

Rules and Regulations

Federal Register

Vol. 61, No. 96

Thursday, May 16, 1996

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

Grain Inspection, Packers and Stockyards Administration

7 CFR Parts 800 and 810

RIN 0580-AA14

United States Standards for Barley

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

ACTION: Final rule; postponement of effective date.

SUMMARY: This document postpones the effective date of the final rule (61 FR 18486) to revise the United States Standards for Barley from June 1, 1996, until June 1, 1997. This action is being taken to postpone the implementation of the United States Standards for Barley from the beginning of the 1996 marketing season to the beginning of the 1997 marketing season. The extension of the effective date is being taken to prevent disruption in the marketing of Barley on the domestic and international markets. Postponing the effective date to the beginning of the 1997 marketing session will allow adequate time for the market to make adjustments to the changes being made in the standards.

EFFECTIVE DATE: The effective date of the final rule is postponed from June 1, 1996, to June 1, 1997.

FOR FURTHER INFORMATION CONTACT: George Wollam, USDA, GIPSA, Room 0623, South Building, P.O. Box 96454, Washington, D.C. 20090-6454; Telephone (202) 720-0292; FAX (202) 720-4628.

SUPPLEMENTARY INFORMATION: On March 22, 1995, the Grain Inspection, Packers and Stockyards Administration (GIPSA), U.S. Department of Agriculture, under authority of the United States Grain Standards Act, as amended published a proposed rule (60 FR 15075) to revise the United States Standards for Barley.

The proposed rule was adopted, with changes, and a final rule was published on April 26, 1996, (61 FR 18486), with an effective date of June 1, 1996.

Since the publication of the final rule, GIPSA has determined it is in the best interest of the barley market to postpone the effective date. Immediate implementation may not generate anticipated benefits to the market but may adversely affect merchandisers of grain, especially because of contracting concerns. After consultation with the trade and taking into account trade views both for and against a change in the effective date, GIPSA determined that it would be less disruptive if the effective date for implementing the revisions to the United States Standards for Barley were changed from June 1, 1996 to June 1, 1997. Also providing a one year delay in implementing the standards would allow for seasonal adjustment of markets.

Background

On page 18490, in the third column, second paragraph, the second and third sentences "Pursuant to that section of the Act, it has been determined that in the public interest the revision becomes effective June 1, 1996. This effective date will coincide with the beginning of the 1996 crop year and facilitate domestic and export marketing of barley" are revised to read "It has been determined that in the public interest the revision becomes effective June 1, 1997. This effective date will coincide with the beginning of the 1997 crop year and facilitate domestic and export marketing of barley".

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 et seq.).

Dated: May 8, 1996.

David Orr,

Acting Administrator.

[FR Doc. 96-11974 Filed 5-15-96; 8:45 am]

BILLING CODE 3410-EN-P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20, 30, 40, 61, 70, and 72

RIN 3150-AF17

Termination or Transfer of Licensed Activities: Recordkeeping Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations pertaining to the disposition of certain records when a licensee terminates licensed activities or licensed activities are transferred to another licensee. The final rule requires a licensee to transfer records pertaining to decommissioning, and certain records pertaining to offsite releases and waste disposal, to the new licensee if licensed activities will continue at the same site, and it requires the new licensee to forward these same records to the NRC before the license is terminated.

EFFECTIVE DATE: June 17, 1996.

FOR FURTHER INFORMATION CONTACT: Mary L. Thomas, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001, telephone (301) 415-6230, e-mail MLT1@NRC.GOV.

SUPPLEMENTARY INFORMATION:

I. Background

While evaluating an incident involving some offsite contamination, the NRC identified a deficiency in the current recordkeeping requirements. The NRC was unable to determine how much radioactive material was released to a sanitary sewerage system because records of previous releases by the original holder of the license were not available. In addition, the regulations were unclear with regard to the final disposition of these records when licensed activities have ceased and the license is terminated. A proposed rule requiring licensees to forward certain records to the NRC once licensed activities ceased, or to a new owner if they would be taking over licensed activities, was published for comment in the Federal Register on December 28, 1994 (59 FR 66814).

II. Discussion of Comments and Summary of Requirements in the Final Rule

This section includes a discussion of the significant issues raised by public comment and how they were addressed. Six comment letters were received on the proposed rule, 3 from Agreement States, 1 from a licensee, and two from public interest groups. Three supported the proposed rule, and three (from Agreement States) questioned the benefit in adopting these requirements.

Public Comments

1. Need for the Rule and Expected Benefit

Comments. Two commenters stated that the NRC has not demonstrated the need for the rule on the basis of one incident. They also stated that the NRC did not demonstrate how the proposed regulations and their commensurate costs would assist licensees, the NRC, and the Agreement States in the analysis of the environmental impact from the site. They requested that the NRC provide data that permits evaluation of the actual impact of these regulations.

These same commenters stated that the usefulness of the records in the decisionmaking process should also be demonstrated in each case. They referred to the Objective Section of the Draft Regulatory Analysis, which stated that these records “* * * will provide the NRC with the information needed to assess possible risks associated with licensed activities once a licensee has terminated its license.” They believed that this assumption is generally false, and that even if sewer release records were available, an independent evaluation of the environment would still be required.

Response. The intent of the proposed rule was to ensure that records that are required by current regulations to be retained by licensees during licensed operations are available in the event that safety concerns arise after license termination regarding any offsite consequences found to have resulted from licensed operations. Since the NRC may not be able to determine what problems will arise in the future, the best course of action is to have the records available after the license is terminated. The proposed rule specified that the records used by the licensee to demonstrate compliance with the public dose limits and limits on waste disposals were to be forwarded to the NRC prior to license termination or to the new owner if licensed operations were to continue at the site under a new or amended license. In addition, the proposed rule specified that records

important for decommissioning be provided to the new licensee prior to license reassignment or transfer. As discussed below, in addition to decommissioning records, the records included in the final rule are: results of offsite release measurements and calculations under § 20.2103(b)(4); and waste disposals authorized under §§ 20.2202, 20.2203, 20.2204, and 20.2205.

In order for the NRC to determine that a licensee has effectively decommissioned its facility, and to authorize license termination, the NRC will review the licensee’s evaluation of previous releases to the environment and waste disposals to determine whether there is a need for the licensee to remediate significant offsite contamination as a result of past licensed activities prior to license termination. Licensees are already required to keep these records until license termination.

When transfer of a license to a new entity is approved by the Commission, certain records related to offsite releases of material, including waste disposals, would be needed by the new licensee prior to decommissioning to determine areas where remediation may be needed. In addition, there may be circumstances where it will be necessary for the NRC or other government agencies to evaluate the effects of licensed operations on the environment. Although other information would also be needed to perform an environmental analysis, access to these records would be useful in evaluating potential sources of contamination.

The NRC has re-evaluated the impact of this regulation in the Regulatory Analysis. The records required to be transferred are the records that the licensee is already required to retain until license termination. The burden associated with this rulemaking relates to transfer and subsequent storage of records, and as discussed in the Regulatory Analysis, is not found to be significant.

The final rule has been modified to specify that only decommissioning records and records of offsite releases and waste disposals need to be forwarded to the new licensee in the event of license transfer or re-assignment and that these are the only records that need to be provided to the NRC at license termination. In addition, only licensees authorized to possess unsealed source material or unsealed byproduct material with half-lives greater than 120 days (i.e., licensees that have a potential for significant contamination) will be required to

provide records to the new licensee in the event of re-assignment or transfer and to the NRC at license termination. The use of a 120 day half-life for byproduct material was chosen because radioactive material with half-lives less than 120 days would be completely decayed in a few years, and corresponds to the value currently used to determine which licensees must have a decommissioning funding plan. This change in the final rule was made to reduce the burden on a number of licensees that routinely use only sealed sources and, in the case of byproduct material, short-lived isotopes (less than 120 days). Licensees authorized to possess only sealed sources would still be required to retain records of spills involving source ruptures, under current decommissioning recordkeeping requirements. The final rule will require all licensees to forward decommissioning records to the NRC at license termination. Using this criteria the number of licensees affected annually by this rulemaking has decreased from approximately 1700 in the proposed rule to 960 in the final rule.

2. Agreement State Compatibility

Comment. One commenter stated (1) that there was no basis for a Division 2 level of compatibility and (2) that an Agreement State could use other methods, such as actual surveys, to confirm that there was no offsite contamination. In addition, the commenter stated that other costs associated with the proposed rule have not been considered, such as costs associated with inspections, and while the NRC may be able to absorb these costs in “non-core portions of the inspection program,” Agreement States do not have this luxury.

Response. The Commission still believes that this rule should be assigned a Division 2 compatibility level for most of the new requirements. The final rule assigns a Division 3 compatibility level for the requirement that records be provided to the regulatory agency prior to license termination. While the NRC believes that it would be prudent for Agreement States to adopt a similar requirement, the final rule assignment of a Division 3 compatibility level for this requirement provides the flexibility for each State to determine which records should be provided to the regulatory agency and retained by it at license termination.

The NRC believes retention of these records will aid in the resolution of potential safety concerns that may be identified after license termination, and

also recognizes that an Agreement State without an equivalent requirement for record retention has the ability to resolve potential future safety concerns. However, this can be achieved by conducting radiological surveys at the formerly licensed site. Without the records, these surveys may need to be greater in number and may be more costly, but the absence of retained records will not preclude an Agreement State from adequately assessing future safety concerns.

Because the Commission has reduced the burden of this rule by limiting the number of licensees affected by this rule, the inspection burden on the Agreement States should not be significantly increased. It is unlikely that any State will have more than 2–3 transfers per year. With respect to other costs, the reporting burden reflects that the time required to index, review, and store the required records has been re-calculated to be an average of 5 hours per license termination or transfer.

3. Regulatory Alternatives

Comment. Two commenters stated that the NRC failed to identify regulatory alternatives that would be as effective as the proposed rule while placing less burden on licensees, the NRC, and Agreement States. As noted in the discussion of Issues 1 and 2, the commenters concluded that any benefit from the proposed rule is questionable. They stated that specific regulatory alternatives that should be considered include, but are not limited to:

a. Perform separate evaluations for the utility of requiring records for offsite releases and for waste disposal, and making independent judgments.

b. Consider limiting the scope of the rules to address only those facilities that possess unsealed sources with long half-lives.

c. Consider all records being provided to the NRC, rather than requiring Agreement States to maintain the records.

d. Eliminate transferring 10 CFR 20.2005 type records (disposal of specific wastes, in quantities less than or equal to 1.85 kilobecquerels per gram of tritium or carbon-14 in scintillation fluids or animal tissue).

Response. The Commission considered possible alternatives to rulemaking. These are addressed in the Regulatory Analysis prepared for this rule. The following information is provided with respect to the specific recommendations of the commenters:

(a) The NRC reconsidered the scope of the proposed rule and decided to limit the records required to those needed to support decommissioning. The

Commission has already evaluated the impact and need for decommissioning records in promulgating a final rule addressing recordkeeping requirements for decommissioning (58 FR 39628).

The records included in the final rule are decommissioning records, records of waste disposals that would be permitted under §§ 20.2002 (including any burials authorized before January 28, 1981), 20.2003, 20.2004, 20.2005, and results of measurements and calculations used to evaluate offsite releases (§ 20.2103(b)(4)). These records would be helpful in evaluating the impact of a licensee's past activities. This information can be used by the new licensee receiving the records in developing decommissioning plans and by the regulatory agency to evaluate the adequacy of the licensee's decommissioning activities. With this change, the NRC concluded that for most licensees the overall number of records that would be required to be transferred to the new licensee should not exceed the capacity of several file drawers, even for a license that has been in effect for some time and, therefore, the overall burden associated with the transfer should be small. In addition, the rule permits storage of this information electronically. The final rule also requires that decommissioning records and certain records pertaining to offsite releases and waste disposal be forwarded to the NRC or the appropriate Agreement State prior to license termination.

(b) The NRC has evaluated the suggestion to limit the scope of licensees covered by the rule and has revised the final rule and the Regulatory Analysis to reflect that, for licenses authorized under Parts 30 or 40, the rule only affects those licensees authorized to possess unsealed byproduct material with half-lives greater than 120 days or unsealed source material. Licensees that use and possess sealed sources, or unsealed byproduct material with short half-lives, are no longer affected by this rule. As a result of this change, most medical licensees will not need to transfer records in the event of license transfer, or re-assignment. Final records disposition for these licensees and others excluded by this rule will still be determined on a case-by-case basis by the NRC at the time of license termination.

(c) The purpose of this rulemaking is to assure that adequate records are available to provide historical information on previous licensed operations in the event significant offsite contamination is detected after a licensee has ceased operation of their facility. To provide flexibility to the

Agreement States, the sections of the final rule requiring transmittal of records to the NRC at license termination have been designated Division 3 compatibility level. Because the NRC has discontinued its regulatory authority in the Agreement States for this material, it is appropriate that the Agreement States, rather than the NRC, both determine which Agreement State licensee records should be retained at license termination, and maintain those records.

(d) Records of waste disposals allowed by § 20.2005 currently are required by § 20.2108(b) to be retained until the Commission terminates each pertinent license requiring the record. The Commission is currently evaluating a petition for rulemaking that requests a revision to § 20.2005 pertaining to waste disposal. This petition is currently on hold until finalization of the rulemaking addressing radiological criteria for decommissioning. In light of this, we will consider this comment in resolving this petition.

4. Public Access To Information

Comment. One commenter was concerned that the Commission overlooked the benefits which could result from simple, inexpensive-to-implement requirements enhancing public access to information. This commenter noted that enhanced public access to information is an important (though not the only) reason for recordkeeping, in part because informed members of the public can play a significant role in ensuring that regulatory actions are appropriate and timely. This commenter urged the Commission to consider enhanced public access to information as part of a coherent policy to protect important documentary information from loss.

Response. This rule requires that records pertaining to decommissioning and certain records pertaining to offsite releases and waste disposals be transferred to a licensee that takes over a previous licensee's business and that these records be forwarded to the cognizant regulatory body prior to license termination, thereby protecting these records for future access. Once these records are forwarded to the NRC, they will be available through the Freedom of Information Act process, exclusive of any proprietary information.

5. Independent Spent Fuel Storage Installations and 10 CFR 72.30(d) Requirements

Comment. One commenter stated that 10 CFR 72.30(d) addresses recordkeeping requirements for

decommissioning for independent spent fuel storage installations and that the NRC has proposed changes to this paragraph to address the transfer of licensed activities. This commenter questions why 10 CFR 50.75(g), which contains the same type of recordkeeping requirements for decommissioning for production and utilization facilities, was not changed. The commenter believes this to be inconsistent and possibly an inadvertent omission by the NRC.

Response. This rule only addresses materials licensees. The Commission is currently evaluating the need for additional rulemaking to address the broad issue of transfers of reactor licenses. Any such rulemaking would also consider recordkeeping requirements.

Summary of Requirements of the Final Rule

The final rule requires transfer of certain records pertaining to decommissioning, offsite releases, and waste disposal to a licensee that takes over operation of licensed activities. These records include: those waste disposals that would be permitted under §§ 20.2002 (including any burials authorized before January 28, 1981), 20.2003, 20.2004, 20.2005, and results of measurements and calculations used to evaluate offsite releases (§ 20.2103(b)(4)). The new licensee will need these records in order to perform an adequate site characterization prior to decommissioning. Once the new entity is granted a license and accepts these records, they become subject to all regulations concerning termination and transfer. The final rule also requires that these records be forwarded to the NRC prior to license termination. In selecting records to include in this rulemaking, the NRC focused attention on information that would be needed by licensees to conduct decommissioning effectively and for the NRC to evaluate offsite consequences from a licensee's operation. In addition, for certain records of offsite releases and waste disposals, the final rule has also been modified to apply to licensees only authorized to possess source and byproduct material with half-lives greater than 120 days, in an unsealed form.

Paragraph 20.2108(b) has been amended to state that there are additional requirements for disposition of records in 10 CFR Parts 30, 40, 70, and 72. Paragraphs 30.35(g) and 40.36(f) specify records that the Commission considers important to decommissioning. The NRC has revised these paragraphs to require the transfer

of records pertaining to decommissioning to the new licensee. Paragraphs have been added to §§ 30.51, 40.61, 70.51, and 72.80 to clarify that records pertaining to decommissioning, offsite releases, and certain records pertaining to waste disposal be forwarded to the new licensee prior to license transfer or re-assignment, or to the NRC prior to license termination. Also, paragraphs have been added to §§ 61.30(a)(3) and 61.31(c)(1) to clarify that records required by §§ 61.80 (e) and (f) are to be transferred to the disposal site owner, or to the party responsible for institutional control of the disposal site, respectively.

Finally, a new paragraph has been added to §§ 30.36, 40.42, 70.38, and 72.54 to state that a license will not be terminated until the NRC receives the records required by revised §§ 30.51, 40.61, 70.51, and 72.80.

III. Agreement State Compatibility

This rulemaking will be a matter of compatibility between the NRC and the Agreement States, thereby providing consistency of State and Federal safety requirements. The NRC has determined that a Division 2 level of compatibility should be assigned to the changes to §§ 30.35, 40.36, and 61.31 because the records required by these sections are important to assure protection of public health and safety, and are important to ensure that facilities in Agreement States are effectively decommissioned. Under this level of compatibility the Agreement States will be expected to adopt recordkeeping requirements that are as stringent as NRC's, but they will be permitted flexibility in their requirements based on their radiation protection experience, professional judgments, and community values.

Revisions to §§ 30.51, 40.61, 70.51, and 72.80 that require records to be forwarded to the new licensee whenever a license is transferred or re-assigned will also be assigned a Division 2 level of compatibility for the reasons cited above. Other revisions to these sections addressing forwarding of records to the NRC prior to license termination will be assigned a Division 3 compatibility level. Under this level of compatibility the Agreement States will have the option to adopt similar requirements regarding final disposition of the records, but will not be required to adopt such requirements. While NRC believes retention of these records will aid in the resolution of potential safety concerns that may be identified after license termination, it also recognizes that an Agreement State without an equivalent requirement for record retention has the ability to resolve

potential future safety concerns. This can be achieved by conducting radiological surveys at the formerly licensed site. Without the records, these surveys may need to be greater in number and may be more costly, but the absence of retained records will not preclude an Agreement State from adequately assessing future safety concerns.

IV. Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described as a categorical exclusion in 10 CFR 51.22(c)(3)(ii), recordkeeping requirements. Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

V. Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). These requirements were approved by the Office of Management and Budget, approval number 3150-0014, -0017, -0020, -0009, -0132, and -0135.

The public reporting burden for this collection of information is estimated to average 5 hours 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. Send comments on any aspect of this collection of information, including suggestions for reducing burden, to the Information and Records Management Branch (T-6 F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet electronic mail at BJS1@NRC.GOV; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0014, -0017, -0020, -0009, -0132, and -0135), Office of Management and Budget, Washington, DC 20503.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

VI. Regulatory Analysis

The NRC has prepared a regulatory analysis on this final rule. The analysis examines the costs and benefits of the alternatives considered by the NRC. The regulatory analysis is available for inspection at the NRC Public Document Room, 2120 L Street NW. (Lower Level),

Washington, DC. Single copies of the analysis may be obtained from Mary L. Thomas, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 415-6230; email: MLT1@NRC.GOV

VII. Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this final rule does not have a significant economic impact on a substantial number of small entities. The rulemaking imposes requirements on those licensees who are required to have decommissioning funding assurance and on licensees who are transferring their license to a new licensee. These changes require the transfer of records pertaining to decommissioning, and certain records of waste disposals and offsite releases, to the new licensee. In addition, the rule requires forwarding these records to the NRC at license termination. These records are already required to be maintained until the license is terminated by the Commission, and are needed to provide historical information of the impact of a previous licensee activities on the environment and decommissioning.

VIII. Small Business Regulatory Enforcement Fairness Act

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

IX. Backfit Analysis

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

List of Subjects

10 CFR Part 20

Byproduct material, Criminal penalties, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Special nuclear material, Source material, Waste treatment and disposal.

10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40

Criminal penalties, Government contracts, Hazardous materials transportation, Nuclear materials, Reporting and recordkeeping requirements, Source material, Uranium.

10 CFR Part 61

Criminal penalties, Low-level waste, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 70

Criminal penalties, Hazardous materials transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR Parts 20, 30, 40, 61, 70, and 72.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. The authority citation for Part 20 continues to read as follows:

Authority: Secs. 53, 63, 65, 81, 103, 104, 161, 182, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 953, 955, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232, 2236, 2297f), secs. 201, as amended 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

2. In § 20.2108, paragraph (b) is revised to read as follows:

§ 20.2108 Records of waste disposal.

(b) The licensee shall retain the records required by paragraph (a) of this section until the Commission terminates each pertinent license requiring the

record. Requirements for disposition of these records, prior to license termination, are located in §§ 30.51, 40.61, 70.51, and 72.80 for activities licensed under these parts.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

3. The authority citation for Part 30 continues to read as follows:

Authority: Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102-486, sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

4. In § 30.35, the introductory text of paragraph (g) is revised to read as follows:

§ 30.35 Financial assurance and recordkeeping for decommissioning.

* * * * *

(g) Each person licensed under this part or parts 32 through 36 and 39 of this chapter shall keep records of information important to the decommissioning of a facility in an identified location until the site is released for unrestricted use. Before licensed activities are transferred or assigned in accordance with § 30.34(b), licensees shall transfer all records described in this paragraph to the new licensee. In this case, the new licensee will be responsible for maintaining these records until the license is terminated. If records important to the decommissioning of a facility are kept for other purposes, reference to these records and their locations may be used. Information the Commission considers important to decommissioning consists of—

* * * * *

5. In § 30.36, paragraph (k)(4) is added to read as follows:

§ 30.36 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.

* * * * *

(k) * * *
(4) Records required by § 30.51 (d) and (f) have been received.

6. In § 30.51, paragraphs (d), (e), and (f) are added to read as follows:

§ 30.51 Records.

* * * * *

(d) Prior to license termination, each licensee authorized to possess radioactive material with a half-life greater than 120 days, in an unsealed form, shall forward the following records to the appropriate NRC Regional Office:

(1) Records of disposal of licensed material made under §§ 20.2002 (including burials authorized before January 28, 1981¹), 20.2003, 20.2004, 20.2005; and

(2) Records required by § 20.2103(b)(4).

(e) If licensed activities are transferred or assigned in accordance with § 30.34(b), each licensee authorized to possess radioactive material, with a half-life greater than 120 days, in an unsealed form, shall transfer the following records to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated:

(1) Records of disposal of licensed material made under §§ 20.2002 (including burials authorized before January 28, 1981¹), 20.2003, 20.2004, 20.2005; and

(2) Records required by § 20.2103(b)(4).

(f) Prior to license termination, each licensee shall forward the records required by § 30.35(g) to the appropriate NRC Regional Office.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

7. The authority citation for Part 40 continues to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95-604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 86-373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97-415, 96 Stat. 2067 (42 U.S.C. 2022).

Section 40.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102-486, sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68

¹ A previous § 20.304 permitted burial of small quantities of licensed materials in soil before January 28, 1981, without specific Commission authorization. See § 20.304 contained in the 10 CFR, parts 0 to 199, edition revised as of January 1, 1981.

¹ A previous § 20.304 permitted burial of small quantities of licensed materials in soil before January 28, 1981, without specific Commission authorization. See § 20.304 contained in the 10 CFR, parts 0 to 199, edition revised as of January 1, 1981.

Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

8. In § 40.36, the introductory text of paragraph (f) is revised to read as follows:

§ 40.36 Financial assurance and recordkeeping for decommissioning.

* * * * *

(f) Each person licensed under this part shall keep records of information important to the decommissioning of a facility in an identified location until the site is released for unrestricted use. Before licensed activities are transferred or assigned in accordance with § 40.41(b) licensees shall transfer all records described in this paragraph to the new licensee. In this case, the new licensee will be responsible for maintaining these records until the license is terminated. If records important to the decommissioning of a facility are kept for other purposes, reference to these records and their locations may be used. Information the Commission considers important to decommissioning consists of—

* * * * *

9. In § 40.42, paragraph (k)(4) is added to read as follows:

§ 40.42 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.

* * * * *

(k) * * *

(4) Records required by § 40.61(d) and (f) have been received.

* * * * *

10. In § 40.61, paragraphs (d), (e), and (f) are added to read as follows:

§ 40.61 Records.

* * * * *

(d) Prior to license termination, each licensee authorized to possess source material, in an unsealed form, shall forward the following records to the appropriate NRC Regional Office:

(1) Records of disposal of licensed material made under § 20.2002 (including burials authorized before January 28, 1981¹), 20.2003, 20.2004, 20.2005; and

(2) Records required by § 20.2103(b)(4).

(e) If licensed activities are transferred or assigned in accordance with § 40.41(b), each licensee authorized to possess source material, in an unsealed form, shall transfer the following

¹ A previous § 20.304 permitted burial of small quantities of licensed materials in soil before January 28, 1981, without specific Commission authorization. See § 20.304 contained in the 10 CFR, parts 0 to 199, edition revised as of January 1, 1981.

records to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated:

(1) Records of disposal of licensed material made under § 20.2002 (including burials authorized before January 28, 1981¹), 20.2003, 20.2004, 20.2005; and

(2) Records required by § 20.2103(b)(4).

(f) Prior to license termination, each licensee shall forward the records required by § 40.36(f) to the appropriate NRC Regional Office.

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

11. The authority citation for Part 61 continues to read as follows:

Authority: Secs. 53, 57, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246, (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95-601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851) and Pub. L. 102-486, sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851).

12. In § 61.30, paragraph (a)(3) is revised to read as follows:

§ 61.30 Transfer of license.

(a) * * *

(3) That any funds for care and records required by §§ 61.80 (e) and (f) have been transferred to the disposal site owner;

13. In § 61.31, paragraph (c)(3) is added to read as follows:

§ 61.31 Termination of license.

* * * * *

(c) * * *

(3) That the records required by §§ 61.80(e) and (f) have been sent to the party responsible for institutional control of the disposal site and a copy has been sent to the Commission immediately prior to license termination.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

14. The authority citation for Part 70 continues to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282, 2297f); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 70.7 also issued under Pub. L. 95-601, sec.

10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 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. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

15. In § 70.25, the introductory text of paragraph (g) is revised to read as follows:

§ 70.25 Financial assurance and recordkeeping for decommissioning.

(g) Each person licensed under this part shall keep records of information important to the decommissioning of a facility in an identified location until the site is released for unrestricted use. If records important to the decommissioning of a facility are kept for other purposes, reference to these records and their locations may be used. Information the Commission considers important to decommissioning consists of—

* * * * *

16. In § 70.38, paragraph (k)(4) is added to read as follows:

§ 70.38 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.

* * * * *

(k) * * *

(4) Records required by § 70.51(b)(6) have been received.

17. In § 70.51, footnotes 2 and 3 are re-designated as footnotes 3 and 4, paragraph (b)(6) is revised, and a new paragraph (b)(7) is added to read as follows:

§ 70.51 Material balance, inventory, and records requirements.

* * * * *

(b) * * *

(6) Prior to license termination, licensees shall forward the following records to the appropriate NRC Regional Office:

(i) Records of disposal of licensed material made under § 20.2002 (including burials authorized before January 28, 1981²), 20.2003, 20.2004, 20.2005;

(ii) Records required by § 20.2103(b)(4); and

(iii) Records required by § 70.25(g).

(7) If licensed activities are transferred or assigned in accordance with

§ 70.32(a)(3), the licensee shall transfer the following records to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated:

(i) Records of disposal of licensed material made under § 20.2002 (including burials authorized before January 28, 1981²), 20.2003, 20.2004, 20.2005;

(ii) Records required by § 20.2103(b)(4); and

(iii) Records required by § 70.25(g).

* * * * *

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

18. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86-373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95-601, sec. 10, 92 Stat. 2951, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102 Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); Secs. 131, 132, 133, 135, 137, 141, Pub. L. 97-425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100-203, 101 Stat. 1330-232, 1330-236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97-425, 96 Stat. 2202, 2203, 2204, 2222, 2244, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and Sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

19. In § 72.30, the introductory text of paragraph (d) is revised to read as follows:

§ 72.30 Financial assurance and recordkeeping for decommissioning.

* * * * *

(d) Each person licensed under this part shall keep records of information important to the decommissioning of a facility in an identified location until the site is released for unrestricted use. If records important to the decommissioning of a facility are kept for other purposes, reference to these

records and their locations may be used. Information the Commission considers important to decommissioning consists of—

* * * * *

20. In § 72.54, paragraph (m)(3) is added to read as follows:

§ 72.54 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.

* * * * *

(m) * * *

(3) Records required by § 72.80(e) have been received.

21. In § 72.80, paragraphs (e) and (f) are added to read as follows:

§ 72.80 Other records and reports.

* * * * *

(e) Prior to license termination, the licensee shall forward records required by §§ 20.2103(b)(4) and 72.30(d) to the appropriate NRC Regional Office.

(f) If licensed activities are transferred or assigned in accordance with § 72.44(b)(1), the licensee shall transfer the records required by §§ 20.2103(b)(4) and 72.30(d) to the new licensee and the new licensee will be responsible for maintaining these records until the license is terminated.

Dated at Rockville, Maryland, this 1st day of February 1996.

For the Nuclear Regulatory Commission,
James M. Taylor,
Executive Director for Operations.

[FR Doc. 96-12166 Filed 5-15-96; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94-NM-92-AD; Amendment 39-9618; AD 96-10-11]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model DC-9 and DC-9-80 Series Airplanes, Model MD-88 Airplanes, and C-9 (Military) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to McDonnell Douglas Model DC-9 and DC-9-80 series airplanes, Model MD-88 airplanes, and C-9 (military) series airplanes, that currently requires certain inspections and structural modifications. This

² A previous § 20.304 permitted burial of small quantities of licensed materials in soil before January 28, 1981, without specific Commission authorization. See § 20.304 contained in the 10 CFR, parts 0 to 199, edition revised as of January 1, 1981.