

supply borrower, are required to follow the approved load forecast work plan in preparing their respective load forecasts. Each borrower is individually responsible for forecasting all its RE Act beneficiary and non-RE Act beneficiary loads.

(d) An approved load forecast work plan must outline the coordination and preparation requirements for both the power supply borrower and its members.

(e) An approved load forecast work plan must cover a period of 2 or 3 years depending on the applicable compliance filing schedule elected under § 1710.204.

(f) An approved load forecast work plan must describe the borrower's process and methods to be used in producing the load forecast and maintaining current load forecasts on an ongoing basis.

(g) Approved load forecast work plans for borrowers with residential demand of 50 percent or more of total kWh must provide for a residential consumer survey at least every 5 years to obtain data on appliance and equipment saturation and electricity demand. Any such borrower that is experiencing or anticipates changes in usage patterns shall consider surveys on a more frequent schedule. Power supply borrowers shall coordinate such surveys with their members. Residential consumer surveys may be based on the aggregation of member-based samples or on a system-wide sample, provided that the latter provides for relevant regional breakdowns as appropriate.

(h) Approved load forecast work plans must provide for RUS review of the load forecasts as the load forecast is being developed.

(i) A power supply borrower's work plan must have the concurrence of the majority of the members that are borrowers.

(j) The borrower's board of directors must approve the load forecast work plan.

(k) A borrower may amend its approved load forecast work plan subject to RUS approval. If RUS concludes that the existing approved load forecast work plan will not result in a satisfactory load forecast, RUS may require a new or revised load forecast work plan.

§ 1710.210 Waiver of requirements or approval criteria.

For good cause shown by the borrower, the Administrator may waive any of the requirements applicable to borrowers in this subpart if the Administrator determines that waiving the requirement will not significantly

affect accomplishment of RUS' objectives and if the requirement imposes a substantial burden on the borrower. The borrower's general manager must request the waiver in writing.

§§ 1710.211–1710.249 [Reserved]

Dated: June 29, 1999.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 99–17113 Filed 7–6–99; 8:45 am]

BILLING CODE 3410–15–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

[Docket No. PRM–40–27]

State of Colorado and Organization of Agreement States; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; Notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) has received and requests public comment on a petition for rulemaking dated May 10, 1999, filed by the Officers of the Organization of Agreement States and the State of Colorado (petitioners). The petition has been docketed by the Commission and has been assigned Docket No. PRM–40–27. The petitioners are requesting that the NRC regulations governing small quantities of source material be amended to eliminate the exemption for source material general licensees from the requirements that specify standards of protection against radiation and notification and instruction of individuals who participate in licensed activities. Current NRC regulations exempt source material general licensees from these requirements. The petitioners believe that no basis exists for exempting these licensees from compliance with radiation safety standards if a licensee can exceed currently specified dose limits or create areas where individuals may be exposed to significant levels of radiation.

DATES: Submit comments by September 20, 1999. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Attention: Rulemakings and Adjudications Staff.

Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

For a copy of the petition, write: David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

You may also provide comments via the NRC's interactive rulemaking website through the NRC home page (<http://www.nrc.gov>). This site provides the availability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415–5905 (e-mail: CAG@nrc.gov).

FOR FURTHER INFORMATION CONTACT:

David L. Meyer, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301–415–7162 or Toll Free: 1–800–368–5642 or E-mail: DLM1@NRC.GOV.

SUPPLEMENTARY INFORMATION:

Background

On May 13, 1999, the Nuclear Regulatory Commission received a petition for rulemaking submitted by the Officers of the Organization of Agreement States and the State of Colorado (petitioners). The petitioners believe that the NRC should restrict the exemption from 10 CFR parts 19 and 20 for general licensees that appears at 10 CFR 40.22(b).

The petitioners contend that any licensee who has the potential to exceed any dose limits or who generates a radiation area as defined in 10 CFR part 20 should be required to meet the radiation protection and worker notification requirements in both Parts 19 and 20. To do this, NRC would have to amend its regulations pertaining to source material general licensees in 10 CFR part 40. Specifically, 10 CFR 40.22(b) would have to be amended to revoke the exemption from 10 CFR parts 19 and 20 for source material general licensees who could exceed public dose limits or dose equivalent limits for an embryo/fetus, would require personnel monitoring, or would require posting of a radiation area. The NRC has determined that the petition meets the threshold sufficiency requirements for a petition for rulemaking under 10 CFR 2.802. The petition has been docketed as PRM–40–27. The NRC is soliciting public comment on the petition for rulemaking.

Discussion of the Petition

The petitioners believe that the NRC regulations codified at 10 CFR 40.22(b) provide a blanket exemption for source material general licensees from the radiation protection and associated worker protection requirements codified at 10 CFR parts 19 and 20. Currently, 10 CFR 40.22(b) reads as follows:

(b) Persons who receive, possess, use, or transfer source material pursuant to the general license issued in paragraph (a) of this section are exempt from the provisions of parts 19, 20, and 21, of this chapter to the extent that such receipt, possession, use or transfer are within the terms of such general license: Provided, however, That this exemption shall not be deemed to apply to any such person who is also in possession of source material under a specific license issued pursuant to this part.

As proposed by the petitioners, 10 CFR 40.22(b) would read:

(b) Persons who receive, possess, use, or transfer source material pursuant to the general license issued in paragraph (a) of this section are exempt from the provisions of parts 19, 20, and 21, of this chapter to the extent that such receipt, possession, use or transfer are within the terms of such general license: Provided, however, That this exemption shall not be deemed to apply to any such person:

(1) Who is also in possession of source material under a specific license issued pursuant to this part;

(2) Whose use of source material could exceed the occupational dose limits in § 20.1201 through § 20.1208;

(3) Whose use of source material would require the use of personnel monitoring under § 20.1502 (a), (b), or (c); or

(4) Whose operation requires posting under § 20.1902.

The petitioners note that 10 CFR part 20 specifies basic radiation standards, consistent with national and international guidance, that apply to specific and most general licensees to provide the framework in which a licensee can perform safe operations, prevent employees and the public from exceeding dose limits, and maintain all radiation exposures As Low As Reasonably Achievable (ALARA). The petitioners also note that 10 CFR part 19 contains provisions to protect and inform individuals who participate in licensed activities that "apply to *all persons* who receive, possess, use, or transfer material licensed by the Nuclear Regulatory Commission pursuant to the regulations in parts 30 through 36, 39, 40, 60, 61, 70, or part 72 of this chapter * * *." (Emphasis added.)

The petitioners believe that generally licensed quantities of source material may not have been regarded as a health and safety hazard when the exemption for source material licensees was enacted. However, the petitioners contend that after the exemption became effective, industry experience has revealed that source material general licensees can expose workers to levels of radiation that require monitoring, dispose of radioactive materials in a manner that would not be acceptable for other licensees, produce contamination that exceeds release limits, and potentially exceed public dose limits to individuals other than those working at their facilities.

The petitioners further contend that no basis exists for exempting source material general licensees from compliance with part 20 requirements pertaining to dose limits or posting of radiation areas. The petitioners believe that if a radiation hazard exists that would require most licensees to implement corrective measures, all licensees who create similar hazards should be required to eliminate the hazard. The petitioners also state that any individual who uses radioactive materials and the general public should be protected from unsafe and unnecessary exposure to radiation resulting from licensed activities. The petitioners believe that individuals who participate in licensed activities who may receive exposures that exceed the public dose limits in 10 CFR part 20 should be instructed as to their rights as radiation workers and the necessary procedures for safe usage of radioactive materials.

The petitioners believe the NRC exemption for source material general licensees permits potentially hazardous radioactive materials to be transported into States without the knowledge or control of State radiation control programs. The petitioners cite two cases that they believe illustrate the problem with the blanket exemption in 10 CFR 40.22(b) granted for source material general licensees. In January 1999, the Colorado Radiation Control Program was notified that a dumpster had activated a radiation alarm at a landfill. The dumpster had been used for construction debris resulting from a remodeling project after a source material general licensee had vacated the facility.

After exposure levels on the dumpster exterior measured 4.9 mR/hr (1.3 μ C/kg-hr), an investigation revealed that it was a source material general licensee who was responsible for the radioactive material. According to the petitioners, further investigation found the licensee

ensured that its procurement did not exceed the 150-pound (68kg) per year limit specified in 10 CFR 40.22(a), had vacated the building with contamination [calculated at 734 mrem/year (7.34 mSv/yr)] that exceeded the 25 mrem (250 μ Sv) annual limit for release for uncontrolled use, and had significant levels of exposure to thorium and its daughters at its current facility. The petitioners state that under the exemption in 10 CFR 40.22(b), this and all other licensees who use similar quantities of source material are exempt from the health and safety requirements contained in part 20.

The petitioners also cite a 1994 Environmental Protection Agency (EPA) enforcement action against Broomer Research, Inc., of Islip, Long Island, New York found as a result of an Internet search. EPA identified significant levels of radionuclides in the sludge from a plant where thorium fluoride was used in the manufacture of optical lenses. The petitioners do not believe that these cited cases are unique and are concerned that only one of the suppliers of thorium fluoride identified in an Internet search has provided a list of its Colorado customers as requested.

The petitioners also contend that waste disposal by these general licensees creates exposure hazards and believe that general licensees who possess source material do not view waste disposal as an issue because this waste is only "Generally Licensed" and can be disposed of as common trash. Disposal of radioactive waste is controlled for specific licensees by the requirements in 10 CFR part 20 that prohibit disposal as common trash or dilution of waste in order for it to pass undetected through monitoring alarms at landfills, unless specifically authorized by regulation or license condition. The petitioners are concerned that when radioactive waste from source material licensees is transferred, those who receive the waste may be unaware of any hazard and subject to potential exposure, and may pass the hazard to another waste handler who is also unaware of the potential exposure.

The petitioners considered three other regulatory alternatives to restricting the exemption for source material general licensees that included taking no action, separately licensing each entity who uses source material and could exceed part 20 exposure limits, and removing the exemption for all source material general licensees. The petitioners determined that taking no action is unacceptable because it allows general licensees to ignore basic radiation

protection standards and provides no protections to radiation workers.

The petitioners also determined that issuing a license to each source material general licensee would involve more expense than amending the regulations and would be unworkable because these types of licensees often go in and out of business. Also, the petitioners believe it would be inappropriate to apply conditions to each source material general licensee absent a rulemaking process and that the NRC would not be able to easily determine the scope of activities for each licensee. Lastly, the petitioners determined that removing the exemption in 10 CFR 40.22(b) for all source material general licensees would be inappropriate because many of these licensees use only small quantities of source material and pose very minimal risks to employees and the public.

The Petitioner's Conclusions

The petitioners conclude that 10 CFR 40.22(b) provides a blanket exemption for source material general licensees from the radiation protection and worker notification and instruction requirements contained in 10 CFR parts 19 and 20. The petitioners also conclude that no basis for this exemption exists because it allows these licensees to exceed currently specified dose limits, create areas where individuals may be exposed to significant levels of radiation, and dispose of radioactive waste in ways that are not permitted for other licensees. The petitioners request that the exemption in 10 CFR 40.22(b) be restricted as detailed in their petition for rulemaking to exclude source material general licensees who could exceed public dose limits or dose equivalent limits for an embryo/fetus or would require personnel monitoring or posting of a radiation area.

Dated at Rockville, Maryland, this 29th day of June, 1999.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 99-17190 Filed 7-6-99; 8:45 am]

BILLING CODE 7590-01-P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 123

Pre-Disaster Mitigation Loans

AGENCY: Small Business Administration (SBA).

ACTION: Proposed rule.

SUMMARY: SBA proposes to amend its disaster loan program regulations to implement a pilot program authorized

by Congress in 1999. The authorization covers 5 fiscal years (from 2000 to 2004) and will allow SBA to make low interest, fixed rate loans to small businesses to use mitigation measures in support of Project Impact, a formal mitigation program established by the Federal Emergency Management Agency (FEMA).

DATES: Submit comments on or before August 6, 1999.

ADDRESSES: Comments should be mailed to Bernard Kulik, Associate Administrator, Office of Disaster Assistance, Small Business Administration, 409 Third Street, S.W., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Bernard Kulik, 202-205-6734.

SUPPLEMENTARY INFORMATION: SBA proposes to amend part 123 of its regulations regarding disaster loans. The proposed amendments would allow small businesses to obtain low interest, fixed rate loans to use mitigation measures in support of Project Impact. In response to the problems of increasing costs and personal devastation caused by disasters, Congress has authorized a pilot program for 5 fiscal years from 2000 through 2004. The Administration has launched an approach to emergency management that moves away from the current reliance on response and recovery to an approach that emphasizes preparedness. SBA supports this approach and proposes offering pre-disaster mitigation loans to assist with disaster preparedness. SBA proposes to provide such loans to small businesses within Project Impact communities identified by FEMA. Currently, SBA disaster loans may be used only to repair or replace what was destroyed or damaged by disaster and provide an additional 20 percent for mitigation measures. Therefore, to promote preparedness, SBA proposes to amend this section of its regulations to provide pre-disaster mitigation loans for small businesses. Such pre-disaster mitigation loans will allow small businesses to install mitigation devices that may prevent future damage.

Compliance With Executive Orders 12612, 12988, and 12866, the Regulatory Flexibility Act (5 U.S.C. 601-612), and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

SBA certifies that this proposed rule is not a significant rule within the meaning of Executive Order 12866, since it is not likely to have an annual economic effect of \$100 million or more, result in a major increase in costs or prices, or have a significant adverse

effect on competition or the U.S. economy.

SBA certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

SBA certifies that this proposed rule does not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C., chapter 35.

For purposes of Executive Order 12612, SBA certifies that this proposed rule has no federalism implications warranting preparation of a Federalism Assessment.

For purposes of Executive Order 12988, SBA certifies that this proposed rule is drafted, to the extent practicable, to accord with the standards set forth in paragraph 2 of that Order.

List of Subjects in 13 CFR Part 123

Disaster assistance, Loan programs-business, Reporting and recordkeeping requirements, Small businesses.

For the reasons stated in the preamble, the Small Business Administration proposes to amend 13 CFR part 123 as follows:

PART 123—DISASTER LOAN PROGRAM

1. The authority citation for part 123 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6), 636(b), 636(c) and 636(f); Pub. L. 102-395, 106 Stat. 1828, 1864; and Pub. L. 103-75, 107 Stat. 739.

2. Revise § 123.107 to read as follows:

§ 123.107 What is mitigation?

Mitigation means specific measures taken by you to protect against recurring damage in similar future disasters. Examples include retaining walls, sea walls, grading and contouring land, relocating utilities and modifying structures. Pre-disaster mitigation is addressed in §§ 123.400 through 123.407. The money that you can borrow for mitigation is limited to the lesser of the cost of mitigation, or 20 percent of your loan to repair or replace your damaged primary residence and personal property. SBA will not accept a request for a loan increase for mitigation filed after final disbursement of your original loan unless you can show that your request was late because of substantial reasons beyond your control.

3. Add an undesignated centerheading and §§ 123.400 through 123.407 to read as follows: