits of 10 CFR 20.2003.

G. Severity II—Violations Involving For Example

1. Single radiation exposure of a worker in excess of 10 rems total effective dose equivalent, 30 rems to the lens of the eye, or 100 rems to the skin of the whole body, or to the feet, ankles, hands or forearms, or to any other organ or tissue;

2. Single radiation exposure of the embryo/fetus of a declared pregnant woman in excess of 1.0 rem total effective dose equivalent;

3. Single radiation exposure of a minor in excess of 1 rem total effective dose equivalent; 3.0 rems to the lens of the eye, or 10 rems to the skin of the whole body, or to the feet, ankles, hands or forearms, or to any other organ or tissue;

4. Annual exposure of a member of the public in excess of 0.5 rem total effective dose equivalent;

5. Release of radioactive material to an unrestricted area at concentrations in excess of 10 times the limits for members of the public in table 2 of appendix B to §§ 20.1001–20.2401 of 10 CFR part 20;

6. Disposal of licensed material in quantities or concentrations in excess of five times the limits of 10 CFR 20.2003; or

7. Failure to make an immediate notification as required by 10 CFR 20.2202 (a)(1) or (a)(2).

H. Severity III—Violations Involving For Example:

1. Single radiation exposure of a worker in excess of 5 rems total effective dose equivalent, 15 rems to the lens of the eye, or 50 rems to the skin of the whole body or to the feet, ankles, hands or forearms, or to any other organ or tissue;

2. Single radiation exposure of the embryo/fetus of a declared pregnant woman in excess of 0.5 rem total effective dose equivalent;

3. Single radiation exposure of a minor in excess of 0.5 rem total effective dose equivalent; 1.5 rems to the lens of the eye, or 5 rems to the skin of the whole body, or to the feet, ankles, hands or forearms, or to any other organ or tissue;

4. Worker exposure above regulatory limits when such exposure reflects a programmatic (rather than an isolated) weakness in the radiation control program;

5. Annual exposure of a member of the public in excess of 0.1 rem total effective dose equivalent (except when operation up to 0.5 rem a year has been approved by the Commission under § 20.1301(c));

6. Release of radioactive material to an unrestricted area at concentrations in excess of two times the effluent concentration limits in table 2 of appendix B to §§ 20.1001–20.2401 of 10 CFR part 20 (except when operation up to 0.5 rem a year has been approved by the Commission under § 20.1301(c));

7. Failure to make a 24-hour notification required by 10 CFR 20.2202(b) or an immediate notification required by 10 CFR 20.2201(a)(1)(i);

8. Substantial potential for exposures or releases in excess of the applicable limits in 10 CFR part 20 §§ 20.1001–20.2401 whether or not such exposure or release occurs (e.g., operation of a radiation facility with a nonfunctioning interlock system or entry into high radiation areas, such as under reactor vessels or in the vicinity of exposed radiographic sources, without having performed an adequate survey);

9. Improper disposal of licensed material not covered in Severity Levels I or II;

10. Release for unrestricted use of contaminated or radioactive material or equipment that poses a realistic potential for exposure of the public to levels or doses exceeding the annual dose for limit for members of the public, or that reflects a programmatic (rather than an isolated) weakness in the radiation control program;

11. Conduct of licensee activities by a technically unqualified person; or

12. Significant failure to control licensed material.

I. Severity IV—Violations Involving For Example:

1. Exposures in excess of the limits of 10 CFR 20.1201, 20.1207, or 20.1208 not constituting Severity Level I, II, or III violations;

2. Release of radioactive material to an unrestricted area at concentrations in excess of the limits for members of the public in appendix B to §§ 20.1001–20.2401 of 10 CFR part 20 (except when operation up to 0.5 rem a year has been approved by the Commission under § 20.1301(c));

3. A radiation dose rate in an unrestricted or controlled area in excess of 0.002 rem in any 1 hour (2 millirem/hour) or 50 millirems in a year;

4. Failure to maintain and implement radiation programs to keep radiation exposures as low as is reasonably achievable;

5. Doses to a member of the public in excess of any EPA generally applicable environmental radiation standards, such as 40 CFR part 190;

6. Failure to make the 30-day notification required by 10 CFR 20.2201(a)(1)(ii) or 20.2203(a);

7. Failure to make a timely written report as required by 10 CFR 20.2201(b), 20.2204, or 20.2206; or

8. Any other matter that has more than a minor safety, health, or environmental significance.

J. Severity V—Violations that are of a Minor Safety, Health, or Environmental Significance

* * * * *

PART 19—NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS; INSPECTIONS

15. The authority citation for part 19 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841) * * *.

16. Section 19.3 is amended by revising the definition for *Restricted area* to read as follows:

§ 19.3 Definitions.

* * * * *

Restricted area means an area, access to which is limited by the licensee for the purpose of protecting individuals against undue risks from exposure to radiation and radioactive materials. Restricted area does not include areas used as residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

* * * * *

[15] Personnel overexposures and associated violations, incurred during a life-saving effort, will be treated on a case-by-case basis.

[15a] See footnote 15.

17. In § 19.13, paragraph (d) is amended by changing the reference to "§ 20.405 and § 20.408" to read "§ 20.405 and § 20.408 or, for licensees implementing the provisions of §§ 20.1001–20.2401, §§ 20.2202, 20.2203, 20.2204, or § 20.2206," and by revising paragraphs (b), (c), and (e) to read as follows:

§ 19.13 Notifications and reports to individuals.

* * * * *

(b) Each licensee shall advise each worker annually of the worker's dose as shown in records maintained by the licensee pursuant to part 20 (§ 20.401 and § 20.601 or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.2106). Prior to January 1, 1993 licensees operating under §§ 20.1–20.601 are required to provide this information only upon request of the worker.

(c) At the request of a worker formerly engaged in licensed activities controlled by the licensee, each licensee shall furnish to the worker a report of the worker's exposure to radiation or radioactive material for each year the worker was required to be monitored under either § 20.107 or § 20.202 or, for licensees implementing the provisions of §§ 20.1001–20.2401, under § 20.1502. Such report shall be furnished within 30 days from the time the request is made, or within 30 days after the exposure of the individual has been determined by the licensee, whichever is later. This report shall cover the period of time that the worker's activities involved exposure to radiation from radioactive materials licensed by the Commission and shall include the date and locations of licensed activities in which the worker participated during this period.

* * * * *

(e) At the request of a worker who is terminating employment with the licensee that involved exposure to radiation or radioactive materials, during the current calendar quarter or the current year, each licensee shall provide at termination to each such worker, or to the worker's designee, a written report regarding the radiation dose received by that worker from operations of the licensee during the current year or fraction thereof. If the most recent individual monitoring results are not available at that time, a written estimate of the dose shall be provided together with a clear indication that this is an estimate. Licensees required by §§ 20.407–20.408 of §§ 20.1–20.601 to provide termination reports and statistical summaries of occupational doses to the Commission shall continue to provide these reports until they adopt the provisions of §§ 20.1001–20.2401, or until January 1, 1993.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

18. The authority citation for part 30 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 584) * * *.

19. In § 30.35, paragraph (a) is amended by revising the references to "appendix C to 10 CFR part 20" and "appendix C" to read "appendix C to §§ 20.1–20.601 of 10 CFR part 20"; paragraph (d) is amended by revising the three references to "appendix C of the part 20" to read "appendix C to §§ 20.1–20.601 of 10 CFR part 20"; and by adding a note at the end of the section to read as follows:

§ 30.35 Financial assurance and recordkeeping for decommissioning.

* * * * *

Note: Appendix C of §§ 20.1–20.601 of 10 CFR Part 20 applies for the purpose of estimating decommissioning costs regardless of whether the licensee adopts 10 CFR 20.1001–20.2401 or continues to use 10 CFR 20.1–20.601.

PART 31—GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL

20. The authority citation for part 31 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201), sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841) * * *.

§ 31.5 [Amended]

21. In § 31.5(c)(10), the reference to "§§ 20.402 and 20.403" is revised to read "§§ 20.402 and 20.403 or, for licensees implementing the provisions of §§ 20.1001–20.2401, §§ 20.1201 and 20.1202."

§ 31.7 [Amended]

22. In § 31.7(b), the reference to "§§ 20.402 and 20.403" is revised to read "§§ 20.402 and 20.403 or, for licensees implementing the provisions of §§ 20.1001–20.2401, §§ 20.1201 and 20.1202."

§ 31.10 [Amended]

23. In § 31.10(b)(1), the reference to § 20.301" is revised to read "§ 20.301 or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1001."

24. In § 31.10(b)(3) the reference to "§§ 20.301, 20.402, and 20.403" is revised to read "§§ 20.301, 20.402, and 20.403 or, for licensees implementing the provisions of §§ 20.1001–20.2401, §§ 20.1001, 20.1201, and 20.1202."

§ 31.11 [Amended]

25. In § 31.11(c)(5), the reference to "§ 20.301" is revised to read "§ 20.301 or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1001."

26. In § 31.11(f), the reference to "§§ 20.301, 20.402, and 20.403" is revised to read "§§ 20.301, 20.402, and 20.403 or, for licensees implementing the provisions of §§ 20.1001–20.2401, §§ 20.1001, 20.1201, and 20.1202."

PART 32—SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

27. The authority citation for part 32 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201), sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841) * * *.

28. In § 32.51, paragraphs (a)(2)(ii) and (c) are revised to read as follows:

§ 32.51 Byproduct material contained in devices for use under § 31.5; requirements for license to manufacture, or initially transfer.

(a) * * *

(2) * * *

(ii) Under ordinary conditions of handling, storage, and use of the device, the byproduct material contained in the device will not be released or inadvertently removed from the device, and it is unlikely that any person will receive in any period of 1 calendar quarter a dose in excess of 10 percent of the limits specified in the table in § 20.101(a) of this chapter or, for licensees implementing the provisions of §§ 20.1001–20.2401 of this chapter, will receive in 1 year a dose in excess of 10 percent of the annual limits specified in § 20.1201(a) of this chapter; and

* * * * *

(c) In the event the applicant desires that the general licensee under § 31.5 of this chapter, or under equivalent regulations of an Agreement State, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the on-off mechanism and indicator, or remove the device from installation, the applicant shall include in the application written instructions to be followed by the general licensee, estimated calendar quarter doses associated with such activity or activities, and the bases for

these estimates. The submitted information must demonstrate that performance of this activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive in a calendar quarter a dose in excess of 10 percent of the limits in § 20.101(a) of this chapter or, for licensees implementing the provisions of §§ 20.1001–20.2401 of this chapter, a dose in excess of 10 percent of the annual limits specified in § 20.1201(a) of this chapter.

§ 32.61 [Amended]

29. In § 32.61(d), the reference to "§ 20.203(a)" is revised to read "§ 20.203(a) or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1901(a)."

§ 32.71 [Amended]

30. In § 32.71(c)(2), the reference to "§ 20.203(a)(1)" is revised to read "§ 20.203(a)(1) or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1901(a)."

31. In § 32.71(e), the reference to "§ 20.301" is revised to read "§ 20.301 or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.2001."

PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

32. The authority citation for part 34 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841) * * *.

§ 34.29 [Amended]

33. In § 34.29(a), the reference to "§ 20.203(c) (2)(ii), (2)(iii), or (4)" is revised to read "§ 20.203(c) (2)(ii), (2)(iii), or (4) or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1601 (a)(2), (a)(3), or (b)."

§ 34.41 [Amended]

34. In § 34.41, the reference to "§ 20.203(c)(2)" is revised to read "§ 20.203(c)(2) or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1601 (a)(1), (a)(2), or (a)(3)."

§ 34.42 [Amended]

35. In § 34.42, the reference to § 20.204(c)" is revised to read "§ 20.204(c) or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1903" and the reference to "§ 20.203 (b) and (c)(1)" is revised to read "§ 20.203 (b) and (c)(1) or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1902 (a) and (b)."

PART 35—MEDICAL USE OF BYPRODUCT MATERIAL

36. The authority citation for part 35 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201), sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841) * * *.

§ 35.92 [Amended]

37. In § 35.92, the introductory text of paragraph (a) is amended by revising the reference to "§ 20.301" to read "§ 20.301 or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.2001."

§ 35.315 [Amended]

38. In § 35.315(a)(8), the reference to "§ 20.401(c)(1)" is revised to read "§ 20.401(c)(1) of this chapter or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.2106(a) of this chapter."

§ 35.415 [Amended]

39. In § 35.415(a)(1), the reference to "§ 20.105(b)" is revised to read "§ 20.105(b) or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1301(a)."

§ 35.630 [Amended]

40. In § 35.630 (a)(1) and (a)(2), the reference to "National Bureau of Standards" is revised to read: "National Institute of Standards and Technology."

§ 35.641 [Amended]

41. In § 35.641(a)(2)(i), the reference to "§ 20.101" is revised to read "§ 20.101 or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1201."

42. In § 35.641(a)(2)(ii), the reference to "§ 20.105(b)" is revised to read "§ 20.105(b) or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1301."

43. In § 35.641(b)(2), the reference to "§ 20.501" is revised to read "§ 20.501 or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1301."

§ 35.643 [Amended]

44. In § 35.643, the introductory text of paragraph (a) is amended by revising the reference to "§ 20.105(b)" to read "§ 20.105(b) or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1301."

45. In § 35.643(a)(1), the reference to "§ 20.105(b)" is revised to read "§ 20.105(b) of this chapter or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1301(c) of this chapter."

46. In § 35.643(b), the reference to "§ 20.205(a)" is revised to read "§ 20.205(a) or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1301(c)"; and the reference to "§ 20.105(b)" is revised to read "§ 20.105(b) of this chapter or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1301(a) of this chapter."

PART 39—LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL LOGGING

47. The authority citation for part 39 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201), sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841) * * *.

§ 39.15 [Amended]

48. In § 39.15(a)(5)(iii)(B), the reference to "§ 20.203" is revised to read "§ 20.203 or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1901(a)."

§ 39.31 [Amended]

49. In § 39.31(a)(1), the reference to "§ 20.203" is revised to read "§ 20.203 or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1901(a)."

50. In § 39.31(a)(2), the reference to "§ 20.203" is revised to read "§ 20.203 or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1901(a)."

§ 39.77 [Amended]

51. In § 39.77(b), the reference to "§§ 20.402, 20.403, and 20.405" is revised to read "§§ 20.402, 20.403, and 20.405 or, for licensees implementing the provisions of §§ 20.1001–20.2401, §§ 20.2201, 20.2202, and 20.2203."

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

52. The authority citation for part 40 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948 as amended (42 U.S.C. 2201), sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841) * * *.

53. Section § 40.34 is amended by revising paragraph (a)(2) to read as follows:

§ 40.34 Special requirements for issuance of specific licenses.

(a) * * *

(2) The applicant submits sufficient information relating to the design,

manufacture, prototype testing, quality control procedures, labeling or marking, proposed uses, and potential hazards of the industrial product or device to provide reasonable assurance that possession, use, or transfer of the depleted uranium in the product or device is not likely to cause any individual to receive in any period of 1 calendar quarter a radiation dose in excess of 10 percent of the limits specified in § 20.101(a) of this chapter, or, for licensees implementing the provisions of §§ 20.1001–20.2401 of this chapter, cause any individual to receive in 1 year a radiation dose in excess of 10 percent of the annual limits specified in § 20.2101(a) of this chapter; and

* * * * *

Appendix A to Part 40—[Amended]

54. In the first paragraph of the Introduction to appendix A, the reference to "§ 20.1(c)" is revised to read "§ 20.1(c), or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1003."

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

55. The authority citation for part 50 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841) * * *.

56. In § 50.34, paragraph (f)(2)(viii) is revised to read as follows:

§ 50.34 Contents of applications; technical information.

* * * * *

(f) * * *

(2) * * *

(viii) Provide a capability to promptly obtain and analyze samples from the reactor coolant system and containment that may contain TID–14844 source term radioactive materials without radiation exposures to any individual exceeding 5 rems to the whole body or 75 rems to the extremities or, for licensees implementing the provisions of §§ 20.1001–20.2401 of this chapter, 5 rems to the whole body or 50 rems to the extremities. Materials to be analyzed and quantified include certain radionuclides that are indicators of the degree of core damage (e.g., noble gases, iodines and cesiums, and nonvolatile isotopes), hydrogen in the containment atmosphere, dissolved gases, chloride, and boron concentrations. (II.B.3)

* * * * *

57. In § 50.36a, the introductory text of paragraph (a) is amended by revising the reference to "§ 20.106" to read "§ 20.106 or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1301" and paragraph (b) is revised to read as follows:

§ 50.36a Technical specifications on effluents from nuclear power reactors.

* * * * *

(b) In establishing and implementing the operating procedures described in paragraph (a) of this section, the licensee shall be guided by the following considerations: Experience with the design, construction, and operation of nuclear power reactors indicates that compliance with the technical specifications described in this section will keep average annual releases of radioactive material in effluents and their resultant committed effective dose equivalents at small percentages of the dose limits specified in this chapter (§ 20.106 or, for licensees implementing the provisions of §§ 20.1001–20.2401, 20.1301) and in the operating license. At the same time, the licensee is permitted the flexibility of operation, compatible with considerations of health and safety, to assure that the public is provided a dependable source of power even under unusual operating conditions which may temporarily result in releases higher than such small percentages, but still within the dose values specified in § 20.1301 of this chapter and in the operating license. It is expected that in using this operational flexibility under unusual operating conditions, the licensee will exert its best efforts to keep levels of radioactive material in effluents as low as is reasonably achievable. The guides set out in appendix I provide numerical guidance on limiting conditions for operation for light-water-cooled nuclear power reactors to meet the requirement that radioactive materials in effluents released to unrestricted areas be kept as low as is reasonably achievable.

58. In § 50.72 in paragraph (a), Footnote 1, the reference to "§§ 20.205, § 20.403, 50.36, and 73.71" is revised to read "§§ 20.205, 20.403 or, for licensees implementing the provisions of §§ 20.1001–20.2401, §§ 20.1906, 20.2202, 50.36, and 73.71" and paragraph (b)(2)(iv) is revised to read as follows:

§ 50.72 Immediate notification requirements for operating nuclear power reactors.

* * * * *

(b) * * *

(2) * * *

(iv)(A) Any airborne radioactive release that, when averaged over a time period of 1 hour, results in concentrations in unrestricted area that exceed 2 times the applicable concentration limits specified in appendix B to §§ 20.1–20.601, table II, column 1 of part 20 of this chapter or, for licensees implementing the provisions of §§ 20.1001–20.2401 of this chapter, 20 times the applicable concentration specified in appendix B to §§ 20.1001–20.2401, table 2, column 1, of part 20 of this chapter.

(B) Any liquid effluent release that, when averaged over a time period of 1 hour, exceeds 2 times the limiting combined concentration limits in appendix B to §§ 20.1–20.601, table II, column 2 (see note 1 to appendix B to §§ 20.1–20.601), or, for licensees implementing the provisions of §§ 20.1001–20.2401 of this chapter, exceeds 20 times the applicable concentration specified in appendix B to §§ 20.1001–20.2401, table 2, column 2, of part 20 of this chapter, at the point of entry into the receiving waters (i.e., unrestricted area) for all radionuclides except tritium and dissolved noble gases. (Immediate notifications made under this paragraph also satisfy the requirements of paragraphs (a)(2) and (b)(2) of § 20.403 of this chapter, or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.2202 of this chapter.)

* * * * *

59. In § 50.73, paragraphs (a)(2)(viii) and (a)(2)(ix) are revised to read as follows:

§ 50.73 Licensee event report system.

(a) * * *

(2) * * *

(viii)(A) Any airborne radioactivity release that, when averaged over a time period of 1 hour, resulted in airborne radionuclide concentrations in an unrestricted area that exceeded 2 times the applicable concentration limits specified in appendix B to §§ 20.1–20.601, table II, column 1, of part 20 of this chapter or, for licensees implementing the provisions of §§ 20.1001–20.2401 of this chapter, exceeded 20 times the applicable concentration limits specified in appendix B to §§ 20.1001–20.2401, table 2, column 1 of part 20 of this chapter.

(B) Any liquid effluent release that, when averaged over a time period of 1 hour, exceeded 2 times the limiting combined concentration limits in appendix B to §§ 20.1–20.601, table II, column 2 (see note 1 to appendix B to §§ 20.1–20.601), or, for licensees implementing the provisions of §§ 20.1001–20.2401 of this chapter, exceeds 20 times the applicable concentration specified in appendix B to §§ 20.1001–20.2401, table 2, column 2, of part 20 of this chapter at the point of

entry into the receiving waters (i.e., unrestricted area) for all radionuclides except tritium and dissolved noble gases.

(ix) Reports submitted to the Commission in accordance with paragraph (a)(2)(viii) of this section also meet the effluent release reporting requirements of § 20.405(a)(5) of this chapter, or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.1203(a)(3) of this chapter.

* * * * *

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

60. The authority citation for part 61 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841) * * *.

§ 61.52 [Amended]

61. In § 61.52(a)(6), the reference to "§ 20.105" is revised to read "§ 20.105, or, for licensees implementing the provisions of §§ 20.1001–20.2401, §§ 20.301 and 20.302."

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

62. The authority citation for part 70 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841) * * *.

Section 70.31 is also issued under sec. 57d, Pub. L. 93–377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 106, 68 Stat. 939, as amended (42 U.S.C. 2138).

For the purposes of sec. 223, 68 Stat. 958, as amended, (42 U.S.C. 2273), §§ 70.3, 70.19(c), 70.21(c), 70.22 (a), (b), (d)–(k), 70.24 (a) and (b), 70.32(a) (3), (5), and (6), (d), and (i), 70.36, 70.39 (b) and (c), 70.41(a), 70.42 (a) and (c), 70.56, 70.57 (b), (c), and (d), 70.58 (a)–(g)(3), and (h)–(j) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 70.7, 70.20a (a) and (d), 70.20b (c) and (e), 70.21(c), 70.24(b), 70.32 (a)(6), (c), (d), (e), and (g), 70.36, 70.51 (c)–(g), 70.56, 70.57 (b) and (d), 70.58 (a)–(g)(3) and (h)–(j) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 70.5, 70.9, 70.20b (d) and (e), 70.38, 70.51 (b) and (f), 70.52, 70.53, 70.54, 70.55, 70.58 (g)(4), (k) and (l), 70.59, and 70.60 (b) and (c) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

63. In § 70.25, paragraph (a) is amended by revising the references to "appendix C to 10 CFR part 20" and "appendix C" to read "appendix C to §§ 20.1–20.601 of 10 CFR part 20"; paragraph (d) is amended by revising the two references to "appendix C of part 20" to read "appendix C to §§ 20.1–20.601 of 10 CFR part 20"; and by adding a note to the end of the section to read as follows:

§ 70.25 Financial assurance and recordkeeping for decommissioning.

* * * * *

[Note: Appendix C of §§ 20.1–20.601 of 10 CFR part 20 applies for the purpose of estimating decommissioning costs regardless of whether the licensee adopts 10 CFR 20.1001–20.2401 or continues to use 10 CFR 20.1–20.601.]

Dated at Rockville, Maryland, this 2d day of April 1991.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 91–8162 Filed 5–20–91; 8:45 am]

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May 21 1991

Part VII

Department of Justice

Bureau of Prisons

28 CFR Parts 545 and 571

Control, Custody, Care, Treatment and Instruction of Inmates; Financial Responsibility, Work and Performance Pay Programs; Release Gratuities, and List of Bureau of Prisons Institutions; Final Rules and Notice

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 545

Control, Custody, Care, Treatment and Instruction of Inmates; Inmate Financial Responsibility Program

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document the Bureau of Prisons is amending its rule on the Inmate Financial Responsibility Program, which permits and encourages inmates to meet their legitimate financial obligations. This amendment clarifies the effects of non-participation by the inmate and is intended to encourage participation in the program.

EFFECTIVE DATE: June 20, 1991.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC room 754, 320 First Street NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 307–3062.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its rule on the Inmate Financial Responsibility Program. A proposed rule on this subject was published in the **Federal Register** October 22, 1990 (55 FR 42680 *et seq.*). The proposed rule revised provisions contained in 28 CFR 545.11(c) to clarify the effects of non-participation. A summary of public comment and agency response follows.

One commenter stated that the existing policy and proposed revisions fail to take into account indigent inmates and the lack of earning potential in federal penitentiaries, particularly with respect to inmates who receive maintenance pay or are unassigned due to conditions beyond their control. As stated in the **Federal Register** on April 1, 1987 (52 FR 10528) and on December 1, 1989 (54 FR 49944), the Bureau does not believe the use of a legal standard of indigency is necessary. Financial plans ordinarily can be developed for most inmates because they are eligible for, and receive, compensation for work performed within the institution. Existing regulations (28 CFR 545.10) provide that staff will assist the inmate in developing a financial plan. Implementing instructions to staff specify that an inmate who is unable to secure employment in UNICOR or advance beyond maintenance pay due to conditions beyond the inmate's control is to be considered temporarily exempt from participation and, consequently, not subject to the effects of non-participation.

Several commenters submitted identical letters raising objections, stating that Congress did not mandate the Bureau of Prisons to be a collection agency for the federal government, that the proposed provisions are violative of the Constitution (specifically citing, but not exclusive to, section 10 of Article I and the Thirteenth and Fourteenth Amendments), that some of the provisions are violative of unspecified Federal and state laws, that the proposed changes will be a dangerous tool in the hands of irresponsible or vindictive Bureau staff, that the proposed changes will have arbitrary and capricious effects on inmates who do not have fines to pay but want to work in UNICOR, and that the proposed changes will also be discriminatory. The Bureau disagrees. The Victim and Witness Protection Act of 1982, the Victims of Crime Act of 1984, the Criminal Fine Enforcement Act of 1984, and the Comprehensive Crime Control Act of 1987 require a diligent effort on the part of all law enforcement agencies to collect court-ordered financial obligations. The Bureau believes that the proposed rule is not violative of the cited portions of the Constitution (nor of any other section). Neither is the Bureau aware of any controlling Federal or state law to the contrary, nor is one specified by the commenters. Inasmuch as Bureau staff are expected and trained to enforce Bureau policy in an objective manner, the Bureau sees no reason to believe that the proposed provisions will be used in an irresponsible or vindictive manner. Nor will the proposed changes have arbitrary or capricious effects on inmates who want to work in UNICOR but do not have fines. This rule has no effect on inmates without fines. The Bureau does not believe that the proposed changes are discriminatory. The rule is intended to encourage an inmate to meet his financial obligations, and uses the UNICOR work program as one means to achieve this.

Another commenter objected to provisions in existing regulations (28 CFR 545.11(b)) which require inmates assigned grades 1 through 4 in UNICOR to allot ordinarily not less than 50% of their monthly pay to the payment process. The commenter recommended an allotment of 25%. This provision was not contained in the proposed rule published in the **Federal Register** on October 22, 1990, but had instead been previously published for public comment in the **Federal Register** on March 17, 1989 (54 FR 11332) and adopted in the **Federal Register** on December 1, 1989 (54 FR 49944). As adopted, the provision was amended in response to public comment to clarify that the allotment, which is ordinarily 50% of the inmate's earnings, could be modifed as appropriate. While this provision was not published for public comment in the current rulemaking proceeding, the Bureau is clarifying this provision further in this final rule by adding a sentence to a revised paragraph (B)(2), allowing an allotment to be less than 50% only when approved by the Warden of the facility.

Another commenter recommended that the regulation be limited to the compulsory payment of restitution fees of up to approximately fifty dollars, and that other fines would be subject to payment only after consideration of the nature of the offense and humanitarian concerns. The imposition of a fine is a matter for the sentencing court. The Bureau believes that the clarifying amendment to § 545.11(b)(2), as noted above, allows for modification, as warranted.

In adopting the proposed rule as final the Bureau is publishing the entire regulation in order to incorporate various editorial amendments or changes which are not more restrictive on inmates. Specifically, § 545.10 is reworded for the sake of clarity, and a sentence is added at the end which specifies that the provisions of this rule do not apply to study and observation cases, pretrial detainees, and inmates in holdover status pending designation. In § 545.11, the introductory text and paragraphs (a) and (b) are reworded and/or reorganized for the sake of clarity. The intent remains unchanged. Because these new changes are not more restrictive on inmates, the Bureau finds good cause for exempting the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and the opportunity for public comment. Members of the public may submit comments concerning these additional changes by writing to the previously cited address. These comments will be considered but will receive no response in the **Federal Register**.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of E.O. 12291. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 95–354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 545

Prisoners.

Dated: May 15, 1991.

J. Michael Quinlan,

Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), subchapter C of 28 CFR chapter V is amended as set forth below.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 545—WORK AND COMPENSATION

1. The authority citation for 28 CFR part 545 is revised to read as follows, and all other authority citations in the part are removed:

Authority: 5 U.S.C. 301; 18 U.S.C. 3013, 3571, 3621, 3622, 3624, 3663, 4001, 4042, 4081, 4082 (Repealed as to conduct occurring on or after November 1, 1987), 4126, 5006–5024 (Repealed October 12, 1984 as to conduct occurring after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. In 28 CFR part 545, subpart B, consisting of §§ 545.10 and 545.11, is revised to read as follows:

Subpart B—Inmate Financial Responsibility Program

Sec.
545.10 Purpose and scope.
545.11 Procedures.

Subpart B—Inmate Financial Responsibility Program

§ 545.10 Purpose and scope.

The Bureau of Prisons encourages each sentenced inmate to meet his or her legitimate financial obligations. As part of the initial classification process, staff will assist the inmate in developing a financial plan for meeting those obligations, and at subsequent program reviews, staff shall consider the inmate's efforts to fulfill those obligations as indicative of that individual's acceptance and demonstrated level of responsibility. The provisions of this rule apply to all inmates in federal facilities, except: Study and observation cases, pretrial detainees, and inmates in holdover status pending designation.

§ 545.11 Procedures.

When an inmate has a financial obligation, unit staff shall help that inmate develop a financial plan and shall monitor the inmate's progress in meeting that obligation.

(a) *Developing a Financial Plan.* At initial classification, the unit team shall review an inmate's financial obligations, using all available documentation, including, but not limited to, the Presentence Investigation and the Judgment and Commitment Order(s). The financial plan developed shall be documented and will include the following obligations, ordinarily to be paid in the priority order as listed:

(1) Special Assessments imposed under 18 U.S.C. 3013;

(2) Court-Ordered restriction;

(3) Fines and court costs;

(4) State or local court obligations; and

(5) Other federal government obligations.

(b) *Payment.* The inmate is responsible for making satisfactory progress in meeting his/her financial responsibility plan and for providing documentation of these payments to unit staff. Payments may be made from institution resources or non-institution (community) resources.

(1) Ordinarily, the minimum payment for non-UNICOR and UNICOR grade 5 inmates will be $25.00 per quarter. This minimum payment may exceed $25.00, taking into consideration the inmate's specific obligations, institution resources, and community resources.

(2) Inmates assigned grades 1 through 4 in UNICOR ordinarily will be expected to allot not less than 50% of their monthly pay to the payment process. Any allotment which is less than the 50% minimum must be approved by the Warden of the facility. Allotments may also exceed the 50% minimum after considering the individual's specific obligations and resources.

(c) *Monitoring.* Participation and/or progress in the Inmate Financial Responsibility Program will be reviewed each time staff assess an inmate's demonstrated level of responsible behavior.

(d) *Effects of non-participation.* Refusal by an inmate to participate in the financial responsibility program or to comply with the provisions of his financial plan ordinarily shall result in the following:

(1) Where applicable, the Parole Commission will be notified of the inmate's failure to participate;

(2) The inmate will not receive any furlough (other than possibly an emergency furlough);

(3) The inmate will not receive performance pay above the maintenance pay level, or bonus pay, or vacation pay;

(4) The inmate will not be assigned to any work detail outside the secure perimeter of the facility;

(5) The inmate will not be placed in UNICOR. Any inmate assigned to UNICOR who fails to make adequate progress on his/her financial plan will be removed from UNICOR, and once removed, may not be placed on a UNICOR waiting list for six months. Any exceptions to this require approval of the Warden;

(6) The inmate will not be permitted to purchase any items in excess of the monthly spending limitation, including special purchase items like sports equipment, hobby crafts, etc.;

(7) The inmate will be quartered in the lowest housing status (dormitory, double bunking, etc.);

(8) The inmate will not be placed in a community-based program;

(9) The inmate will not receive a release gratuity unless approved by the Warden.

[FR Doc. 91–11986 Filed 5–20–91; 8:45 am]
BILLING CODE 4410–05–M

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28 CFR Part 545

Control, Custody, Care, Treatment and Instruction of Inmates; Inmate Work and Performance Pay Program

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons is amending its rule on the Inmate Work and Performance Pay Program to make changes necessary to conform with the revised provisions of the Inmate Financial Responsibility Program. These changes specify the effects on inmates of non-participation in that program. In addition, this amendment updates references to the Literacy Program, removes from the regulatory text accounting provisions and makes other minor changes, primarily of an editorial nature. The intended effect of this amendment is to update Bureau regulations.

EFFECTIVE DATE: June 20, 1991.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC room 754, 320 First Street NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 307–3062.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its rule on the Inmate Work and Performance Pay Program. A final rule on this subject was published in the **Federal Register** October 1, 1984 (49 FR 38915 *et seq.*). A proposed rule on the Inmate Financial Responsibility Program (28 CFR part 545, subpart B) was published in the **Federal Register** October 22, 1990 (55 FR 42680 *et seq.*); a final rule on that subject is published elsewhere in today's **Federal Register**. A proposed rule on the Literacy Program (28 CFR part 544,

subpart H) was published in the **Federal Register** on January 17, 1991 (56 FR 1898 *et seq.*); a final rule on that subject was published in the **Federal Register** May 1, 1991 (56 FR 20088 *et seq.*). A summary of the specific changes to the Bureau's rule on Inmate Work and Performance Pay follows.

In § 545.21, the definition of "inmate" in paragraph (a) is amended in recognition of the statutory change in 18 U.S.C. 3621 applicable to offenses committed on or after November 1, 1987.

References to the Adult Basic Education (ABE) program and to General Educational Development (GED) have been replaced where appropriate with references to the Literacy program in § 545.23(a) and in redesignated §§ 545.25(a) and 545.28.

Section 545.25, which described funding for and allocation of performance pay, is removed in its entirety. These administrative provisions are controlled through the Bureau's accounting management system and are more properly addressed in the Bureau's manual on that subject. All subsequent sections of the rule are redesignated as a result of this deletion.

Redesignated § 545.25 (previously § 545.26) is modified through the addition of paragraph (c) to reflect the impact of an inmate's refusal to participate in the Inmate Financial Responsibility Program.

A number of minor editorial changes are being made to the rule. The last sentence of redesignated § 545.23(a) is reworded for clarity and to correct a misspelling; the intent is unchanged. In redesignated § 545.23(b), the word "pre-trial" and the misspelled word "pre-trail" are revised to read "pretrial" wherever they appear; there is no change in the intent of the paragraph. In redesignated § 545.24, paragraphs (a) and (e) are reworded for clarity with no change in meaning. The first sentence of redesignated § 545.26(d) is amended to reflect that an inmate will be eligible for performance pay from a work assignment for only those hours during which satisfactory work is performed. This amendment is made to be consistent with the provisions of paragraph (e) of this section and represents no change in the application of Bureau policy. Redesignated § 545.26(e)(1) is amended to delete the unnecessary words "or better" from the phrase "satisfactorily or better." For editorial consistency, the semicolon at the end of redesignated § 545.29(a)(1) is replaced by a period. In redesignated § 545.30, the word "State" is revised as "state".

Because those provision of this rule which implement the Inmate Financial Responsibility Program (28 CFR part 545, subpart B) or the Literacy Program (28 CFR part 544) have already been published as a proposed rule and adopted in a final rule, and all other amendments to this rule are either administrative or editorial in nature, the Bureau finds good cause for exempting the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and delay in effective date. Members of the public may submit comments concerning this rule by writing to the previously cited address. These comments will be considered but will receive no response in the **Federal Register**.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of E.O. 122291. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 545

Prisoners.

Dated: May 15, 1991.

J. Michael Quinlan,

Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), subchapter C of 28 CFR chapter V is amended as set forth below.

SUBCHAPTER C—INSTITUTION MANAGEMENT

PART 545—WORK AND COMPENSATION

1. The authority citation for 28 CFR part 545 is revised to read as follows, and all other authority citations in the part are removed:

Authority: 5 U.S.C. 301; 18 U.S.C. 3013, 3571, 3621, 3622, 3624, 3663, 4001, 4042, 4081, 4082 (Repealed in part as to conducted occurring on or after November 1, 1987), 4126, 5006–5024 (Repealed October 12, 1984 as to conduct occurring after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. In § 545.21, paragraph (a) is revised to read as follows:

§ 545.21 Definitions.

(a) *Inmate.* For purposes of this rule, the term "inmate" refers to any person who is committed to the custody of the Bureau of Prisons or who is committed to, or in the custody of, the U.S. Attorney General.

* * * * *

3. In § 545.23, paragraph (a) is amended by revising the last two sentences and paragraph (b) is revised to read as follows:

§ 545.23 Inmate work/program assignment.

(a) * * * An inmate shall be assigned to an educational or vocational program, or either a full or part-time basis, where this involvement is mandated by Bureau policy (for example, Literacy program) or statute (for example, Youth Corrections Act). An inmate, for whom educational or vocational participation is not required by either policy or statute, may request and, upon approval of the Warden or designee, participate in an educational or vocational training program rather than work full-time.

(b) A pretrial inmate may not be required to work in any assignment or area other than housekeeping tasks in the inmate's own cell and in the community living area. Unless the pretrial inmate signs a waiver, the Warden may not permit the pretrial inmate to work with convicted inmates or in any assignment or area other than housekeeping tasks (see 28 CFR part 551, subpart J).

* * * * *

4. In § 545.24, paragraphs (a) and (e) are revised to read as follows:

§ 545.24 Inmate work conditions.

(a) The scheduled work day for an inmate in a federal institution ordinarily consists of a minimum of seven hours.

* * * * *

(e) An inmate is expected to perform the work assignment in a safe manner, using safety equipment as instructed by the work supervisor. In the event to any work related injury, the inmate shall notify the work supervisor so that appropriate action (for example, medical attention, and submission of necessary reports) may be taken.

§ 545.25 [Removed]

§§ 545.26–545.32 [Redesignated as §§ 545.25–545.31]

5. Section 545.25 is removed and §§ 545.26 through 545.32 are redesignated as §§ 545.25 through 545.31.

6. Redesignated § 545.25 is amended by revising paragraph (a)(2), by removing paragraph (a)(3), by redesignating paragraphs (a) (4) and (5) as paragraphs (a) (3) and (4), and by adding paragraph (c) to read as follows:

§ 545.25 Eligibility for performance pay.

(a) * * *

* * * * *

(2) Literacy program participation:
* * * * *

(c) An inmate who refuses to participate in the financial responsibility program shall not ordinarily receive performance pay above the maintenance pay level, or bonus pay, or vacation pay in accordance with 28 CFR part 545, subpart B.

7. In redesignated § 545.26, paragraph (b) is amended by removing the word "and" from the end of the listing for Grade 3, and paragraphs (d) and (e)(1) are revised to read as follows:

§ 545.26 Performance pay provisions.
* * * * *

(d) An inmate is eligible to receive performance pay only for those hours during which the inmate is actually performing satisfactory work or actively participating in an educational or vocational training program. Absences from the inmate's scheduled assignment for such reasons as call-outs, visits, sick call, interviews, or making telephone calls shall be deducted from the monthly number of hours worked and will accordingly reduce the amount of pay received by the inmate.

(e) * * *

(1) An inmate shall receive performance pay only for those hours during which the inmate is satisfactorily performing work or is actively participating in an educational/vocational program.
* * * * *

§ 545.28 [Amended]

8. Redesignated § 545.28 is amended by revising the phrase "who completes Adult Basic Education, GED," to read "who completes Literacy program,".

9. In redesignated § 545.29, paragraph (a)(1) is revised to read as follows:

§ 545.29 Special awards.

(a) * * *

(1) An act of heroism.
* * * * *

§ 545.30 [Amended]

10. Redesignated § 545.30 is amended by revising the word "State" to read "state".

[FR Doc. 91-11987 Filed 5-20-91; 8:45 am]
BILLING CODE 4410-05-M

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28 CFR Part 571

Control, Custody, Care, Treatment and Instruction of Inmates; Release Gratuities, Transportation, and Clothing

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons is amending its rule on Release Gratuities. The only significant change is an increase in the maximum release gratuity an inmate may receive. That change is the result of a change in the United States Code, specifically 18 U.S.C. 3624(d), which provides that the Bureau of Prisons may furnish an inmate with an amount of money up to $500. The previous statutory maximum amount was $100. The effect is only to bring the rule into agreement with the statute. Other editorial changes are made only for readability and clarity.

EFFECTIVE DATE: May 21, 1991.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 307-3062.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its rule on Release Gratuities. A final rule on this subject was published in the **Federal Register** June 29, 1979 (44 FR 38236) and amended on December 4, 1981 (46 FR 59506). A summary of the specific changes follows.

The first sentence in § 571.20 is revised to more fully encompass Bureau policy and to remove gender-specific references and to substitute "he or she." The general intent is unchanged. The last sentence is changed to reflect an increase in the maximum gratuity that can be given an inmate who is being released, as specified in 18 U.S.C. 3624(d).

The second sentence in § 571.21(a), which stated that "the Warden may give greater consideration to an inmate without funds or community resources," was changed to say that "greater consideration may be given to an inmate without funds or community resources." In practice, such decisions are ordinarily made by staff designated by the Warden, rather than by the Warden personally. That intent is unchanged. For similar reasons, the first sentence in § 571.21(e) which stated that "The Warden shall insure that each alien released to immigration authorities has $10 cash" was changed to say that, "Staff shall ensure that each alien released to immigration authorities has $10 cash."

In § 571.21(b), as well as several other places in this rule, "community programs officer" is replaced with "community corrections manager," to reflect a change in title. Also, rather than specifying that a "release gratuity up to $100" can be paid to a federal inmate being released from a nonfederal facility, the revised rule states that the amount of release gratuity is to be determined "in accordance with the purpose and scope of this regulation." Again, the intent is unchanged.

The title of § 571.22 is changed from "Release Clothing" to "Release Clothing and Transportation", and a new § 571.22(c) is added to indicate that transportation will be provided to an inmate's place of conviction, his legal residence within the United States, or to other such place as authorized and approved. Such transportation is also required by 18 U.S.C. 3624(d)(3), and this is not a new practice for the Bureau of Prisons. It is included only to make this rule more inclusive of policy regarding the release of inmates.

Section 571.22 (a) and (b) are reworded for clarity, but their intent is unchanged.

Because the only significant change in this rule is one mandated by a change in statute, the Bureau finds good cause for exempting the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and delay in effective date. Members of the public may submit comments concerning this rule by writing to the previously cited address. These comments will be considered but will receive no response in the **Federal Register.**

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of E.O. 122291. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 571

Prisoners.

Dated: May 15, 1991.

J. Michael Quinlan,

Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), part 571 in subchapter D of 28 CFR, chapter V is amended as set forth below.

SUBCHAPTER D—COMMUNITY PROGRAMS AND RELEASE

PART 571—RELEASE FROM CUSTODY

1. The authority citation for 28 CFR part 571 is revised to read as follows, and all other authority citations within the part are removed:

Authority: 5 U.S.C. 301; 18 U.S.C. 3569 (Repealed as to conduct occurring on or after November 1, 1987), 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to conduct occurring on or after November 1, 1987), 4161–4166 and 4201–4218 (Repealed as to conduct occurring on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to conduct occurring after that date); 28 U.S.C. 509, 510; U.S. Const., Art. II, Sec. 2; 28 CFR 0.95–0.99.

2. In 28 CFR part 571, subpart C, consisting of §§ 571.20 through 571.22, is revised to read as follows:

Subpart C—Release Gratuities, Transportation, and Clothing

Sec.

571.20 Purpose and scope.
571.21 Procedures.
571.22 Release clothing and transportation.

Subpart C—Release Gratuities, Transportation, and Clothing

§ 571.20 Purpose and scope.

It is the policy of the Bureau of Prisons that an inmate being released to the community will have suitable clothing, transportation to the inmate's release destination, and some funds to use until he or she begins to receive income. Based on the inmate's need and financial resources, a discretionary gratuity of up to $500.00 may be granted. (18 U.S.C. 3624(d))

§ 571.21 Procedures.

(a) An inmate is eligible for a gratuity as determined by the availability of personal and community resources. Greater consideration may be given to an inmate without funds or community resources.

(b) A federal prisoner boarded in a non-federal facility is eligible for a release gratuity. The director of the non-federal facility housing federal inmates or the community corrections manager shall determine the amount of release gratuity in accordance with the purpose and scope of this regulation for federal inmates housed in non-federal facilities.

(c) An inmate who is without personal funds may receive a gratuity when transferred to a community corrections center. The amount shall enable the inmate to care for needs in transit and allow for the purchase of necessary personal items upon arrival.

(d) Staff shall provide the inmate released to a detainer with information on how to apply for a gratuity if released prior to expiration of the federal sentence.

(e) Staff shall ensure that each alien released to immigration authorities has $10 cash. This provision does not apply to aliens serving 60 days or less in contract facilities.

§ 571.22 Release clothing and transportation.

(a) Staff shall provide release clothing appropriate for the time of year and the inmate's geographical destination. Upon request, work clothing will be provided. Nonavailability of work clothing may limit this practice.

(b) Inmates transferring to a community corrections center will be provided adequate clothing to complete a job search and perform work. Additionally, an outer garment, seasonably suited for the geographical destination will be provided.

(c) Transportation will be provided to an inmate's place of conviction, his legal residence within the United States, or to other such place as authorized and approved.

[FR Doc. 91–11988 Filed 5–20–91; 8:45 am]
BILLING CODE 4410–05–M

DEPARTMENT OF JUSTICE

Bureau of Prisons

Modification to List of Bureau of Prisons Institutions

AGENCY: Bureau of Prisons, Justice.

ACTION: Notice.

SUMMARY: In this document, the Bureau of Prisons is amending the listing of its institutions in order to include the new Bureau institution at Carville, Louisiana, designated as a Federal Medical Center, and the Bureau institution scheduled to be opened in September, 1991 at Schuylkill, Pennsylvania, designated as a Federal Correctional Institution. The temporary detention center at Fort Gordon, Georgia, has been closed and is removed from the listing.

ADDRESS: Office of General Counsel, Bureau of Prisons, 320 First Street NW., HOLC Room 754, Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, (202) 307–3062.

SUPPLEMENTARY INFORMATION: Attorney General Order No. 646–76 (41 FR 14805), as amended, classifies and lists the various Bureau of Prisons institutions. Attorney General Order No. 960–81, Reorganization Regulations, published in the **Federal Register** October 27, 1981 (at 46 FR 52339 et seq.) delegated to the Director, Bureau of Prisons, in 28 CFR 0.96(r), the authority to establish and designate Bureau of Prisons institutions. The last listing of the Bureau's institutions was published in the **Federal Register** on November 21, 1990 (55 FR 48803).

This notice is not a rule within the meaning of the Administrative Procedure Act, 5 U.S.C. 551(4), the Regulatory Flexibility Act, 5 U.S.C. 601(2), or Executive Order No. 12291, Sec. 1(a).

By virtue of the authority vested in the Attorney General in 18 U.S.C. 3621, 4001, 4003, 4042, 4081, and 4082 (repealed in part October 12, 1984) and delegated to the Director, Bureau of Prisons by 28 CFR 0.96(r), it is hereby ordered as follows:

The Federal Detention Center at Fort Gordon, Georgia, has been closed and is therefore removed from the listing.

The following institutions are established and designated as places of confinement for the detention of persons held under authority of any Act of Congress, and for persons charged with or convicted of offenses against the United States or otherwise placed in the custody of the Attorney General of the United States.

A. The Bureau of Prisons institution at Schuylkill, Pennsylvania, is designated as a Federal Correctional Institution.

B. The Bureau of Prisons institution at Carville, Louisiana, is designated as a Federal Medial Center.

Dated: May 9, 1991.

J. Michael Quinlan,

Director, Federal Bureau of Prisons.

[FR Doc. 91–11985 Filed 5–20–91; 8:45 am]

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federal register

Tuesday
May 21, 1991

Part VIII

Department of Agriculture

Food and Nutrition Service

7 CFR Parts 271 and 278

Food Stamp Program: Penalties for Unlawful Use of Acceptance of Food Stamp Coupons; Proposed Rule

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271 and 278

[Amdt. No. 334]

Food Stamp Program: Penalties for Unlawful Use or Acceptance of Food Stamp Coupons

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: Title XVII of the Mickey Leland Memorial Domestic Hunger Relief Act (Pub. L. 101–624) amended the Food Stamp Act of 1977, as amended (the Act) by making a number of modifications and additions to the penalties imposed against firms and persons for unlawful use or redemption of food stamp coupons. The purpose of this rule is to implement these statutory changes. More specifically, this proposed rulemaking provides for increased civil money penalties for trafficking in food coupons; permanent disqualification from the Food Stamp Program for accepting food coupons in exchange for firearms, ammunition, explosives or controlled substances; fines for the acceptance of loose coupons not authorized to be used in changemaking; and, fines against unauthorized persons who illegally accept or redeem food coupons. In addition, the rulemaking provides for increased criminal penalties against persons who unlawfully issue, redeem, use, transfer, acquire, alter or possess food coupons or other food stamp benefit access devices. These changes are intended to broaden and toughen anti-fraud actions against unauthorized use and redemption of food stamps and to improve the integrity of the Food Stamp Program.

DATES: Comments on this proposed rulemaking must be received on or before June 20, 1991, to be assured of consideration. The regulatory modifications to §§ 271.2 and 271.5 are mandated by the Act and are therefore nondiscretionary; these provisions will be effective retroactively to November 28, 1990, as specified in Public Law 101–624, once final rulemaking is published.

ADDRESSES: Comments should be submitted in writing to Dwight Moritz, Chief, Coupon and Retailer Branch, Food Stamp Program, Food and Nutrition Service, USDA, Alexandria, Virginia, 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) in room 706, 3101 Park Center Drive, Alexandria, Virginia, 22302.

FOR FURTHER INFORMATION CONTACT: Dwight Moritz, Coupon and Retailer Branch, Benefit Redemption Division, Food and Nutrition Service, Alexandria, Virginia, 22302, (703) 756–3418.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291

The Department has reviewed this proposed rule under Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has classified it as "not major". The rule will affect the economy by less than $100 million a year. The rule is not likely to result in a major increase in costs or prices for consumers, industries, government agencies, or geographic regions. There will be no adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Although this rule will affect the business community, the effect would be of a non-economic nature and is not expected to be significant. Therefore, the Department has classified this rule as "not major".

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule and related Notice(s) to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983, or 48 FR 54317, December 1, 1983, as appropriate, and any subsequent notices that may apply), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This proposed rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354). The Administrator of the Food and Nutrition Service has certified that this action does not have a significant economic impact on a substantial number of small entities. The rule would have almost no impact on the vast majority of authorized firms, most of whom follow the program rules carefully.

Paperwork Reduction Act

This proposed rule does not contain recordkeeping or reporting requirements subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Background

Criminal Penalties for Unlawful Use or Acceptance of Food Stamp Coupons

The changes to Section 15 of the Food Stamp Act of 1977, as amended, (the Act), by sections 1747, 1748 and 1749 of Public Law 101–624 regarding criminal penalties for the unlawful use or acceptance of food stamp coupons are nondiscretionary and became effective on November 28, 1990, the date of enactment, as specified in section 1781 of Public Law 101–624. Section 1747 provides for criminal penalties for persons who unlawfully use or accept benefit access devices. Section 1748 increases the criminal penalties for unauthorized use, transfer, acquisition, alteration or possession of food coupons that are valued at $5,000 or more to a maximum fine of $250,000 and a maximum jail sentence of twenty years. Section 1749 increases the maximum fine for unauthorized redemption of food coupons valued at $100 or more from $10,000 to $20,000.

This rulemaking reorganizes and conforms the language of § 271.5 of the regulations to the amended language of Section 15 of the Act, and adds the definition of "access device" to § 271.2 of the regulations. Section 1747 of Public Law 101–624 defines "access device" as any card, plate, code, account number, or other means of access of a type that is used under the Act or regulation, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods or other things of value, or that can be used to initiate a transfer of funds under the (Food Stamp Act)."

Fines for the Acceptance of Loose Coupons

Section 1744 of Public Law 101–624 amends section 12(e) of the Food Stamp Act, as amended, by providing the Secretary with the discretion to impose a fine against any retail food store or wholesale food concern that accepts food coupons that are not accompanied by the corresponding book cover (hereinafter referred to as "loose coupons"). This provision is not applicable to any denomination of coupons authorized by the Food Stamp Program regulations to be used for change-making in food stamp transactions.

The law provides the Secretary with the authority to establish the amount of fines imposed. Section 278.6(l) of this rule proposes that the fine assessed

against a firm found to have accepted loose coupons shall be $500 per investigation plus an amount that is equal to double the face value for each loose coupon that has been illegally accepted during the investigation. The fine would have to be paid within 30 days of the firm's receipt of notification from FNS to pay the fine. The Department is aware that the acceptance of loose coupons sometimes occurs due to occasional carelessness or inadvertent error.

Consequently, fines for the acceptance of loose coupons will be imposed only when a pattern of acceptance of loose coupons has been established.

These proposed provisions will convey to firm management a sense of the seriousness with which the Department regards these violations; while preventing the fines from being unduly harsh. The Department expects the fine to serve as a deterrent to prevent the illegal circulation of coupons as currency in places where such use of coupons has become common practice.

This proposed rule would revise § 278.1(l) to provide that FNS may, consistent with current policy regarding a firm's business integrity withdraw the authorization of any firm, including any location that is under the same ownership, that has failed to pay such a fine within 30 days of notification from FNS to pay the fine. This action would be taken in addition to any action initiated by the government to collect the fine. As provided in section 14 of the Act, retail or wholesale food concerns that are fined for the acceptance of loose coupons may receive administrative and judicial review of the assessments. 7 CFR part 279.

This proposed rule would revise § 278.1(k) of the regulations to provide that any firm that has any such fines outstanding shall be denied authorization. This would be consistent with the current requirements regarding fiscal claims and business integrity of applicants 7 CFR 278.1.

In addition, imposition of such a fine would not preclude the assessment and collection of any claim established under either the False Claims Act (31 U.S.C. 3729 *et seq.*) or the Program Fraud and Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

Fines for Unauthorized Third Parties That Accept Food Stamps

Section 1745 of Public Law 101–624 provides the Secretary with the authority to impose a fine against any person not authorized to accept and redeem food coupons for violations of any provision of the Food Stamp Act or the program regulations, including the acceptance of food coupons. The Department interprets the term "person" to include a sole proprietorship, partnership, corporation or other legal entity, in addition to an individual.

In § 278.6(m) the Department proposes that the amount of such fine shall be $1,000 for each violation plus an amount that is equal to three times the face value of the coupons accepted. Tripling the face value of coupons in computing the fine parallels provisions of the False Claims Act for establishing penalties. It must be clear, however, that fines established under this proposed rule are not predicated on the False Claims Act. Imposition of such a fine does not preclude the assessment and collection of any claim established under either the False Claims Act or the Program Fraud and Civil Remedies Act of 1986. The fine would have to be paid within 30 days of the firm's receipt of notification from FNS to pay the fine, or judicial action may be instituted to collect the fine.

The acceptance of coupons by unauthorized third parties has a very serious impact on program integrity and results in the diversion of benefits away from their specific purpose which is to provide food for low-income families. The Department believes the penalty for such offenses should be substantial and should convey a clear message that such abuses will not be tolerated. Thus, the intent of the Department is to set the proposed amount of the fines at a high level to reflect the seriousness of the offense and to deter illegal acceptance of coupons by persons and firms that are not entitled to be in possession of them.

This proposed rule would revise § 278.1(k) to require that any unauthorized firm that has any such fines outstanding shall be denied authorization to accept food coupons should that firm apply for authorization. In addition, this proposed rule would revise § 278.1(1) to allow FNS to withdraw the authorization of any store that is under the same ownership as an unauthorized firm or individual that has any such fines outstanding. This would be consistent with the current requirements regarding business integrity of authorized firms.

7 CFR 278.1. As with the fines for acceptance of loose coupons, part 279 of program regulations would afford persons fined under this provision both administrative and judicial review of this action.

Civil Money Penalties in Lieu of Permanent Disqualification for Trafficking

The Hunger Prevention Act of 1988, Public Law 100–435, provided the Secretary with the discretion to impose a civil money penalty (CMP) of up to $20,000 in lieu of permanent disqualification of a firm for trafficking in food coupons and other program benefit instruments if the Secretary determines that there is substantial evidence that the firm had an effective policy and program in effect to prevent violations of the Act and the program regulations.

Section 1743 of Public Law 101–624 changes the trafficking CMP to $20,000 per trafficking violation, rather than the current maximum of $20,000 per investigation. The law, however, specifies that the amount of trafficking CMPs imposed on a firm may not exceed $40,000 during a 2-year period.

Section 1743 of Public Law 101–624 also provides for the permanent disqualification of a firm for the sale of firearms, ammunition, explosives, or controlled substances and gives the Secretary the discretion to impose a CMP in lieu of permanent disqualification if the Secretary determines that there is substantial evidence that the firm had an effective policy and program in effect to prevent violations of the Act and program regulations. The criteria applied in such a case would be the current criteria set forth in § 278.6(i).

This proposed rule would amend § 278.6 to incorporate the above statutory changes into the program regulations. In addition, this proposed rule would amend § 271.2 to include the sale of firearms, ammunition, explosives or controlled substances in the definition of "trafficking."

In addition, this proposed rule would revise the definition of "manager" included in Criterion 4 of § 278.6(i) of the regulations to conform with the definitions suggested by House and Senate conferees in the Conference Report (H.R. Rep. No. 101–916, 2d Sess. 1098 (1990)). Under the current definition, for the purposes of trafficking civil money penalty eligibility, a person who holds the title of manager is considered to be a part of firm management if that individual carries out either the responsibility for personnel functions such as hiring, firing or evaluating staff or financial functions, such as completing redemption documents, depositing food coupons, etc. Under the revised definition a person would be considered a part of

firm "management" if that individual performs substantial supervisory responsibilities, i.e., supervises the work of other employees and directs the activities and work assignments of store employees.

List of Subjects

7 CFR Part 271

Administrative practice and procedure, Food Stamps, Grant programs-social programs.

7 CFR Part 278

Administrative practice and procedure, Banks, Banking, Claims, Food stamps, Groceries-retail, Groceries, General line-wholesalers, Penalties.

Accordingly, 7 CFR parts 271 nd 278 are proposed to be amended as follows:

1. The authority citation for parts 271 and 278 continues to read as follows:

Authority: 7 U.S.C. 2011–2031.

PART 271—GENERAL INFORMATION AND DEFINITIONS

2. In § 271.2:

a. A definition for the term "Access device" is added in alphabetical order; and,

b. The definitions of Coupon and Trafficking are revised.

The proposed addition and revisions read as follows:

§ 271.2 Definitions.

Access device means any card, plate, code, account number, or other means of access that can be used alone, or in conjunction with, another access device, to obtain payments, allotments, benefits, money, goods, or other things of value, or that can be used to initiate a transfer of funds under the Food Stamp Act of 1977, as amended.

* * * * *

Coupon means any coupon, stamp, access device or type of certification provided pursuant to the provisions of this subchapter for the purchase of eligible food.

* * * * *

Trafficking means the buying or selling of coupons, ATP cards or other benefit instruments for cash or consideration other than eligible food; or the exchange of firearms, ammunition, explosives, or controlled substances, as the term is defined in section 802 of title 21, United States Code, for coupons.

* * * * *

3. In § 271.5, paragraph (b) is revised to read as follows:

§ 271.5 Coupons as obligations of the United States, crimes and offenses.

* * * * *

(b) *Penalties.* Any unauthorized issuance, redemption, use, transfer, acquisition, alteration, or possession of coupons, ATP cards, or other program access device may subject an individual, partnership, corporation, or other legal entity to prosecution under sections 15 (b) and (c) of the Food Stamp Act or under any other applicable Federal, State or local law, regulation or ordinance.

(1) Section 15(b)(1) of the Food Stamp Act reads as follows:

Subject to the provisions of paragraph (2) of this subsection, whoever knowingly uses, transfers, acquires, alters, or possesses coupons, authorization cards, or access devices in any manner contrary to this Act or the regulations issued pursuant to this Act shall, if such coupons, authorization cards, or access devices are of a value of $5000 or more, be guilty of a felony and shall be fined not more than $250,000 or imprisoned for not more than twenty years, or both, and shall if such coupons or authorization cards are of a value of $100 or more but less than $5000 or if the item used, transferred, acquired, altered, or possessed is an access device that has a value of $100 or more but less than $5000 be guilty of a felony and shall upon the first conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both, and upon the second and any subsequent conviction thereof, shall be imprisoned for not less than six months nor more than five years and may also be fined not more than $10,000 or, if such coupons or authorization cards are of a value of less than $100, or if the item used, transferred, acquired, altered, or possessed is an access device that has a value of less than $100, shall be guilty of a misdemeanor, and upon the first conviction thereof, shall be fined not more than $1000 or imprisoned for not more than one year, or both, and upon the second and any subsequent conviction thereof, shall be imprisoned for not more than one year and may also be fined not more than $1000. In addition to such penalties, any person convicted of a felony or misdemeanor violation under this subsection may be suspended by the court from participation in the food stamp program for an additional period of up to eighteen months consecutive to that period of suspension mandated by section 6(b)(1) of this Act.

(2) Section 15(b)(2) of the Food Stamp Act reads as follows:

In the case of any individual convicted of an offense under paragraph (b)(1) of this section, the court may permit such individual to perform work approved by the court for the purpose of providing restitution for losses incurred by the United States and the State agency as a result of the offense for which such individual was convicted. If the court permits such individual to perform such work and such individual agrees thereto, the court shall withhold the imposition of the sentence on the condition that such individual perform the assigned work. Upon the successful completion of the assigned work the court may suspend such sentence.

(3) Section 15(c) of the Food Stamp Act reads as follows:

Whoever presents, or causes to be presented, coupons for payment or redemption of the value of $100 or more, knowing the same to have been received, transferred, or used in any manner in violation of the provisions of this Act or the regulations issued pursuant to this Act, shall be guilty of a felony and, upon the first conviction thereof, shall be fined not more than $20,000 or imprisoned for not more than five years, or both, and upon the second and any subsequent conviction thereof, shall be imprisoned for not less than one year nor more than five years and may also be fined not more than $20,000 or if such coupons are of a value of less than $100, shall be guilty of a misdemeanor and, upon the first conviction thereof, shall be fined not more than $1,000 or imprisoned for not more than one year, or both, and upon the second and any subsequent conviction thereof, shall be imprisoned for not more than one year and may also be fined not more than $1,000. In addition to such penalties, any persons convicted of a felony or misdemeanor violation under this subsection may be suspended by the court from participation in the food stamp program for an additional period of up to eighteen months consecutive to that period of suspension mandated by section 6(b)(1) of this Act.

* * * * *

PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND INSURED FINANCIAL INSTITUTIONS

4. In § 278.1 the first sentence of paragraph (j)(2) is revised, the word "or" is removed from the end of paragraph (k)(1)(iii), paragraph (k)(1)(iv) is redesignated as paragraph (k)(1)(v), and a new paragraph (k)(1)(iv) is added. The revision and addition read as follows:

§ 278.1 Approval of retail food stores and wholesale food concerns.

* * * * *

(j) *Denying authorization.** * *

(2) The firm has failed to pay in full any fiscal claim assessed against the firm under § 278.7 or any fines assessed under § 278.6(l) or § 278.6(m).* * *

(k) *Withdrawing authorization.*

(1)* * *

(iv) The firm has failed to pay fines assessed under § 278.6(l) or § 278.6(m); or

* * * * *

5. In § 278.6:

a. Paragraph (a) is amended by removing the words "in coupons or ATP

cards" where they appear in the second sentence and replacing them with the words "as defined in § 271.2", and by revising the last sentence;

b. Paragraph (b)(2)(i) is amended by removing the words "in food coupons, ATP cards or other benefit instruments" and replacing them with the words "as defined in § 271.2.";

c. Paragraph (e)(1)(i) is amended by removing the words "in coupons or ATP cards" and replacing them with the words "as defined in § 271.2";

d. The introductory text of paragraph (i) is amended by removing the words "in food coupons, ATP cards or other Program benefit instruments" in the first sentence and replacing them with the words "as defined in § 271.2", and by revising the second sentence of Criterion 4.

e. Paragraph (i)(2)(iii) is revised.

f. The introductory text of paragraph (j) is amended by revising the first sentence.

g. Paragraphs (l) and (m) are redesignated as (n) and (o) respectively, and new paragraphs (l) and (m) are added.

The additions and revisions read as follows:

§ 278.6 Disqualification of retail food stores and wholesale food concerns, and the imposition of civil money penalties in lieu of disqualifications.

(a) *Authority to disqualify or subject to a civil money penalty.* * * * FNS may impose a civil money penalty of up to $20,000 for each violation in lieu of a permanent disqualification for trafficking, as defined in § 271.2, in accordance with the provisions of § 278.6(i) and § 278.6(j).

* * * * *

(i) *Criteria for eligibility for a civil money penalty in lieu of permanent disqualification for trafficking.* * * *

Criterion 4. * * * For purposes of this section, a person is considered to be part of firm management if that individual supervises the work of other employees and directs the activities and work assignments of store employees.

* * * * *

(2) *Compliance training program standards.* * * *

(iii) Written materials, which may include FNS publications and program regulations that are available to all authorized firms, are used in the training program. Training materials shall clearly state that the following acts are prohibited and are in violation of the Food Stamp Act and regulations: the exchange of food coupons, ATP cards or other program access devices for cash; and, in exchange for coupons, the sale of firearms, ammunition, explosives or controlled substances, as the term is defined in section 802 of title 21, United States Code.

(j) *Amount of civil money penalty in lieu of permanent disqualification for trafficking.* A civil money penalty assessed in accordance with § 278.6(i) shall not exceed $20,000 for each violation, and shall not exceed $40,000 during a 2-year period.* * *

* * * * *

(l) *Fines for the acceptance of loose coupons.* FNS many impose a fine against any retail food store or wholesale food concern that accepts coupons that are not accompanied by the corresponding book cover, other than the denomination of coupons used for making change as specified in § 278.2(d). The fine to be assessed against a firm found to be accepting loose coupons shall be $500 per investigation *plus* an amount equal to double the face value of each loose coupon accepted, and may be assessed and collected in addition to any fiscal claim established by FNS. The fine shall be paid in full within 30 days of the firm's receipt of FNS' notification to pay the fine. The Attorney General of the United States may institute judicial action in any court of competent jurisdiction against the store or concern to collect the fine. FNS may withdraw the authorization of the store, as well as other authorized locations of a multi-unit firm which are under the same ownership, for failure to pay such a fine as specified under § 278.1(l). FNS may deny the authorization of any firm that has failed to pay such fines as specified under § 278.1(k).

(m) *Fines for unauthorized third parties that accept food stamps.* FNS may impose a fine against any individual, sole proprietorship, partnership, corporation or other legal entity not approved by FNS to accept and redeem food coupons for any violation of the provisions of the Food Stamp Act or the program regulations, including violations involving the acceptance of coupons. The fine shall be $1000 for each violation *plus* an amount equal to three times the face value of the illegally accepted food coupons. The fine shall be paid in full within 30 days of the individual's or legal entity's receipt of FNS' notification to pay the fine. The Attorney General of the United States may institute judicial action in any court of competent jurisdiction against the person to collect the fine. FNS may withdraw the authorization of any firm that is under the same ownership as an unauthorized firm that has failed to pay such a fine, as specified under § 278.1(l). FNS may deny authorization to any firm that has failed to pay such a fine, as specified under § 278.1(k).

* * * * *

Dated: May 15, 1991.

Betty Jo Nelsen,

Administrator, Food and Nutrition Service.

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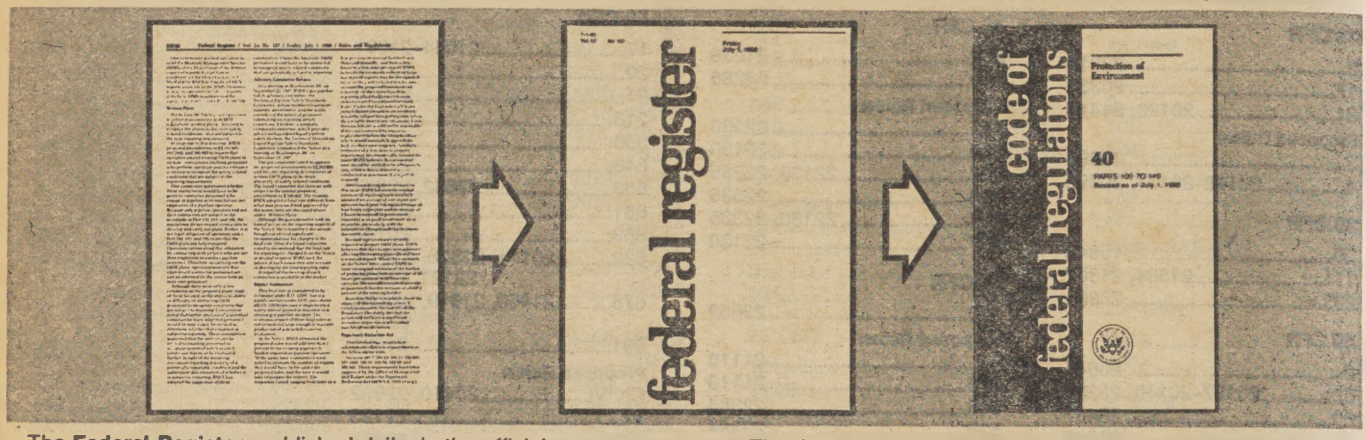
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H.J. Res. 109/Pub. L. 102–44

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