Rules and Regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one position of Associate Administrator for Federal Management Policy is excepted under Schedule C.

Effective August 17, 1973, § 213.3337 (a) (13) is added as set out below.

§ 213.3337 General Services Administration.

(a) Office of Administrator for Federal Management Policy

*   *   *   *   *

(13) Associate Administrator for Federal Management Policy.

(5 U.S.C. 3301, 3302, E.O. 10547; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-17325 Filed 8-16-73;10:01 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 599]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period August 19–25, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.899 Lemon Regulation 599.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendations resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues active, exceeding supplies for 165's and larger sizes but has eased somewhat on 200's and 235's. Average f.o.b. price was $6.66 per carton the week ended August 11, 1973, compared to $6.11 per carton the previous week. Track and rolling supplies at 153 cars were up 8 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effectve during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 14, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 19, 1973, through August 25, 1973, is hereby fixed at 265,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 15, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-17371 Filed 8-16-73;11:35 am]

[Area No. 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

This document authorizes expenses of $3,625 for the Area No. 3 Committee under Marketing Order No. 948, as amended, during the 1973–74 fiscal period and fixes a rate of assessment of $0.007 per hundredweight of potatoes handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

Notice of rule making regarding the proposed expenses and rate of assessment for Area No. 3 (Northern Colorado) was published in the July 13, 1973, FEDERAL REGISTER (38 FR 18672). This regulatory program is effective under the

Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than August 13, 1973. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice which were recommended by the Area No. 3 Committee it is hereby determined that:

§ 948.270 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area No. 3 Committee to enable it to perform its functions, under this part, during the fiscal period ending June 30, 1974, will amount to $3,625.

(b) The rate of assessment to be paid by each handler under this part shall be $0.007 per hundredweight of potatoes grown in Area No. 3 handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1974 may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of this part require that the rate of assessment for a particular fiscal period apply to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on July 1, 1973, and the rate of assessment herein fixed will apply to all assessable potatoes beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Dated: August 14, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-17142 Filed 8-16-73;8:45 am]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Expenses of the Prune Administrative Committee and Rate of Assessment for the 1973-74 Crop Year

Notice was published in the July 30, 1973, issue of the FEDERAL REGISTER (38 FR 20265) regarding proposed expenses of the Prune Administrative Committee, and rate of assessment, for the 1973-74 crop year, under §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were received.

The proposal was based on a unanimous recommendaion of the Prune Administrative Committee. Expenses of the Committee for the 1973-74 crop year were proposed at $160,000. Also proposed was an assessment rate of $1.00 per ton of assessable prunes. The Committee estimated that the 1973-74 assessable tonnage would be 160,000 natural condition tons.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Prune Administrative Committee, and other available information, it is found that the expenses of the Prune Administrative Committee and the rate of assessment for the crop year beginning August 1, 1973, shall be as follows:

§ 993.324 Expenses of the Prune Administrative Committee and rate of assessment for the 1973-74 crop year.

(a) *Expenses.* Expenses in the amount of $160,000 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1973, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at $1.00 per ton of salable prunes handled by him as the first handler thereof.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all salable prunes handled by handlers as the first handlers thereof; and (2) the current crop year began on August 1, 1973, and the rate of assessment herein fixed will automatically apply to all such prunes beginning with that date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 14, 1973.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc.73-17183 Filed 8-16-73;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK) DEPARTMENT OF AGRICULTURE

[Milk Order No. 50]

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Central Illinois marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 20626) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of August 1973 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1050.61(a) the term "route disposition" as it first appears, and the term "route" as it subsequently appears twice therein.

STATEMENT OF CONSIDERATION

This suspension action removes the limit on the categories of Class I disposition in Federal order marketing areas that shall be counted in the determination of whether a distributing plant has a greater volume of Class I sales in the Central Illinois marketing area than in any other Federal order marketing area. For distributing plants which meet the minimum pooling provisions under more than one order, full regulation is provided under the order for the market where the greatest volume of Class I sales is made. Under the Central Illinois order, only Class I route disposition is now counted in such determination. This suspension would include, additionally, Class I disposition to order plants in the respective marketing areas, as is provided under the Quad Cities-Dubuque order.

Mississippi Valley Milk Producers Association, Inc., requests the suspension action to facilitate continued regulation of the Borden, Inc., Pekin, Illinois, distributing plant under the Central Illinois order rather than its being pooled under the Quad Cities-Dubuque order in August 1973. This producer association supplies the Pekin plant with member producer milk.

Over one-third of the Class I disposition pooled under the Central Illinois order is associated with the Pekin plant. If this plant shifts regulation to the Quad Cities-Dubuque market, the change in

Class I utilization percentages between the markets would result in a substantial reduction of the uniform price under the Central Illinois order and a substantial increase in the uniform price under the Quad Cities-Dubuque order. Consequently, it would have a disruptive impact on the milk procurement situation between the markets, as it is influenced by the relationship of uniform prices under the orders.

Also, if the Pekin plant were pooled under the Quad Cities-Dubuque order, it would adversely affect the aforementioned association's ability to continue supplying milk to the plant, since substantial additional hauling costs are incurred in moving its member milk to the Pekin location compared to plants located within the Quad Cities-Dubuque market, which are about 100 miles nearer to its member producers' farms. The Quad Cities-Dubuque order prices applicable at the Pekin plant location are the same as for plants located within 70 miles of Rock Island, Illinois (one of the Quad Cities).

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it would facilitate pooling a major portion of the market's Class I utilization during August 1973;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective for the month of August 1973.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for month of August 1973.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: August 17, 1973.

Signed at Washington, D.C., on: August 14, 1973.

CLAYTON YEUTTER,
Acting Secretary.

[FR Doc.73-17182 Filed 8-16-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 19—NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS

The Atomic Energy Commission has adopted a new regulation, 10 CFR Part 19, Notices, Instructions and Reports to Workers; Inspections, which includes certain provisions for the options of workers engaged in licensed activities concerning Commission inspections. These provisions are comparable with those provided by the Department of Labor for inspections pursuant to the Occupational Safety and Health Act of 1970 (OSHA), as set out in 29 CFR Part 1903. Several requirements from 10 CFR Part 20 regarding information that licensees must provide for these workers are included in Part 19.

The basic purpose of the new Part 19 is to provide options to workers concerning inspections of working conditions regulated by the Commission comparable to those afforded for working conditions regulated by the Department of Labor.

The Commission published a notice of proposed rulemaking in the FEDERAL REGISTER on January 4, 1973 (38 FR 802) that included the proposed Part 19. Interested persons were invited to submit written comments or suggestions for consideration in connection with the proposed amendments within 45 days after publication of the notice of proposed rule-making in the FEDERAL REGISTER.

After consideration of the comments received and other factors involved, the Commission has adopted the proposed new part and associated amendments to Part 20 published for comment, with certain modifications and editorial changes, and has amended 10 CFR Parts 31, 34, 35, 40, 70, 115 and 150, to clarify the applicability of Part 19. The more important changes made in Part 19 and the amendments based largely on these comments, are as follows:

(1) In many cases, the licensee may not be the employer of the individual workers protected by the amendments. Since it is the responsibility of the licensee rather than the individual's employer to control radiological working conditions, the terms "employer" and "employee" have been eliminated. The terms "licensee" and "worker" or "individual" as appropriate are used instead.

(2) Licensees frequently conduct licensed activities at two or more locations often involving different kinds of work. It has been made clear that the intent of the posting requirements in the proposed § 19.11 was to make the relevant documents accesible to workers involved in the licensed activities at the location to which the documents, e.g., notices of violation, apply.

(3) It has been clarified that the requirement in § 19.11 for posting notices of violations, notices of proposed imposition of civil penalty, or orders issued pursuant to Subpart B of Part 2 of this chapter, applies only to documents relevant to radiological working conditions.

(4) In many cases, the documents required to be posted by the provisions of § 19.11 are complex, bulky, and of little interest to any but the workers engaged in the particular licensed activity. If adequate accessibility of these documents to workers is assured, it is considered acceptable instead to post a notice describing such documents, stating where they may be examined.

(5) Because of the time required to disseminate and post a notice of violation, proposed imposition of civil penalty, or order issued by the Commission, and to prepare a preliminary response if desired, the time within which documents are required to be posted has been changed in § 19.11 from 24 hours to 2 working days. Similarly, to take into account prompt corrective action, the time required for the documents to remain posted is changed from 10 working days (or until correction, whichever is later) to 5 working days (or until correction, whichever is later).

(6) Section 19.15 permits the worker to bring occupational radiological protection matters privately to the attention of the inspector; § 19.16 permits the worker to notify the Commission in writing about working conditions he believes are in violation of the Act, the regulations, or license conditions; on the other hand, § 19.12 requires the licensee to instruct the worker to report promptly to the licensee certain matters regarding working conditions. The interests of worker safety are best served in matters concerning working conditions if supervisors, who can act promptly to correct undesirable conditions, are notified promptly. It is the intent of this regulation to encourage the worker to notify the licensee of possibly undesirable conditions prior to his notifying the Commission, thus avoiding unnecessary delays in corrective action. The point is clarified.

In addition, a number of other minor and editorial changes have been made that reflect written comments received.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following new Part 19 of Title 10, Chapter I, Code of Federal Regulations is published as a document subject to codification, to be effective on September 17, 1973.

A new Part 19 is added to read as follows:

AUTHORITY: Atomic Energy Act of 1954; as amended, and sections 552, 553 of title 5, U.S.C.

§ 19.1 Purpose.

The regulations in this part establish requirements for notices, instructions and reports by licensees to individuals participating in licensed activities, and options available to such individuals in connection with Commission inspections of licensees to ascertain compliance with the provisions of the Atomic Energy Act of 1954, as amended, and regulations, orders and licensees issued thereunder regarding radiological working conditions.

§ 19.2 Scope.

The regulations in this part apply to all persons who receive, possess, use or transfer material licensed by the Commission pursuant to the regulations in Parts 30 through 35, 40, or 70 of this chapter, including persons licensed or authorized to operate a production or utilization facility pursuant to Part 50 or Part 115 of this chapter.

§ 19.3 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954, (68 Stat. 919) including any amendments thereto;

(b) "Commission" means the United States Atomic Energy Commission;

(c) "Worker" means an individual engaged in activities licensed by the Commission and controlled by a licensee, but does not include the licensee.

(d) "License" means a license issued under the regulations in Parts 30 through 35, 40, or 70 of this chapter, including licenses to operate a production or utilization facility pursuant to Part 50 of this chapter. "Licensee" means the holder of such a license.

(e) "Restricted area" means any area access to which is controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive materials. "Restricted area" shall not include any areas used as residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

§ 19.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 19.5 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part should be addressed to the Director of Regulatory Operations, U.S. Atomic Energy Commission, Washington, D.C. 20545. Communications, reports and applications may be delivered in person at the Commission's offices at 1717 H Street, NW., Washington, D.C.; at 7920 Norfolk Avenue, Bethesda, Maryland; or at Germantown, Maryland.

§ 19.11 Posting of notices to workers.

(a) Each licensee shall post current copies of the following documents: (1) The regulations in this part and in Part 20 of this chapter; (2) the license, license conditions, or documents incorporated into a license by reference, and amendments thereto; (3) the operating procedures applicable to licensed activities; (4) any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued pursuant to Subpart B of Part 2 of this chapter, and any response from the licensee.

(b) If posting of a document specified in paragraph (a),(1), (2) or (3) of this section is not practicable, the licensee may post a notice which describes the document and states where it may be examined.

(c) Form AEC-3, "Notice to Employees," shall be posted by each licensee wherever individuals work in or frequent any portion of a restricted area.

NOTE: Copies of Form AEC-3 may be obtained by writing to the Director of the appropriate U. S. Atomic Energy Commission Regional Regulatory Operations Office listed in Appendix "D", Part 20 of this chapter, or the Directorate of Licensing, U. S. Atomic Energy Commission, Washington, D.C. 20545.

(d) Documents, notices, or forms posted pursuant to this section shall appear in a sufficient number of places to permit individuals engaged in licensed activities to observe them on the way to or from any particular licensed activity location to which the document applies, shall be conspicuous, and shall be replaced if defaced or altered.

(e) Commission documents posted pursuant to paragraph (a)(4) of this section shall be posted within 2 working days after receipt of the documents from the Commission; the licensee's response, if any, shall be posted within 2 working days after dispatch by the licensee. Such documents shall remain posted for a minimum of 5 working days or until action correcting the violation has been completed, whichever is later.

§ 19.12 Instructions to workers.

All individuals working in or frequenting any portion of a restricted area shall be kept informed of the storage, transfer, or use of radioactive materials or of radiation in such portions of the restricted area; shall be instructed in the health protection problems associated with exposure to such radioactive materials or radiation, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed; shall be instructed in, and instructed to observe, to the extent within the worker's control, the applicable provisions of Commission regulations and licenses for the protection of personnel from exposures to radiation or radioactive materials occurring in such areas; shall be instructed of their responsibility to report promptly to the licensee any condition which may lead to or cause a violation of Commission regulations and licenses or unnecessary exposure to radiation or to radioactive material; shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and shall be advised as to the radiation exposure reports which workers may request pursuant to § 19.13. The extent of these instructions shall be commensurate with potential radiological health protection problems in the restricted area.

§ 19.13 Notifications and reports to individuals.

(a) Radiation exposure data for an individual, and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual, shall be reported to the individual as specified in this section. The information reported shall include data and results obtained pursuant to Commission regulations, orders or license conditions, as shown in records maintained by the licensee pursuant to Commission regulations. Each notification and report shall: be in writing; include appropriate identifying data such as the name of the licensee, the name of the individual, the individual's social security number; include the individual's exposure information; and contain the following statement:

This report is furnished to you under the provisions of the Atomic Energy Commission regulation 10 CFR Part 19. You should preserve this report for further reference.

(b) At the request of any worker, each licensee shall advise such worker annually of the worker's exposure to radiation or radioactive material as shown in records maintained by the licensee pursuant to § 20.401(a) and (c).

(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. 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; shall cover, within the period of time specified in the request, each calendar quarter in which the worker's activities involved exposure to radiation from radioactive materials licensed by the Commission; and shall include the dates and locations of licensed activities in which the worker participated during this period.

(d) When a licensee is required pursuant to § 20.405 or § 20.408 of this chapter to report to the Commission any exposure of an individual to radiation or radioactive material the licensee shall also provide the individual a report on his exposure data included therein. Such report shall be transmitted at a time not later than the transmittal to the Commission.

§ 19.14 Presence of representatives of licensees and workers during inspections.

(a) Each licensee shall afford to the Commission at all reasonable times opportunity to inspect materials, activities, facilities, premises, and records pursuant to the regulations in this chapter.

(b) During an inspection, Commission inspectors may consult privately with workers as specified in § 19.15. The licensee or licensee's representative may accompany Commission inspectors during other phases of an inspection.

(c) If, at the time of inspection, an individual has been authorized by the workers to represent them during Commission inspections, the licensee shall notify the inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

(d) Each workers' representative shall be routinely engaged in licensed activities under control of the licensee and shall have received instructions as specified in § 19.12.

(e) Different representatives of licensees and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.

(f) With the approval of the licensee and the workers' representative an individual who is not routinely engaged in licensed activities under control of the license, for example, a consultant to the licensee or to the workers' representative, shall be afforded the opportunity to accompany Commission inspectors during the inspection of physical working conditions.

(g) Notwithstanding the other provisions of this section, Commission inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas containing information classified by an agency of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee to enter that area.

§ 19.15 Consultation with workers during inspections.

(a) Commission inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of Commission regulations and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

(b) During the course of an inspection any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition which he has reason to believe may have contributed to or caused any violation of the act, the regulations in this chapter, or license condition, or any unnecessary exposure of an individual to radiation from licensed radioactive material under the licensee's control. Any such notice in writing shall comply with the requirements of § 19.16(a).

(c) The provisions of paragraph (b) of this section shall not be interpreted as authorization to disregard instructions pursuant to § 19.12.

§ 19.16 Requests by workers for inspections.

(a) Any worker or representative of workers who believes that a violation of the Act, the regulations in this chapter, or license conditions exists or has occurred in license activities with regard to radiological working conditions in which the worker is engaged, may request an inspection by giving notice of the alleged violation to the Director of Regulatory Operations, to the Director of the appropriate Commission Regional Office, or to Commission inspectors. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of workers. A copy shall be provided the licensee by the Director of Regulatory Operations, Regional Office Director, or the inspector no later than at the time of inspection except that, upon the request of the worker giving such notice, his name and the name of individuals referred to therein shall not appear in such copy or on any record published, released, or made available by the Commission, except for good cause shown.

(b) If, upon receipt of such notice, the Director of Regulatory Operations or Regional Office Director determines that the complaint meets the requirements set forth in paragraph (a) of this section, and that there are reasonable grounds to believe that the alleged violation exists or has occurred, he shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists or has occurred. Inspections pursuant to this section need not be limited to matters referred to in the complaint.

(c) No licensee shall discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under the regulations in this chapter or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of himself or others of any option afforded by this part.

§ 19.17 Inspections not warranted; informal review.

(a) If the Director of Regulatory Operations or of the appropriate Regional Office determines, with respect to a complaint under § 19.16, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, he shall notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the Director of Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, who will provide the licensee with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee may submit an opposing written statement of position with the Director of Regulation who will provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant, the Director of Regulation or his designee may hold an informal conference in which the complainant and the licensee may orally present their views. An informal conference may also be held at the request of the licensee, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written and oral views presented, the Director of Regulation shall affirm, modify, or reverse the determination of the Director of Regulatory Operations or of the appropriate Regional Office and furnish the complainant and the licensee a written notification of his decision and the reason therefor.

(b) If the Director of Regulatory Operations or of the appropriate Regional Office determines that an inspection is not warranted because the requirements of § 19.16(a) have not been met, he shall notify the complainant in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of § 19.16(a).

§ 19.30 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation, or order issued thereunder, or any term, condition or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

§ 19.31 Application for exemptions.

The Commission may, upon application by any licensee or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not result in undue hazard to life or property.

(Secs. 53, 63, 81, 103, 104, 161, 68 Stat. 930, 933, 936, as amended, 937, 948; 42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201)

Dated at Germantown, Maryland this 9th day of August 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-17081 Filed 8-16-73;8:45 am]

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Reports to Employees and Other Individuals

The Atomic Energy Commission published a notice in the FEDERAL REGISTER on January 4, 1973 (38 FR 805) that it had under consideration proposed amendments to 10 CFR Part 20 of the Commission's regulations. The amendments would transfer from 10 CFR Part 20 certain sections that would be incorporated in the new 10 CFR Part 19, and would add to 10 CFR Part 20 appropriate references to new 10 CFR Part 19 so that the transferred provisions could be easily found. A new section would be added containing the requirements for notification and reports to individuals which could include persons other than employees. The requirements for reports to individuals as specified in §§ 20.405(c) and 20.408 would be combined into one paragraph of the new section. Interested persons were invited to submit written comments or suggestions for consideration in connection with the proposed amendments within 45 days after publication of the notice of proposed rulemaking in the FEDERAL REGISTER.

After consideration of the comments received, the Commission has adopted the proposed amendments. Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 20 are published as a document subject to codification, to be effective on September 17, 1973.

Concurrently with publication of this notice, the Atomic Energy Commission is publishing a new part to its regulations, 10 CFR Part 19, Notices, Instructions and Reports to Workers; Inspections.

1. Section 20.206 is amended to read as follows:

§ 20.206 Instruction of personnel.

Instructions required for individuals working in or frequenting any portion of a restricted area are specified in § 19.12 of this chapter.

§ 20.404 [Deleted]

2. Section 20.404 is deleted.

§ 20.405 [Amended]

3. Paragraph (c) of § 20.405 is deleted.

§ 20.406 [Deleted]

4. Section 20.406 is deleted.

§ 20.408 [Amended]

5. Section 20.408 is amended to delete the words "to such individual and".

6. A new § 20.409 is added to read as follows:

§ 20.409 Notifications and reports to individuals.

(a) Requirements for notifications and reports to individuals of exposure to radiation or radioactive material are specified in § 19.13 of this chapter.

(b) When a licensee is required pursuant to §§ 20.405 or 20.408 to report to the Commission any exposure of an individual to radiation or radioactive material, the licensee shall also notify the individual. Such notice shall be transmitted at a time not later than the transmittal to the Commission, and shall comply with the provisions of § 19.13(a) of this chapter.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Maryland, this 10th day of August 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-17080 Filed 8-16-73;8:45 am]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Notice is hereby given of the amendment of 10 CFR Parts 31, 34, 35, 40, 70, 115, and 150.

Concurrently with the publication of this notice, the Atomic Energy Commission is publishing a new part to its regulations, 10 CFR Part 19, Notices, Instructions and Reports to Workers; Inspections. Certain sections that formerly appeared in 10 CFR Part 20 have been transferred to 10 CFR Part 19. In 10 CFR Parts 31, 34, 35, 40, 70, 115, and 150, references to 10 CFR Part 20 are made. The amendments which follow add 10 CFR Part 19 where each reference to a transferred section of 10 CFR Part 20 is made.

Other sections of the new 10 CFR Part 19 provide options to workers concerning inspections of working conditions regulated by the Commission comparable to those that are afforded for working conditions regulated by the Department of Labor pursuant to the Occupation Safety and Health Act of 1970, as set out in 29 CFR Part 1903. The amendments to 10 CFR Parts 31, 35 and 40 which follow exempt certain holders of general licenses from the requirements of 10 CFR Part 19 as well as from 10 CFR Part 20. The amendment to 10 CFR Part 34 requires licensees to provide radiographers with copies of, and instruction in applicable sections of, 10 CFR Part 19 as well as 10 CFR Part 20. The amendments to 10 CFR Parts 70 and 150 subject certain general licensees under those parts to the provisions of 10 CFR Part 19 as well as to 10 CFR Part 20. The amendment to 10 CFR Part 115 subjects persons authorized to operate certain Commission-owned nuclear reactors to the provisions of 10 CFR Part 19 as well as 10 CFR Part 20.

Because these amendments relate solely to clarification and consistency with existing regulations, the Commission has found that notice of proposed rulemaking and public procedure thereon are unnecessary.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the following amendments of 10 CFR Parts 31, 34, 35, 40, 70, 115 and 150 of the Commission's regulations are published as a document subject to codification, to be effective on September 17, 1973.

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL

1. Paragraph (a) of § 31.2 of 10 CFR Part 31 is amended to read as follows:

§ 31.2 Terms and conditions.

(a) The general licenses provided in this part are subject to the provision of §§ 30.14(d), 30.34(a) to (e), 30.51 to 30.63 and Parts 19, 20 and 36 of this chapter[1] unless indicated otherwise in the language of the general license.

* * * * *

2. Subparagraph (7) of § 31.5(d) of 10 CFR Part 31 is amended to read as follows:

§ 31.5 Certain measuring, gauging or controlling devices.

* * * * *

(d) Persons who own, receive, acquire, possess or use a device pursuant to the general license contained in this section:

* * * * *

(7) Shall be exempt from the requirements of Parts 19 and 20 of this chapter, except that such persons shall comply with the provisions of §§ 20.402 and 20.403 of this chapter.

* * * * *

§ 31.7 [Amended]

3. Paragraph (b) of § 31.7 of 10 CFR Part 31 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".

§ 31.8 [Amended]

4. Paragraph (c) of § 31.8 of 10 CFR Part 31 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".

5. Subparagraph (3) of § 31.10(b) of 10 CFR Part 31 is amended to read as follows:

§ 31.10 General license for strontium 90 in ice detection devices.

* * * * *

(b) Persons who own, receive, acquire, possess, use or transfer strontium 90 contained in ice detection devices pursuant to the general license in paragraph (a) of this section:

* * * * *

(3) Are exempt from the requirements of Parts 19 and 20 of this chapter except that such persons shall comply with the provisions of §§ 20.301, 20.402, and 20.403 of this chapter.

* * * * *

§ 31.11 [Amended]

6. Paragraph (f) of § 31.11 of 10 CFR Part 31 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".

PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

7. Subparagraph (2) of § 34.31(a) of 10 CFR 34 is amended to read as follows:

§ 34.31 **Limitations.**

(a) The licensee shall not permit any person to act as a radiographer until such person:

* * * * *

(2) Has received copies of and instruction in the regulations contained in this part and in the applicable sections of Parts 19 and 20 of this chapter, AEC license(s), and the licensee's operating and emergency procedures, and shall have demonstrated understanding thereof; and

* * * * *

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

§ 35.31 **[Amended]**

8. Paragraph (e) of § 35.31 of 10 CFR Part 35 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".

PART 40—LICENSING OF SOURCE MATERIAL

§ 40.22 **[Amended]**

9. Paragraph (b) of § 40.22 of 10 CFR Part 40 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".

PART 70—SPECIAL NUCLEAR MATERIAL

§ 70.19 **[Amended]**

10. Paragraph (c) of § 70.19 of 10 CFR Part 70 is amended by deleting "Part 20 of this chapter" and substituting therefor "Parts 19 and 20 of this chapter".

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

11. Paragraph (b) of § 115.80 of 10 CFR Part 115 is amended to read as follows:

§ 115.80 **Applicability of other regulations.**

* * * * *

(b) Each holder of an authorization shall comply with the provisions of Parts 19 and 20 of this chapter to the same extent as if such authorization were a license issued under Part 50 of this chapter.

* * * * *

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

12. The prefatory language of paragraph (b) of § 150.20 of 10 CFR Part 150 is amended to read as follows:

§ 150.20 **Recognition of Agreement State licenses.**

* * * * *

(b) Notwithstanding any provision to the contrary in any specific license issued by an Agreement State to a person who engages in activities in a non-Agreement State under a general license provided in this section, the general license provided in this section is subject to the provisions of §§ 30.14(d), 30.34, and 30.51 to 30.63 inclusive of Part 30 of this chapter; §§ 40.41, 40.61 to 40.63 inclusive, 40.71, and 40.81 of Part 40 of this chapter; and §§ 70.32, 70.51 to 70.56 inclusive, 70.61, 70.62, and 70.71 of Part 70 of this chapter; and to the provision of Parts 19, 20, 71, and Subpart B of Part 34 of this chapter. In addition any person who engages in activities in non-Agreement States under a general license provided in this section:

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Maryland this 10th day of August, 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-17082 Filed 8-16-73;8:45 am]

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

PART 55—OPERATORS' LICENSES

Requalification Requirements for Operating Personnel of Production and Utilization Facilities

On June 14, 1972, the Atomic Energy Commission published in the FEDERAL REGISTER (37 FR 11785) for public comment proposed amendments to 10 CFR Part 55, Operators' Licenses, which would (1) provide for the use of requalification programs for operating personnel as a condition of license renewal and (2) establish minimum requirements for requalification programs for production and utilization facility operators and senior operators.

All interested persons were invited to submit comments or suggestions in connection with the proposed amendments within 60 days after publication of the notice of proposed rulemaking in the FEDERAL REGISTER. After careful consideration of the comments received in response to the notice of proposed rule making and other factors involved, the Commission has decided to adopt the amendments in the form set out below. The amendments as adopted reflect the suggestions in a number of the comments. The principal changes from the proposed amendments are as follows:

1. A new § 50.34(b)(8) has been added which requires that each application for a license to operate a facility include a description and plans for implementation of an operator requalification program which, as a minimum, meets the requirements of Appendix A of Part 5.

2. A new § 50.54(i-1) has been added which:

a. Clarifies that Appendix A of Part 55 is applicable to requalification programs for operators and senior operators of all production and utilization facilities;

b. Specifies that within three months after issuance of an operating license the facility licensee shall have in operation an operator requalification program;

c. Provides that, notwithstanding the provisions of § 50.59, the licensee shall not, except as specifically authorized by the Commission, make a change in an approved operator requalification program by which the scope, time allotted for the program or frequency in conducting different parts of the program is decreased; and

d. Requires holders of operating licenses in effect on the effective date of these amendments to submit an operator requalification program for Commission approval and concurrently implement that program within three months after the effective date of the amendments.

3. Section 55.31 has been revised to require a licensee, who has not, for any reason, been actively performing the functions of an operator or a senior operator for a period of four months or longer, to demonstrate to the Commission that his knowledge and understanding of facility operation and administration are satisfactory before resuming his licensed duties as an operator or a senior operator.

4. Section 55.33 has been revised to permit the submission to the Commission in an application for license renewal filed within two years after the effective date of these amendments a statement as to partial completion of a requalification program in cases where an operator has not completed the entire program at the time of license renewal because of the time necessary for the facility licensee to implement the requalification program prescribed in the amendments. The operator will be required to submit a statement covering those portions of the requalification program which have been completed as of the date of the application.

5. A new Section 1 entitled, "Schedule," has been added to Appendix A and existing Sections 1 through 5 of Appendix A have been renumbered 2 through 6, respectively. New Section 1 requires the requalification program to be conducted for a continuous period not to exceed two years and upon conclusion to be promptly followed by successive requalification programs.

6. Section 2 of Appendix A entitled, "Lectures", has been revised to:

a. Permit the use of an annual written examination given to each operator or senior operator to form the basis for the lecture series. Only areas where improved knowledge is required of an operator need be covered in the lecture series;

b. Permit the use of training aids such as films and videotapes; and

c. Encourage individual study on the part of each operator, but provide that a requalification program based solely upon the use of films, videotapes and individual study is not an acceptable substitute for a lecture series.

7. Section 3 of Appendix A entitled, "On-the-Job Training," has been revised to:

a. Permit the substitution of control manipulations which demonstrate skill and/or familiarity with plant control systems to satisfy the requirements that an operator manipulate the plant controls;

b. Require that for reactors, the plant control manipulations consist of at least 10 reactivity control manipulations in any combination of reactor startups, reactor shutdowns or other control manipulations which demonstrate skill and/or familiarity with reactivity control systems; and

c. Permit the required control manipulations to be performed on plant simulators which reproduce the general operating characteristics of the facility involved and which have arrangements and controls similar to that of the facility. This modification is intended to allow the use of simulators which are similar to but not identical to the controls of the production or utilization facility to which the requalifiation program applies.

8. Section 4 of Appendix A entitled, "Evaluation," has been revised to:

a. Permit the use of annual written examinations to form the basis for the formal lecture series coverage for each operator or senior operator;

b. Require that if a plant simulator is used in the evaluation portion of the requalification program, it accurately reproduce the operating characteristics of the facility involved and closely parallel the arrangement of instrumentation and controls of the facility; and

c. Require each licensed operator and senior operator to participate in an accelerated requalification program where evaluation of performance clearly indicates the need.

9. Section 5 of Appendix A entitled, "Records", has been revised to better specify the content of records to be maintained to document each licensed operator's and senior operator's participation in the requalification program.

10. Section 6 of Appendix A entitled, "Alternative Training Programs," has been revised to require Commission approval of alternative requalification programs conducted by persons other than the facility licensee.

11. A new Section 7 entitled "Applicability to Research and Test Reactors and Non-Reactor Facilities" has been added to:

a. Clarify the applicability of the requirements of Appendix A with regard to research and test reactors and nonreactor facilities, such as fuel reprocessing plants, and

b. Require that significant deviations from the provisions of Appendix A of Part 55 in a proposed requalification program for such facilities be justified when the program is submitted to the Commission for approval.

12. Minor editorial changes have also been made to 10 CFR Part 55.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 50 and 55 are published as a document subject to codification to be effective on September 17, 1973.

1. A new subparagraph (8) is added to § 50.34(b) to read as follows:

§ 50.34 Contents of applications: Technical information.

* * * * *

(b) * * *

(8) A description and plans for implementation of an operator requalification program. The operator requalifiation program shall, as a minimum, meet the requirements for those programs contained in Appendix A of Part 55 of this chapter.

In § 50.54, a new paragraph (i-1) is added to read as follows:

§ 50.54 Conditions of licenses.

Whether stated therein or not, the following shall be deemed conditions in every license issued:

* * * * *

(i-1) Within three (3) months after issuance of an operating license, the licensee shall have in effect an operator requalification program which shall, as a minimum, meet the requirements of Appendix A of Part 55 of this Chapter. Notwithstanding the provisions of § 50.59 the licensee shall not except as specifically authorized by the Commission, make a change in an approved operator requalification program by which the scope, time allotted for the program or frequency in conducting different parts of the program is decreased. Holders of operating licenses in effect on September 17, 1973, shall within three months after September 17, 1973, submit for Commission approval an operator requalification program which shall, as a minimum, meet the requirements of Appendix A of Part 55 of this chapter and concurrently implement such a program.

* * * * *

3. In § 55.31, paragraph (e) is redesignated as paragraph (f) and a new paragraph (e) is added to read as follows:

§ 55.31 Conditions of the licenses.

Each license shall contain and is subject to the following conditions, whether stated in the license or not:

* * * * *

(e) If a licensee has not been actively performing the functions of an operator or senior operator for a period of four months or longer, he shall, prior to resuming activities licensed pursuant to this part, demonstrate to the Commission that his knowledge and understanding of facility operation and administration are satisfactory. The Commission may accept as evidence, a certification by an authorized representative of the facility licensee or by the holder of an operating authorization by which the licensee has been employed.

* * * * *

4. Paragraph (a) (4) and (5) of § 55.33 are redesignated as paragraph (a) (5) and (6), respectively; a new paragraph (a) (4) is added, and paragraph (c) (2) is revised to read as follows:

§ 55.33 Renewal of licenses.

(a) Application for renewal of a license shall be signed by the applicant and shall contain the following information:

* * * * *

(4) A statement that during the effective term of his current license the applicant has satisfactorily completed the requalification program for the facility for which operator or senior operator license renewal is sought. In the case of an application for license renewal filed within two years after September 17, 1973, if the facility licensee has not implemented the requalification program requirements in time for the applicant to complete an approved requalification program before the effective term of his current license expires, the applicant shall submit a statement showing his current enrollment in an approved requalification program and describing those portions of the program which he had completed by the date of his application for license renewal.

* * * * *

(c) The license will be renewed if the Commission finds that:

* * * * *

(2) (i) The licensee has been actively and extensively engaged as an operator or as a senior operator under his existing license, has discharged his responsibilities competently and safely, and is capable of continuing to do so.

(ii) The licensee has completed a requalification program or is presently enrolled in a requalification program if the completion of the requalification program will occur after the expiration of his license as provided in subparagraph (a) (4) of this section.

(iii) If the requirements of paragraph (c) (2) (i) and (ii) of this section are not met, the Commission may require the applicant for renewal to take a written examination or an operating test or both.

* * * * *

5. An Appendix A is added to Part 55 to read as follows:

APPENDIX A

REQUALIFICATION PROGRAMS FOR LICENSED OPERATORS OF PRODUCTION AND UTILIZATION FACILITIES

Introduction

Section 50.54 of 10 CFR Part 50 requires that individuals who manipulate controls of production and utilization facilities be licensed as operators by the Commission and that individuals who direct the licensed activities of licensed operators be licensed as senior operators in accordance with 10 CFR Part 55. Section 55.33 of 10 CFR Part 55 requires that each licensed individual demonstrate his continued competence every two years in order for his license to be renewed. Competence may be demonstrated, in lieu of reexamination, by satisfactory completion of a requalification program which has been reviewed and approved by the Commission.

Periodic requalification for all operators and senior operators of production and utilization facilities is necessary for the personnel to maintain competence, particularly to respond to abnormal and emergency situations. The complexity of design and operating modes of production and utilization facilities require that ongoing comprehensive requalification programs be conducted for all licensed operators and senior operators as a matter of sound principle and practice.

Licensed operators and senior operators of production and utilization facilities who have been actively and extensively engaged as operators or as senior operators shall participate in requalification programs meeting the requirements of this Appendix. Individuals who maintain operator or senior operator licenses for the purpose of providing backup capability to the operating staff shall participate in the requalification programs except to the extent that their normal duties preclude the need for specific retraining in particular areas. Licensed operators or senior operators whose licenses are conditioned to permit manipulation of specific controls only shall participate in those portions of the requalification program appropriate to the duties they perform.

The requalification program requirements involving manipulation of controls may be performed on the facility for which the operator is licensed. However, the use of a simulator as specified in Paragraphs 3e and 4d of this appendix is permissible and such use is encouraged.

Requalification Program Requirements

1. *Schedule*. The requalification program shall be conducted for a continuous period not to exceed two years, and upon conclusion shall be promptly followed, pursuant to a continuous schedule, by successive requalification programs.

2. *Lectures*. The requalification program shall include preplanned lectures on a regular and continuing basis throughout the license period in those areas where annual operator and senior operator written examinations indicate that emphasis in scope and depth of coverage is needed in the following subjects:

a. Theory and principles of operation.

b. General and specific plant operating characteristics.

c. Plant instrumentation and control systems.

d. Plant protection systems.

e. Engineered safety systems.

f. Normal, abnormal, and emergency operating procedures.

g. Radiation control and safety.

h. Technical specifications.

i. Applicable portions of Title 10, Chapter I, Code of Federal Regulations.

Other training techniques including films, videotapes and other effective training aids may also be used.

Individual study on the part of each operator shall be encouraged. However, a requalification program based solely upon the use of films, videotapes and/or individual study is not an acceptable substitute for a lecture series.

3. *On-the-job training*. The requalification program shall include on-the-job training so that:

a. Each licensed operator of a production or utilization facility manipulates the plant controls and each licensed senior operator either manipulates the controls or directs the activities of individuals during plant control manipulations during the term of their licenses. For reactor operators and senior operators, these manipulations shall consist of at least 10 reactivity control manipulations in any combination of reactor startups, reactor shutdowns or other control manipulations which demonstrate skill and/or familiarity with reactivity control systems.

b. Each licensed operator and senior operator has demonstrated satisfactory understanding of the operation of all apparatus and mechanisms and knows the operating procedures in each area for which he is licensed.

c. Each licensed operator and senior operator is cognizant of facility design changes, procedure changes, and facility license changes.

d. Each licensed operator and senior operator reviews the contents of all abnormal and emergency procedures on a regularly scheduled basis.

e. A simulator may be used in meeting the requirements of paragraphs 2a and 2b if the simulator reproduces the general operating characteristics of the facility involved, and the arrangement of the instrumentation and controls of the simulator is similar to that of the facility involved.

4. *Evaluation*. The requalification program shall include:

a. Annual written examinations which determine areas in which retraining is needed to upgrade licensed operator and senior operator knowledge.

b. Written examinations which determine licensed operators' and senior operators' knowledge of subjects covered in the requalification program and provide a basis for evaluating their knowledge of abnormal and emergency procedures.

c. Systematic observation and evaluation of the performance and competency of licensed operators and senior operators by supervisors and/or training staff members including evaluation of actions taken or to be taken during actual or simulated abnormal and emergency conditions.

d. Simulation of emergency or abnormal conditions that may be accomplished by using the control panel of the facility involved or by using a simulator. Where the control panel of the facility is used for simulation, the actions taken or to be taken for the emergency or abnormal condition shall be discussed; actual manipulation of the plant controls is not required. If a simulator is used in meeting the requirements of paragraph 4c, the simulator shall accurately reproduce the operating characteristics of the facility involved and the arrangement of the instrumentation and controls of the simulator shall closely parallel that of the facility involved.

e. Provisions for each licensed operator and senior operator to participate in an accelerated requalification program where performance evaluations conducted pursuant to paragraphs 4a through 4d clearly indicate the need.

5. *Records*. Records of the requalification program shall be maintained to document each licensed operator's and senior operator's participation in the requalification program. The records shall contain copies of written examinations administered, the answers given the licensee, results of evaluations and documentation of any additional training administered in areas in which an operator or senior operator has exhibited deficiencies.

6. *Alternative training programs*. The requirements of this appendix may be met by requalification programs conducted by persons other than the facility licensee if such requalification programs are similar to the program described in paragraphs 1 through 5, and the alternative program has been approved by the Commission.

7. *Applicability to research and test reactors and non-reactor facilities*. To accommodate specialized modes of operation and differences in control, equipment, and operator skills and knowledge, the requalification program for each licensed operator and senior operator of a research or test reactor or of a non-reactor facility shall conform generally but need not be identical to the requalification program outlined in paragraphs 1 through 6 of this appendix. However, significant deviations from the requirements of this appendix shall be permitted only if supported by written justification and approved by the Commission.

(Sec. 161 b., i., 68 Stat. 948 as amended; 42 U.S.C. 2201 (b), (i))

Dated at Germantown, Maryland this 10th day of August 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-17000 Filed 8-16-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-SW-39; Amdt. 39-1704]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 204B and 205A-1 Helicopters

Amendment 39-1470, 37 FR 12308, A.D. 72-13-6, required inspections for fatigue cracks and corrosion and for proper assembly and sealing of Tail Rotor Grip Assemblies on Bell Model 204B, 205A, and 205A-1 helicopters. After issuing Amendment 39-1470, several reports were recently received of fatigue cracks in the internal threaded portion of the tail rotor grips with service times varying from 610 hours to 1000 hours time in service. These cracks are possibly due to corrosion. In the interest of safety, the A.D. is being superseded by a new A.D. which requires replacement of all Tail Rotor Grip Assemblies, P/N 204-011-706 or 204-011-728, as applicable, prior to 500 hours total time in service, with the exception of those with 495 or more hours which must be replaced within the next 5 hours time in service. In addition, appropriate sealing of the grip assemblies is required and an inspection of the tail rotor grip bearings is required to assure that they are in a serviceable condition. The new A.D. does not include the Model 205A, since these aircraft have all been converted to the Model 205A-1.

Since a situation exits that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive: