

# rules and regulations

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## Title 10—Energy

### CHAPTER I—NUCLEAR REGULATORY COMMISSION

#### PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

##### Codification

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is issuing a statement of its organization and functions that sets out in codified form a description of the major program and staff components of the agency and their functions, lists the location of NRC offices, and describes the NRC seal and flag. This notice, which supersedes notices published on January 22, 1975, and December 11, 1975, complies with provisions of the Freedom of Information Act that each agency shall publish a description of its organization and a list of locations where the public may obtain information.

EFFECTIVE DATE: July 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Betty L. Wagman, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-492-8133.

SUPPLEMENTARY INFORMATION: On January 22, 1975, the Nuclear Regulatory Commission (NRC) published in the FEDERAL REGISTER (40 FR 3520) a notice of the transition organization of its major program and staff components. This notice included a statement that "The organizational requirements of NRC are currently undergoing intensive review by the Commission and further refinements are expected in due course." On December 11, 1975, the NRC published a notice in the FEDERAL REGISTER (40 FR 57722), describing its official seal and restrictions on its use.

Notice is hereby given of a new Part 1 of the NRC regulations, entitled "Statement of Organization and General Information," which is issued pursuant to 5 U.S.C. 552(a)(1), the Freedom of Information Act. This notice supersedes the notices published on January 22, 1975, and December 11, 1975.

Because this notice relates to matters of agency organization and practice, general notice of proposed rulemaking and public procedure thereon are unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorga-

nization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following new Part 1 of Title 10, Chapter I, Code of Federal Regulations, is published as a document subject to codification.

A new Part 1 is added to read as follows:

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- Sec. 1.1 Creation and authority.
- 1.2 Sources of additional information.
- 1.3 Location of principal offices and regional offices.

##### Subpart B—Headquarters

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- PANELS, BOARDS, AND COMMITTEES
- 1.11 Atomic Safety and Licensing Board Panel.
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- 1.21 Other committees, boards and panels.

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- 1.31 Office of Policy Evaluation.
- 1.32 Office of the General Counsel.
- 1.33 Office of the Secretary.
- 1.34 Office of Public Affairs.
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##### EXECUTIVE DIRECTOR

- 1.40 Office of the Executive Director for Operations.

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- 1.42 Office of the Executive Legal Director.
- 1.43 Office of the Controller.
- 1.44 Office of Equal Employment Opportunity.
- 1.45 Office of Planning and Analysis.
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- 1.47 Office of State Programs.
- 1.48 Office of Management Information and Program Control.

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- 1.60 Office of Nuclear Material Safety and Safeguards.
- 1.61 Office of Nuclear Reactor Regulation.
- 1.62 Office of Nuclear Regulatory Research.
- 1.63 Office of Standards Development.
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##### Subpart C—NRC Seal and Flag

- 1.80 Description and custody of NRC seal.
- 1.81 Use of NRC seal or replicas.
- 1.82 Establishment of official NRC flag.
- 1.83 Use of NRC flag.
- 1.84 Report of violations.

AUTHORITY: Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); secs. 201, 203, 204, 205, and 209, Pub. L. 93-438, 88 Stat. 1242, 1244, 1245, 1246, and 1248 (42 U.S.C. 5841, 5843, 5844, 5845, and 5849); Pub. L. 94-79, 89 Stat. 413; and 5 U.S.C. 552 and 553.

## Subpart A—Introduction

### § 1.1 Creation and authority.

(a) The Nuclear Regulatory Commission was established by the Energy Reorganization Act of 1974, as amended, Pub. L. 93-438, 88 Stat. 1233 (42 U.S.C. 5801 et seq.). This Act abolished the Atomic Energy Commission and, by section 201, transferred to the Nuclear Regulatory Commission all the licensing and related regulatory functions assigned to the Atomic Energy Commission by the Atomic Energy Act of 1954, as amended, Pub. L. 83-703, 68 Stat. 919 (42 U.S.C. 2011 et seq.). These functions included those of the Atomic Safety and Licensing Board Panel and the Atomic Safety and Licensing Appeal Panel. The Energy Reorganization Act became effective January 19, 1975 (E.O. 11834).

(b) As used in this part, "Commission" means the five members of the Nuclear Regulatory Commission or a quorum thereof sitting as a body, as provided by section 201 of the Energy Reorganization Act of 1974, as amended. "NRC" means the Nuclear Regulatory Commission, the agency established by Title II of the Energy Reorganization Act of 1974, as amended, comprising the members of the Commission and all offices, employees, and representatives authorized to act in any case or matter.

### § 1.2 Sources of additional information.

(a) The definitive statement of the NRC's organization, policies, procedures, assignments of responsibility, and delegations of authority is in the Nuclear Regulatory Commission Manual and other elements of the NRC's Management Directives System, including local directives issued by Regional Offices. Copies of the Manual, other elements of the Management Directives System, and agency operating procedures that affect the public are available for public inspection and copying at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. and at each of NRC's Regional Offices. Information may also be obtained from the Office of Public Affairs or from Public Affairs Officers at the Regional Offices.

(b) Commission meetings are open to the public, as provided by the Government in the Sunshine Act, unless they fall within an exemption to the Act's openness requirement and the Commission also has determined that the public interest requires that those particular meetings be closed. Information concerning Commission meetings may be obtained from the Office of the Secretary.

(c) Information regarding the availability of NRC records under the Free-



dom of Information Act and the Privacy Act of 1974 may be obtained from the Division of Rules and Records, Office of Administration. NRC's regulations are published in the FEDERAL REGISTER and codified in Title 10 of the Code of Federal Regulations. They are also published in "NRC Rules and Regulations," available on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office. Final opinions made in the adjudication of cases are published in "Nuclear Regulatory Commission Issuances," available on a subscription basis from the National Technical Information Service, Springfield, Va. 22161.

### § 1.3 Location of principal offices and Regional Offices.

(a) The principal NRC offices are located in the Washington, D.C., area. Facilities for the service of process and papers are maintained within the District of Columbia at 1717 H Street NW. The mailing address for all NRC Headquarters offices is Washington, D.C. 20555. The locations of NRC offices in the Washington area are:

- (1) Matomic Building, 1717 H Street NW., Washington, D.C.
- (2) Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland.
- (3) Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland.
- (4) Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland.
- (5) Lugenbell Building, 4922 Fairmont Avenue, Bethesda, Maryland.
- (6) East West Towers Building, 4350 East West Highway, Bethesda, Maryland.
- (7) Nicholson Lane Building, 5650 Nicholson Lane, Rockville, Maryland.
- (8) Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland.

(b) The addresses of the NRC Regional Offices (see § 1.64) are:

- Region I, USNRC, 631 Park Avenue, King of Prussia, Pennsylvania 19406.  
 Region II, USNRC, 230 Peachtree Street NW., Suite 1217, Atlanta, Georgia 30303.  
 Region III, USNRC, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.  
 Region IV, USNRC, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76012.  
 Region V, USNRC, 1990 North California Boulevard, Suite 202, Walnut Creek, California 94596.

### Subpart B—Headquarters

#### § 1.10 The Commission.

(a) The Nuclear Regulatory Commission, composed of five members, one of whom is designated by the President as Chairman, is established pursuant to section 201 of the Energy Reorganization Act of 1974, as amended. The Chairman is the principal executive officer of the Commission, and exercises its executive and administrative functions with respect to appointment and supervision of personnel, except as otherwise provided by the Energy Reorganization Act of 1974, as amended; distribution of business; use and expenditure of funds (except that the function of revising budget estimates and purposes is reserved to the Commission); and appointment, subject to approval of the Commission,

of heads of major administrative units under the Commission.

(b) The following staff units and officials report directly to the Commission: Atomic Safety and Licensing Board Panel, Atomic Safety and Licensing Appeal Panel, Office of Inspector and Auditor, Office of Policy Evaluation, Office of the General Counsel, Office of the Secretary, Office of Public Affairs, Office of Congressional Affairs, the Executive Director for Operations, and other committees and boards which are authorized or established specifically by the Act. The Directors of the Offices of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, and Nuclear Regulatory Research may communicate with and report directly to the Commission, under the provisions of section 209 of the Energy Reorganization Act of 1974. The Advisory Committee on Reactor Safeguards also reports directly to the Commission.

#### PANELS, BOARDS, AND COMMITTEES

#### § 1.11 Atomic Safety and Licensing Board Panel.

The Atomic Safety and Licensing Board Panel is the organizational group from which Atomic Safety and Licensing Boards are selected. These three-member boards, named in accordance with the provisions of section 191 of the Atomic Energy Act, conduct such hearings as the Commission may authorize or direct, make such intermediate or final decisions as the Commission may authorize in proceedings to grant, suspend, revoke, or amend licenses or authorizations, and perform such other regulatory functions as the Commission may specify. The Panel develops procedures and makes recommendations to the Commission regarding activities of the hearing boards.

#### § 1.12 Atomic Safety and Licensing Appeal Panel.

The Atomic Safety and Licensing Appeal Panel is the organizational group from which Atomic Safety and Licensing Appeal Boards are selected. Under powers delegated by the Commission, these three-member Boards exercise the authority and perform the regulatory review functions which would otherwise be exercised and performed by the Commission. They perform these functions in proceedings on licenses under 10 CFR Part 50, and such other licensing proceedings as the Commission may specify, reviewing initial decisions and other issuances of Atomic Safety and Licensing Boards and other presiding officers.

#### § 1.20 Advisory Committee on Reactor Safeguards.

The Advisory Committee on Reactor Safeguards was established by section 29 of the Atomic Energy Act of 1954, as amended, and transferred to the NRC pursuant to the Energy Reorganization Act of 1974, as amended. The Committee reviews safety studies, and applications for construction permits and operating

licenses for production and utilization facilities, and makes reports thereon; advises the Commission with regard to the hazards of proposed or existing nuclear facilities and the adequacy of proposed reactor safety standards; and reviews matters specifically referred to it by the Commission, including generic issues and proposed amendments or changes to facility construction permits or operating licenses. The Committee on its own initiative may conduct reviews of specific generic matters or nuclear facility safety-related items.

#### § 1.21 Other committees, boards, and panels.

Pursuant to section 161a. of the Atomic Energy Act of 1954, as amended, the Commission may establish advisory bodies to make recommendations to it. Currently only one such committee is in existence.

(a) The Advisory Committee on Medical Use of Isotopes (ACMI) was established by the Atomic Energy Commission in July 1958. The ACMI, composed of physicians and scientists, considers medical questions referred to it by the NRC staff, and renders expert opinion regarding medical uses of byproduct material. The ACMI also advises the NRC staff, as requested, on matters of policy regarding licensing of the medical uses of byproduct material.

#### COMMISSION STAFF

#### § 1.30 Office of Inspector and Auditor.

The Office of Inspector and Auditor: (a) develops policies and standards governing NRC's financial and management audit program; (b) plans and directs NRC's long-range comprehensive audit program; (c) conducts NRC's day-to-day internal audit activity; (d) conducts investigations and inspections to ascertain and verify the facts with regard to the integrity of all NRC operations; (e) investigates possible irregularities or alleged misconduct of NRC employees, equal employment opportunity and civil rights complaints, and claims for personal property loss or damage; (f) refers suspected or alleged criminal violations to the Department of Justice, after appropriately informing or consulting with the Office of General Counsel; except that in referrals requiring prompt field response (such as sabotage, terrorism, or theft of special nuclear material), the Office of Inspection and Enforcement shall make direct referral to the Federal Bureau of Investigation and thereafter coordinate with the Office of Inspector and Auditor; (g) under the Commission's "open door" policy, hears individual employee concerns regarding NRC operations and activities, and, as appropriate, investigates such concerns; (h) maintains liaison with the General Accounting Office and other audit organizations; (i) maintains liaison with the Department of Justice and other law enforcement agencies in criminal and other investigative matters; and (j) provides reports and recommendations to the Commission



on the results of its audits, investigations, and inspections.

**§ 1.31 Office of Policy Evaluation.**

The Office of Policy Evaluation: (a) provides for the Commission an independent evaluation of program policy objectives; (b) reviews staff issue papers and policy recommendations to determine if they are complete, balanced, and consistent with Commission guidance; (c) provides independent technical evaluation of selected cases presented to the Commission for adjudication; (d) conducts analyses and studies as requested by the Commission or on a self-initiated basis; (e) contributes technical and policy advice and guidance, as needed, for studies and projects being conducted and managed by other NRC offices or outside agencies.

**§ 1.32 Office of the General Counsel.**

The Office of the General Counsel: (a) provides legal advice and assistance to the Commission and Commission offices with respect to all activities of the NRC; (b) reviews Atomic Safety and Licensing Appeal Board decisions and rulings, decisions reached by staff offices under 10 CFR 2.206, petitions received from members of the public seeking direct Commission action, and rulemaking proceedings involving hearings; and prepares decisions, orders, and rulings for the Commission on these matters; (c) represents, and protects the interests of, the NRC in court proceedings, and in dealings with other government agencies, committees of Congress, foreign governments, and members of the public; (d) coordinates and prepares legislative materials in connection with legislation initiated by the NRC and legislations submitted to it for comment; (e) provides advice with respect to questions raised under the conflict of interest laws, Freedom of Information Act, Federal Advisory Committee Act, and Government in the Sunshine Act; (f) provides official written interpretations of the Commission's rules; and (g) performs other functions assigned by the Commission.

**§ 1.33 Office of the Secretary.**

The Office of the Secretary: (a) develops policies and procedures, and provides secretariat services for the conduct of Commission business and implementation of Commission decisions, including scheduling of Commission business and recording of meetings; (b) issues decisions, orders, and rulings of the Commission, and maintains the official docket of the Commission; and (c) directs and administers the NRC Public Document Room.

**§ 1.34 Office of Public Affairs.**

The Office of Public Affairs: (a) develops policies and administers programs at NRC headquarters and Regional Offices to inform the public and the news media about NRC policies, programs, and activities; (b) and keeps NRC management informed on media coverage of activities of interest to the agency.

**§ 1.35 Office of Congressional Affairs.**

The Office of Congressional Affairs: (a) provides advice and assistance to the Commission and NRC staff on all NRC relations with the Congress, and informs them concerning the views of Congress toward NRC policies, plans, and activities; (b) maintains liaison with congressional committees and members of Congress on matters of interest to NRC, and keeps Congress informed on NRC plans, policies, and activities; (c) serves as the contact point for all NRC communications with Congress, reviewing and concurring in all outgoing correspondence to members of Congress and congressional committees; and (d) monitors legislative matters of interest to NRC, and participates in planning and developing NRC's legislative programs.

**EXECUTIVE DIRECTOR**

**§ 1.40 Office of the Executive Director for Operations.**

The Executive Director for Operations (EDO) is appointed by the Commission, pursuant to the Energy Reorganization Act of 1974, as amended, and performs such functions as the Commission may direct, including the following:

(a) Provides the Commission with assistance on policy, management, and operational matters. Submits to the Commission for approval such appointments as the Commission shall designate, including Directors of certain divisions and offices. Submits for approval significant changes in the organization.

(b) Supervises and coordinates policy development and operational activities of the following line offices: The Office of Nuclear Reactor Regulation, the Office of Nuclear Material Safety and Safeguards, the Office of Nuclear Regulatory Research, the Office of Inspection and Enforcement, and the Office of Standards Development; and the following staff offices: the Office of Administration, the Office of International Programs, the Office of State Programs, the Office of the Controller, the Office of the Executive Legal Director, the Office of Planning and Analysis, the Office of Management Information and Program Control, the Office of Equal Employment Opportunity, and such other organizational units as shall be assigned by the Commission. The EDO is also responsible for implementation of the Commission's policy directives pertaining to these offices.

(c) Recommends to the Commission proposed regulations to protect public health and safety and the environment from effects associated with nuclear facilities and materials subject to licensing; to provide for security of licensed nuclear facilities and safeguarding of licensed radioactive materials; and to assure that activities under facility licenses would not be inconsistent with antitrust laws, as specified in section 105a, of the Atomic Energy Act of 1954, as amended.

(d) Issues proposed amendments to regulations and amendments in final form, where the amendments are corrective or of a minor or nonpolicy nature

and do not substantially modify existing regulations; and issues amendments of regulations in final form, if no significant adverse comments or questions have been received on the notice of proposed rule-making and no substantial changes in text are indicated.

(e) Makes determinations, pursuant to 10 CFR Parts 30, 40, 50, and 70, that exemptions of individual prime contractors or subcontractors of the Energy Research and Development Administration or the NRC from NRC licensing requirements are authorized by law.

(f) Makes for the Commission, after consultation with the Attorney General, the determinations provided for in section 105c.(8) of the Atomic Energy Act of 1954, as amended, in regard to applications for facility construction permits or operating licenses.

(g) Negotiates and signs agreements, arrangements, and contracts with representatives of foreign countries and international organizations.

(h) Designates which facilities, installations, and real property shall be subject to the prohibitions of 10 CFR Part 160, "Trespassing on Commission Property."

(i) Administers the contracting activities of the Commission.

(j) Administers the Commission's equal employment opportunity program.

(k) Develops and maintains the NRC financial management program.

(l) Acts for the Head of the Agency in making determinations required in administering the NRC labor relations program.

(m) Exercises final determination on appeals under the Privacy Act of 1974, and issues minor revisions of systems of records notices.

(n) Exercises final determination on appeals under the Freedom of Information Act except for those pertaining to the Office of the Executive Legal Director or to advisory committees, boards, panels, and offices reporting to the Commission.

**STAFF OFFICES**

**§ 1.41 Office of Administration.**

The Office of Administration develops and directs policies and programs for personnel administration, organization and management analysis, security and security classification, building management and administrative services, document control, automatic data processing, rules and records, contracting and procurement, and facilities and material license fees.

(a) The Division of Organization and Personnel administers and directs policies, standards, and programs for organization and personnel management activities, including recruitment, training, executive development, staffing services and information, organization and management analysis, labor-management relations, and employee services.

(b) The Division of Security develops, administers, and directs the overall NRC security program; assures the safeguarding of Restricted Data, other National Security Information, and NRC sensi-



tive unclassified matter including NRC telecommunications of significant intelligence value; assures the physical protection of NRC Headquarters buildings, Regional Offices and contractor facilities; and provides advice and assistance on security matters.

(c) The Division of Facilities and Operations Support is responsible for the planning and direction of support programs for facilities and administrative services, including building operations, property, supply, telecommunications, travel, mail, and messenger services.

(d) The Division of Document Control is responsible for planning and directing the production (exclusive of writing and editing) and control of NRC documents. Its responsibilities include: Typing services; publication and graphics; NRC management directives; and document evaluation, dissemination, storage, and retrieval.

(e) The Division of Automatic Data Processing Support Plans, coordinates, and directs development and utilization of NRC computer services and computer facilities for the storage, retrieval, analysis, and dissemination of information; advises and assists in the development and conversion of scientific and analytical programming and the interpretation of automatic data processing procedures; evaluates expected benefits and costs of computer applications; and provides systems development, programming and operation services for NRC offices.

(f) The Division of Rules and Records is responsible for: NRC implementation of the Freedom of Information Act, Privacy Act, and Federal Reports Act; directing and coordinating NRC local public document room activities; publishing "NRC Rules and Regulations" and "Nuclear Regulatory Commission Issuances"; and reviewing and preparing notices and amendments to NRC regulations, including the processing of petitions for rulemaking.

(g) The Division of Contracts develops and implements agency-wide contracting policies and procedures; directs and coordinates contracting and purchasing activities for NRC, including contractor selection, and negotiation, administration, and closeout of contracts; and provides advice and assistance to NRC program officials concerning procurement regulations and requirements.

(h) The License Fee Management Branch is responsible for collecting fees from licensees and applicants for licenses, as required by 10 CFR Part 170, which sets fees for licensing nuclear production and utilization facilities and nuclear materials. Responsibilities include: reviewing license applications to ensure appropriate fee payment, issuing Orders to Show Cause and Orders of Revocation where licensees violate Commission regulations by nonpayment of license fees, recommending license fee policy changes, and preparing amendments to license fee regulations for Commission approval.

#### § 1.42 Office of the Executive Legal Director.

The Office of the Executive Legal Director provides legal advice and services

to the Executive Director for Operations and offices reporting to that official, including interpretation of laws, regulations, and other sources of authority, advising on the legal form and content of proposed official actions and representing such offices in NRC administrative proceedings; prepares or concurs in contractual documents, interagency agreements, delegations of authority, regulations, orders, licenses, and other legal documents; and prepares legal interpretations thereof; reviews and directs patent law activities; and, except for those matters delegated to the General Counsel, represents the NRC in legal matters with other government agencies, foreign governments, or the public, and in proceedings before administrative bodies outside of NRC.

(a) The Regulations Division prepares, reviews, and advises on NRC regulations and amendments thereto for NRC staff, personnel of other Federal and State agencies, licensees, and others; initiates and drafts administrative procedures for licensing and regulation of the uses of nuclear energy; and provides legal advice on NRC nuclear materials licensing, safeguards, and export licensing matters.

(b) The Operations and Administration Division provides legal advice and assistance in areas of interagency and international agreements, research and technical assistance contracts, patents, proprietary information and other intellectual property, financial and budget matters, security, personnel, and equal employment opportunity, and the administration of the Freedom of Information Act and the Privacy Act.

(c) The Hearing Division acts as counsel for the NRC staff in public administrative proceedings before the Commission, Atomic Safety and Licensing Appeal Boards, Atomic Safety and Licensing Boards, and administrative law judges, in matters relating to licensing of nuclear facilities and materials; and provides legal advice to NRC staff concerning licensing and regulation of nuclear facilities.

(d) The Rulemaking and Enforcement Division acts as counsel for the NRC staff in public administrative proceedings before the Commission, Atomic Safety and Licensing Appeal Boards, Atomic Safety and Licensing Boards, special boards appointed by the Commission, and administrative law judges, in matters involving proposed NRC regulations and the enforcement of NRC license conditions and regulations; and advises the NRC staff regarding enforcement matters involving the amendment, suspension, or termination of licenses, and the imposition of civil penalties.

(e) The Antitrust Division acts as counsel for the NRC staff in public administrative proceedings before the Commission, Atomic Safety and Licensing Appeal Boards, Atomic Safety and Licensing Boards, and administrative law judges, in matters relating to antitrust aspects of applications for nuclear facility licenses; and provides legal advice regarding NRC antitrust responsibilities.

#### § 1.43 Office of the Controller.

The Office of the Controller develops and maintains NRC's financial management program. Responsibilities include: Policies, procedures, and standards of accounting, budgeting, pricing, contract finance, automatic data processing equipment acquisition, accounting for capitalized property, and related reporting necessary for NRC direct and contract operations; administration of financial functions for NRC long-range fiscal planning; and liaison on fiscal matters with the General Accounting Office and the Office of Management and Budget and other government agencies, congressional committees (in coordination with the Office of Congressional Affairs), and industry.

(a) The Resources Planning and Evaluation Staff designs systems and develops criteria for NRC program planning and evaluation; evaluates relationships between resource allocation and program performance; and develops overall plans and procedures for measuring and enhancing productivity.

(b) The Division of Accounting develops, maintains, and applies overall policies, principles, standards, and procedures for financial and cost accounting and reporting, automatic data processing equipment acquisition, pricing, and financial arrangements under NRC contracts; is responsible for payroll and travel accounting and other fiscal services; and provides advice and assistance to the Commission, the Executive Director for Operations, and NRC offices on these matters.

(c) The Division of Budget coordinates the preparation of the NRC budget, directs funds controls, issues allotments and financial plans; monitors performance under approved budgets and administers NRC authorization and appropriation funding legislation; and maintains liaison with the Office of Management and Budget and (in coordination with the Office of Congressional Affairs) with congressional committees.

#### § 1.44 Office of Equal Employment Opportunity.

The Office of Equal Employment Opportunity: (a) develops and recommends for approval by the Executive Director for Operations overall NRC policy providing for equal employment opportunity, without discrimination on the basis of race, color, creed, sex, national origin, age, physical handicap, political affiliation, or marital status; (b) monitors and evaluates NRC's affirmative action program, and recommends improvements or corrections needed to achieve its goals; (c) serves as the NRC contact with local and national public and private organizations on matters relating to equal employment opportunity; and (d) serves as the compliance office for matters relating to Title VI of the Civil Rights Act of 1964 and Title IV of the Energy Reorganization Act of 1974, and 10 CFR Part 4, "Nondiscrimination in Federally Assisted Programs."

#### § 1.45 Office of Planning and Analysis.

The Office of Planning and Analysis assesses agency programs; conducts



studies and evaluations of management effectiveness; analyzes and develops NRC policies; reviews the activities of offices reporting to and through the Executive Director for Operations; identifies strategies for accomplishing the agency's goals and objectives; and assures consistent implementation of agency policies on cost-benefit analyses.

**§ 1.46 Office of International Programs.**

The Office of International Programs is responsible for planning, developing, and coordinating staff implementation of NRC's international activities, and for coordinating these activities with those of other agencies. Responsibilities include: (a) Negotiating and implementing regulatory and safety information exchange agreements with other countries and international organizations; (b) coordinating NRC export-import policies and issuing licenses for import and export of nuclear materials and facilities as directed by the Commission; and (c) policy planning related to international safeguards and nonproliferation matters.

**§ 1.47 Office of State Programs.**

The Office of State Programs is responsible for developing and implementing plans, policies, and programs for the coordination and integration of Federal and State responsibilities in the regulation of nuclear materials and facilities; carrying out NRC's federally assigned "lead-agency" role in providing training and technical assistance to State and local governments to enhance their radiological emergency response planning and operations capabilities; developing NRC's national-level emergency preparedness program; administering the State Agreements program whereby qualified States assume certain NRC regulatory functions; and providing direct program support to NRC in all aspects of State-related activities, including the monitoring of all State legislation and activities affecting the agency.

**§ 1.48 Office of Management Information and Program Control.**

The Office of Management Information and Program Control provides integrated management information and control systems for program planning, and for reporting and analyzing schedules, manpower, budget, and performance of NRC programs; develops and maintains automatic data processing methods for management information systems; administers systems for nuclear plant reliability data collection, compilation, and dissemination of engineering, operational, and failure data; administers agency-wide manpower report system and performance appraisal reports; analyzes and reports on the operating experience of facilities licensed by NRC; and, in coordination with other NRC offices, develops and implements procedures and analyses for research utilization in regulatory judgments.

(a) The Operations Evaluation Division reviews and analyzes operating ex-

perience at licensed facilities; prepares computer summaries of events reported by licensees; prepares a quarterly report to Congress on abnormal occurrences; maintains the central repository on radiation exposures; and evaluates operating experience.

(b) The Division of Licensing Information Systems collects, processes, analyzes, and reports information used to appraise licensing program performance.

(c) The Division of Regulatory Information Systems collects, processes, analyzes, and reports information for program performance appraisal of regulatory research programs, operating reactors, nuclear construction and regulatory standards.

**PROGRAM OFFICES**

**§ 1.60 Office of Nuclear Material Safety and Safeguards.**

The Office of Nuclear Material Safety and Safeguards was established by the Energy Reorganization Act of 1974, as amended. Its functions are: To license and regulate facilities and materials associated with the processing, transport, and handling of nuclear materials; to license operators of production facilities; to review and assess provisions for safety and safeguards against threats, thefts, and sabotage; and to recommend research on safety and safeguards matters.

(a) The Division of Fuel Cycle and Material Safety performs those licensing and regulatory activities specified by the Atomic Energy Act of 1954, as amended, which pertain to the processing, transport, and handling of nuclear materials off the reactor site. These include: Performing safety and environmental reviews for production facilities other than those defined in 10 CFR 50.2(a)(1), licensing radioisotopes, certifying container designs for transportation of radioactive materials, developing and implementing a waste management program, assessing and improving the fuel cycle regulatory base, conducting generic studies on the nuclear fuel cycle, evaluating new technologies for improving safety and environmental protection, and identifying and coordinating related standards and research requirements.

(b) The Division of Safeguards develops, implements, and evaluates the overall nuclear safeguards program. This includes initiating NRC safeguards policies and developing, in coordination with the Office of Nuclear Reactor Regulation and other NRC offices, an agency-wide safeguards plan, reviewing the physical security and material control and accounting measures proposed by applicants for nuclear materials licenses; improving the effectiveness of existing domestic and international safeguards systems; planning long-range approaches and identifying associated research requirements; developing and implementing contingency plans to deal with threats, thefts, and sabotage of nuclear material and facilities; evaluating safeguards systems capabilities; and monitoring safeguards operations through information analysis.

**§ 1.61 Office of Nuclear Reactor Regulation.**

The Office of Nuclear Reactor Regulation, established by the Energy Reorganization Act of 1974, as amended, performs licensing functions associated with the construction and operation of nuclear reactors and with the receipt, possession, ownership, and use of special nuclear and byproduct material used at reactor facilities. It reviews applications and issues licenses for reactor facilities required to be licensed under the Atomic Energy Act of 1954, as amended, and evaluates the health, safety, and environmental aspects of facilities and sites; develops and administers regulations; licenses reactor operators; provides assistance in matters involving reactors or critical facilities exempt from licensing; analyzes reactor design concepts; evaluates methods of transporting nuclear materials and radioactive wastes on reactor sites; and monitors and tests operating reactors, recommending upgrading of facilities and modification of regulations as appropriate.

(a) The Division of Project Management carries out the reactor licensing process for utilization and production facilities other than fuel reprocessing and isotopic enrichment plants; is responsible for managing safety reviews of applications for construction permits and operating licenses for reactors and evaluations of standard plant designs; evaluates technical specifications, compliance with quality assurance criteria, financial qualifications, and plans for dealing with radiological emergencies and potential sabotage; examines and licenses candidates for reactor operator licenses; evaluates operational safety and design modifications of Government-owned nuclear systems and facilities that are exempt from licensing, and evaluates advanced reactor types; and issues, denies, and amends licenses and limited work authorizations.

(b) The Division of Site Safety and Environmental Analysis evaluates the safety and environmental aspects of proposed and existing sites for nuclear facilities. It assesses the environmental impact of construction and operation of proposed facilities, performs cost benefit analyses, evaluates consequences of postulated accidents, assesses radiological impacts, and evaluates site adequacy from the standpoints of geology, seismology, demography, meteorology, waste treatment, and other factors. It issues, denies, and amends limited work authorizations.

(c) The Division of Systems Safety carries out detailed safety reviews of reactor applications through the operating license stage; and develops and administers related safety programs and policies governing licensing and authorization of nuclear reactors other than for export. It performs technical reviews and analyses of mechanical, structural, and materials engineering aspects of reactor systems, core performance, auxiliary systems, control systems, me-



chanical components, reactor structures, and power systems.

(d) The Division of Operating Reactors administers the regulatory program, including safety and environmental reviews, for all reactor facilities licensed for operation; evaluates applications and issues construction permits and operating licenses for nonpower reactors, and, as requested, evaluates operational and design modifications of operating facilities exempt from licensing, owned by the Energy Research and Development Administration and the Department of Defense; directs and supervises the processing of applications for license amendments for all licensed reactor facilities; issues, denies, and amends all permits and licenses for non-power reactors, and amends operating power reactor licenses.

(e) The Antitrust and Indemnity Group conducts preclearing reviews of applications for nuclear facilities to assure that issuance of a license will not create or maintain a situation inconsistent with the antitrust laws; and is responsible for ascertaining compliance with license conditions pertaining to antitrust matters. It administers the Commission's program for indemnification of licensees against public liability claims arising out of nuclear incidents; and executes indemnification agreements with licensees pursuant to sections 170c., 170k., and 170.1. of the Atomic Energy Act of 1954, as amended.

#### § 1.62 Office of Nuclear Regulatory Research.

The Office of Nuclear Regulatory Research was established by the Energy Reorganization Act of 1974, as amended. It develops, for the Commission, policy options relative to nuclear regulatory research, and implements programs of confirmatory research which the Commission deems necessary for the performance of its licensing and related regulatory functions. Specifically, it sponsors research to establish methodologies, systems, and information to provide a systematic and comprehensive basis for NRC policies and programs; to improve methods and procedures for licensing review, inspection, and enforcement, and other regulatory actions; and to improve regulations and guides. The Office is responsible for implementing and managing research contracts, coordinating research and analytical needs with other Government agencies and private organizations, and coordinating with the Office of International Programs the policy aspects of any joint efforts with other countries or international organizations. It advises NRC staff of pertinent research findings.

(a) The Division of Reactor Safety Research plans, develops, coordinates, and supervises experimental and analytical programs to enable NRC to assess the safety of nuclear power reactors. It sponsors research programs dealing with light water reactors, liquid metal fast breeder reactors, high temperature gas reactors, and with related site safety issues.

(b) The Division of Safeguards, Fuel Cycle and Environmental Research plans, develops, coordinates, and supervises experimental and analytical programs of research on subjects including safeguards, threat analysis, accident prevention in fuel cycle facilities, and health and environmental research.

(c) The Probabilistic Analysis Branch assists the Office Director in planning, developing, coordinating, and supervising programs for the development and application of methods to quantify risk assessment of nuclear power reactors and fuel cycle facilities.

#### § 1.63 Office of Standards Development.

The Office of Standards Development develops and recommends standards (e.g., technical regulations and regulatory guides) that NRC needs to regulate nuclear facilities and commercial uses of nuclear materials. These standards deal with radiological health and safety and environmental protection, materials and plant protection (safeguards), and antitrust review in accordance with the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended. The Office also coordinates NRC participation in national and international standards activities.

(a) The Division of Engineering Standards develops standards for nuclear safety in the design, construction, and operation of nuclear reactors and nuclear power plants, other production and utilization facilities, and facilities for the storage, processing, and use of nuclear materials; and for materials safety activities, including the production, use, and transportation of radioactive products; provides technical assistance to NRC staff regarding research, resolution of generic issues, and the development, evaluation, and application of standards to specific safety problems associated with nuclear reactors, nuclear power plants and fuel cycle facilities, transportation of nuclear materials, and the production and use of radioactive products; and, in its assigned areas of responsibility, maintains liaison with and provides technical input to other Federal agencies, the American National Standards Institute (ANSI), professional societies, international agencies (in coordination with the Office of International Programs), and other organizations.

(b) The Division of Siting, Health and Safeguards Standards develops standards for protection of licensees' employees, the public, and the environment from the effects of NRC-licensed activities in matters involving radiological protection, environmental effects, and safeguarding of nuclear materials and facilities; provides advice and technical assistance to NRC staff regarding research, resolution of generic issues, and the development, evaluation, and application of standards to specific licensing or other regulatory problems associated with nuclear materials or facilities; and on matters pertaining to its areas of responsibility, maintains liaison with and

provides technical input to other Federal agencies, State agencies, ANSI, professional societies, international agencies (in coordination with the Office of International Programs), public interest groups, and other organizations.

#### § 1.64 Office of Inspection and Enforcement.

The Office of Inspection and Enforcement develops policies and administers programs for: inspecting licensees to ascertain whether they are complying with NRC regulations, rules, orders, and license provisions, and to determine whether these licensees are taking appropriate actions to protect nuclear materials and facilities, the environment, and the health and safety of the public; inspecting applicants for licenses, as a basis for recommending issuance or denial of a limited work authorization, construction permit, or an operating license; inspecting suppliers of safety-related services, components, and equipment to determine whether they have established quality assurance programs that meet NRC criteria; investigating incidents, accidents, allegations, and unusual circumstances including those involving loss, theft, or diversion of special nuclear material; enforcing Commission orders, regulations, rules, and license provisions; recommending changes in licenses and standards, based on the results of inspections, investigations, and enforcement actions; and notifying licensees regarding generic problems so as to achieve appropriate precautionary or corrective action. Headquarters Divisions are responsible for developing the inspection program, assuring the technical adequacy of enforcement cases and investigations, preparing notifications to appropriate parties, providing technical management and support for NRC response to incidents, and monitoring and appraising performance of Regional Offices. NRC's five Regional Offices are responsible for carrying out inspections and investigations.

(a) The Division of Fuel Facilities and Materials Safety is responsible for those inspection and enforcement functions that pertain to radiological and environmental protection at reactors and fuel facilities and handling of licensed materials, and for criticality control at fuel facilities.

(b) The Division of Safeguards Inspection is responsible for those inspection and enforcement functions that pertain to protection of nuclear materials and reactors.

(c) The Division of Reactor Construction Inspection is responsible for those inspection and enforcement functions that pertain to reactor construction.

(d) The Division of Reactor Operations Inspection is responsible for those inspection and enforcement functions that pertain to reactor operations.

<sup>1</sup> Special nuclear material is defined in 10 CFR Part 70 as "plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission . . . determines . . . but does not include source material . . ."



(e) The Executive Officer for Operations Support is responsible for developing requirements for enforcement and investigations; managing assigned investigations; assuring consistency of the enforcement program among the various offices; developing the program for response to incidents; and providing centralized administrative support.

(f) The Executive Officer for Management and Analysis is responsible for budgets, financial control, computer services, management information systems, planning, personnel management, contract administration, technology and inspection training, and management studies and analyses.

(g) Each Regional Office reports to the Director, Office of Inspection and Enforcement, and performs the following functions within its assigned geographical area: inspects applicants, licensees, and others subject to NRC jurisdiction; investigates incidents, accidents, allegations, and other unusual circumstances involving matters subject to NRC jurisdiction; evaluates licensee event reports, and provides response, as appropriate; recommends changes in NRC programs, based on the results of inspections and investigations; and takes enforcement action, to the extent delegated; or recommends enforcement actions to appropriate Headquarters Division of the Office.

#### Subpart C—NRC Seal and Flag

##### § 1.80 Description and custody of NRC seal.

(a) Pursuant to section 201(a) of the Energy Reorganization Act of 1974, the Nuclear Regulatory Commission has adopted an official seal. Its description is as follows: An American bald eagle (similar to that on the Great Seal of the United States of America) of brown and tan with claws and beak of yellow, behind a shield of red, white, and blue, clutching a cluster of thirteen arrows in its left claw and a green olive branch in its right claw, positioned on a field of white, with the words "United States Nuclear Regulatory Commission" in dark blue and five gold stars outlined in dark blue encircling the eagle. The eagle represents the United States of America and its interests.

(b) The Official Seal of the Nuclear Regulatory Commission is illustrated as follows:



(c) The Secretary of the Commission is responsible for custody of the impression seals and of replica (plaque) seals.

##### § 1.81 Use of NRC seal or replicas.

(a) The use of the seal or replicas is restricted to the following:

- (1) NRC letterhead stationery.

(2) NRC award certificates and medals.

(3) Security credentials and employee identification cards.

(4) NRC documents, including agreements with States, interagency or intergovernmental agreements, foreign patent applications, certifications, special reports to the President and Congress, and, at the discretion of the Secretary of the Commission, such other documents as he finds appropriate.

(5) Plaques. The design of the seal may be incorporated in plaques for display at NRC facilities in locations such as auditoriums, presentation rooms, lobbies, offices of senior officials, on the fronts of buildings, and others designated by the Secretary.

(6) The NRC flag (which incorporates the design of the seal).

(7) Official films prepared by or for the NRC, if deemed appropriate by the Director of the Office of Public Affairs or his designee.

(8) Official NRC publications which represent an achievement or mission of NRC as a whole, or which are cosponsored by NRC and other Government departments or agencies.

(9) Such other uses as the Secretary of the Commission or his designee finds appropriate.

(c) Any person who uses the official seal in a manner other than as permitted by this section shall be subject to the provisions of 18 U.S.C. 1017, which provides penalties for the fraudulent or wrongful use of an official seal, and to other provisions of law as applicable.

##### § 1.82 Establishment of official NRC flag.

The official flag is based on the design of the NRC seal. It is 50 inches by 66 inches in size with a 38-inch diameter seal incorporated in the center of a dark blue field with a gold fringe.

##### § 1.83 Use of NRC flag.

(a) The use of the flag is restricted to the following:

- (1) On or in front of NRC installations.
- (2) At NRC ceremonies.
- (3) At conferences involving official NRC participation (including permanent display in NRC conference rooms).
- (4) At governmental or public appearances of NRC executives.
- (5) In private offices of senior officials.
- (6) As otherwise authorized by the Secretary of the Commission.

(b) The NRC flag must only be displayed together with the U.S. flag. When they are both displayed on a speaker's platform, the U.S. flag must occupy the position of honor and be placed at the speaker's right as he faces the audience, and the NRC flag must be placed at the speaker's left.

##### § 1.84 Report of violations.

In order to ensure adherence to the authorized uses of the NRC seal and flag as provided herein, a report of each suspected violation of this part, or any ques-

tionable use of the NRC seal or flag, should be submitted to the Secretary of the Commission.

Effective date: This part becomes effective on July 18, 1977.

Dated at Washington, D.C., this 11th day of July, 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc. 77-20326 Filed 7-15-77; 8:45 am]

#### REPORTS TO THE COMMISSION CONCERNING DEFECTS AND NONCOMPLIANCE

##### Correction

In FR Doc. 77-15987 appearing on page 28891 in the issue for Monday, June 6, 1977, on page 28894, § 21.3 (a) (3) should read as follows:

(3) the capability to prevent or mitigate the consequences of accidents which could result in potential offsite exposures comparable to those referred to in § 100.11 of this chapter.

Section 21.3(d) (1) should read as follows:

##### § 21.3 Definitions.

(d) "Defect" means:

(1) A deviation (see § 21.3 (e)) in a basic component delivered to a purchaser for use in a facility or an activity subject to the regulations in this part if, on the basis of an evaluation (see § 21.3(g)), the deviation could create a substantial safety hazard; or

#### PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

##### Codes and Standards for Nuclear Power Plants

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulation, "Codes and Standards," to incorporate by reference new addenda to specified published national codes and standards for the design, fabrication, construction, testing, and inspection of reactor components and systems. This would provide for improved methods of construction of nuclear reactor coolant systems.

EFFECTIVE DATE: August 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. A. Taboada, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-443-6929.

SUPPLEMENTARY INFORMATION: On March 31, 1977 the Nuclear Regulatory Commission published in the Federal Register (42 FR 17134) proposed amendments to its regulations, 10 CFR Part 50, "Licensing of Production and



Utilization Facilities," which would incorporate by reference new addenda to specified published national codes and would clarify provisions in § 50.55a and Appendix G to Part 50.

The proposed amendments would have incorporated by reference the Addenda through the Winter 1976 Addenda to Section III, Division 1, "Rules for the Construction of Nuclear Power Plant Components," of the ASME Boiler and Pressure Vessel Code. The Winter 1975, Summer 1976, and Winter 1976 Addenda to Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the ASME Code were not referenced in the proposed amendments but are expected to be referenced with modifications in a subsequent amendment to the regulations.

Interested persons were invited to submit written comments for consideration in connections with the proposed amendment by May 2, 1977. A number of adverse comments and significant questions were received in response to the notice of proposed rule making relating to the proposed changes to footnote 4 in § 50.55a and to Appendix G to Part 50. One comment suggested that, in order not to delay the entire amendment while the adverse comments are being evaluated, § 50.55a be amended in part to incorporate the Addenda through the Winter 1976 Addenda to Section III of the ASME Code as was proposed. After consideration of the comments the Commission has adopted the amendment to § 50.55a set forth below which incorporates by reference the Addenda through the Winter 1976 Addenda to Section III of the ASME Code. The comments and questions on the proposed clarifying amendments will be evaluated separately and appropriate action taken accordingly.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 50 are published as a document subject to codification.

In § 50.55a of 10 CFR Part 50, paragraph (b) is revised to read as follows:

**§ 50.55a Codes and standards.**

Each operating license for a boiling or pressurized water-cooled nuclear power facility shall be subject to the conditions in paragraph (g) and each construction permit for a utilization facility shall be subject to the following conditions in addition to those specified in § 50.55:

(b) As used in this section, references to editions of Criteria, Codes and Standards include only those editions through 1974; references to Addenda include only those Addenda through the Summer 1975 Addenda, except references to Addenda of Section III, Division I, of the ASME Boiler and Pressure Vessel Code

include those Addenda through the Winter 1976 Addenda.

Effective date: These amendments become effective on August 17, 1977.

(Secs. 103, 104, 1611, Pub. L. 83-703; 68 Stat. 936, 937, 948 (42 U.S.C. 2133, 2134, 2201(1)).)

Dated at Bethesda, Md., this 30th day of June 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,  
Executive Director  
for Operations.

[FR Doc. 77-20538 Filed 7-15-77; 8:45 am]

**Title 7—Agriculture**

**CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE**

**SUBCHAPTER F—SUPPORT ACTIVITIES**

**PART 656—PROCEDURES FOR THE PROTECTION OF ARCHEOLOGICAL AND HISTORICAL PROPERTIES ENCOUNTERED IN SCS-ASSISTED PROGRAMS**

AGENCY: U.S. Department of Agriculture, Soil Conservation Service.

ACTION: Final rule.

SUMMARY: This rule prescribes general guidelines for Soil Conservation Service implementation of the several historic preservation acts and executive orders in programs administered by this agency.

EFFECTIVE DATE: July 18, 1977.

FOR FURTHER INFORMATION CONTACT:

R. M. Davis, Administrator, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: On June 9, 1976, the Soil Conservation Service (SCS) published in the FEDERAL REGISTER (41 FR 23181) its interim final guidelines entitled Support Activities Part 656, Procedures for the Protection of Archeological and Historical Properties Encountered in SCS-assisted Programs.

Written comments were received from three (3) federal agencies, eleven (11) state agencies, and nine (9) societies and/or individuals on the interim final SCS guidelines. The comments were given full consideration in developing the final guidelines. The full text of all comments received is on file and available for public inspection in Room 6105 South Building, U.S. Department of Agriculture, Washington, D.C.

Most suggestions made for clarification and improved editing were accepted. The more substantive comments received and their consideration are as follows:

1. Several commentators questioned why SCS considers compliance with the several historical laws differently in its Conservation Operations and Great Plains Conservation Programs from its Watersheds and Resource Conservation and Development Programs.

Response. The Watersheds and Resource Conservation and Development

Programs (7 CFR Parts 622 and 623 and U.S.C. 1010-1011 and U.S.C. 590 a-f, q) are federally-assisted project undertakings where SCS provides direct financial assistance to a local sponsor. The Conservation Operations and Great Plains Conservation Programs (7 CFR Part 610 and 631) are federally-assisted nonproject actions where SCS provides consultation and recommendations to individual land users on nonfederal lands. Therefore, for the nonproject actions SCS will advise land users of legislation which calls for protection and preservation of archeological, historical, and other cultural resources. SCS further advises landowners to contact their state historic preservation officers when properties listed on the National Register of Historic Places (NRHP) or may be eligible for listing on the NRHP may be affected by the landowners installation of soil conservation measures on his land. SCS will further notify the National Park Service when it believes such cultural properties may be affected by a landowners activities. (§ 656.4(b)(1)(2).) SCS does not believe it would be physically possible or fiscally responsible to fund an archeological/historical survey of every farm in the U.S. prior to providing consultative technical assistance to an individual landowner. For example, during FY-1976 SCS provided approximately one million farmers with consultations and technical assistance. Since the nationwide average size farm is about 340 acres, and archeologists have informed SCS that such cultural resource surveys would cost approximately \$5 per acre, it would have cost the Federal government more than \$1.5 billion just to fund archeological/historical surveys of farmland. SCS does not believe this was the intent of Congress when the National Historic Preservation Act of 1966 was enacted. The magnitude of such funding would place historic preservation far above stream pollution, water quality, soil conservation, and all other environmental amenities in order of significance to the national interest.

2. Many commentators suggested that the National Environmental Policy Act of 1969 (NEPA) should be listed in § 656.2, and that NEPA require SCS to determine impacts of its project-assisted undertakings on cultural resources.

Response. We do not agree that NEPA should be referenced in § 656.2 since NEPA is not an archeological or historical law. We reference NEPA in § 656.4(c)(2) and further state in § 656.5(d) that archeological and historical resources are considered as a part of the environmental assessment which is accomplished early in the planning stage in SCS-assisted projects. We reference 7 CFR 650.5 since this is the part which describes environmental assessments made by SCS. It is not our purpose to duplicate that description in these guidelines. The two levels of archeological and historical investigations described in § 656.5(d)(1) and (2) are an integral part of the environmental assessment.

3. Many commentators stated that the SCS procedures were in conflict with the Advisory Council on Historic Preservation

<sup>1</sup> These incorporation by reference provisions were approved by the Director of the Federal Register on March 17, 1972 and May 4, 1973.