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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

Revision of Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary of Agriculture Under Various Statutes

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document requires civil penalty hearings held by the U.S. Department of Agriculture under the Endangered Species Act of 1973, as amended, and the Lacey Act Amendments of 1981 to be conducted according to the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary of Agriculture under various statutes.

EFFECTIVE DATE: July 14, 1982.

FOR FURTHER INFORMATION CONTACT: John C. Frey, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782 (301-436-6466).

SUPPLEMENTARY INFORMATION: Section 11 of the Endangered Species Act of 1973, as amended, (16 U.S.C. 1540) provides, among other things, that the Secretary of Agriculture may, following notice and opportunity for a hearing, assess a civil penalty for violation of the Act, for violation of provisions of any permit or certificate issued under the Act, and for violations of certain regulations issued under the Act. Section 4 of the Lacey Act Amendments of 1981 (16 U.S.C. 3403) provides, among other things, that the Secretary of Agriculture may, following notice and opportunity for a hearing, assess a civil penalty for violations of the Act or regulations issued under that Act. Under both the Endangered Species Act and the Lacey Act Amendments of 1981, the Secretary of Agriculture is responsible for regulating the importation, exportation, or reexportation of certain plants. The purpose of this document is to require any hearing to assess a civil penalty for violations of the Endangered Species Act or the Lacey Act Amendments of 1981, to be conducted in accordance with the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary of Agriculture under various statutes, as contained in subpart H, Part 1, Title 7, Code of Federal Regulations.

This rule relates to internal agency management, and, therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect thereto are inpractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by Public Law 96-351, The Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 1

Administrative practice and procedures.

Accordingly, Subpart H, Part 1, Title 7, Code of Federal Regulations is amended as follows:

PART 1—ADMINISTRATIVE REGULATION

1. The authority citation for Subpart H is revised to read as follows:

Authority: 5 U.S.C. 301; sec. 4, 23 Stat. 32, sec. 2, 32 Stat. 792, as amended, 34 Stat. 1260, as amended, 37 Stat. 832, sec. 28, 39 Stat. 490, sec. 407, 42 Stat. 169, sec. 10, 42 Stat. 1519, sec. 15, 46 Stat. 537, as amended, sec. 402, 53 Stat. 1285, sec. 205(b), 60 Stat. 1090, sec. 14, 71 Stat. 447, as amended, sec. 21, 80 Stat. 353, sec. 9, 84 Stat. 1406, sec. 14, 84 Stat. 1629, sec. 11, 87 Stat. 897, sec. 310, 90 Stat. 2767, sec. 18, 90 Stat. 2884, sec. 13, 94 Stat. 2233, sec. 7, 95 Stat. 1078; 7 U.S.C. 61, 87e, 228, 268, 499o, 1592, 1624(b), 2151, 3812, 15 U.S.C. 1828, 16 U.S.C. 1540(f), 3406, 21 U.S.C. 111, 120, 154, 463(b), 621, 1043, 43 U.S.C. 1740, unless otherwise noted.

§ 1.131 [Amended]

2. The list of statutes contained in paragraph (a) of § 1.131 is revised by adding "Endangered Species Act of 1973, as amended, Section 11(a) (16 U.S.C. 1540(a))." after "Egg Products Inspection Act, Section 18 (21 U.S.C. 1047)."

3. The list of statutes contained in paragraph (a) of § 1.131 is further revised by adding "Lacey Act Amendments of 1981, Section 4 (a) and (b) (16 U.S.C. 3403 (a) and (b))." after "Horse Protection Act of 1970, Sections 4(c) and 6 (15 U.S.C. 1823(c), 1825)."

Done at Washington, D.C., this 8th day of July 1982.

John R. Block,
Secretary of Agriculture.

[FR Doc. 82-18940 Filed 7-13-82; 8:45 am]
BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Parts 916 and 917

Nectarines Grown in California, and Fresh Pears, Plums, and Peaches Grown in California; Amendment of Subpart Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule terminates the minimum size requirements for shipments of fresh nectarines, peaches, pears, and plums grown in California which are exempted from the certification, assessment, regulatory and reporting requirements of the marketing orders which regulate the commodities in order to relieve restrictions on handlers. The rule also increases the maximum allowable daily shipments per person under such exemptions for nectarines and plums. This action is a relaxation of restrictions.

EFFECTIVE DATE: July 14, 1982.

ADDRESS: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

The amendments of the rules and regulations are issued under the marketing agreements, as amended, and Order Nos. 916 and 917, as amended (7 CFR Parts 916 and 917), regulating the handling of fresh nectarines, pears, plums and peaches grown in California. The agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Nectarine Administrative Committee, Pear Commodity Committee, Peach Commodity Committee and Plum Commodity Committee, and upon other available information. It is hereby found that these actions will tend to effectuate the declared policy of the act.

Currently, §§ 916.110(b), for nectarines, and 917.143(b) for pears, plums and peaches, provide that under certain conditions the commodities may be handled without regard to the marketing order requirements pertaining to handler assessments, reports, requirements for inspection and certification, and the grade, size or other regulations applicable to fruit regulated under the marketing orders. The specific conditions under which such handling can occur includes the requirement that the fruit meet the grade requirements of the Food and Agricultural Code of California, and certain specified minimum size requirements. Also, such pears, plums, peaches and nectarines must be for home use and not for resale, and they must be handled by the person who produced them at a roadside stand, farmers market or other specified sites. Finally, shipments to any one person during any one day cannot exceed 100 pounds of nectarines or plums or 200 pounds of peaches or pears.

The amendment contained herein would eliminate size requirements for such exempted shipments. The amendment would also increase the maximum allowable daily shipment of nectarines and plums to 200 pounds in order to standardize the minimum quantity provisions. The changes also represent relaxations of restrictions.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these amendments effective as specified in that (1) shipment of the current crop is underway; (2) the amendments to the regulations were recommended by the committee following discussion at public meetings; (3) California handlers have been apprised of these requirements; and (4) the requirements relieve restrictions on handlers.

List of Subjects in 7 CFR Parts 916 and 917

Marketing agreements and orders, Nectarines, Pears, Plums, Peaches, California.

Therefore, §§ 916.110(b) and 917.143(b) are amended as follows:

1. Section 916.110 is amended by removing paragraph (b)(2), renumbering paragraphs (b)(3), (b)(4) and (b)(5) as (b)(2), (b)(3) and (b)(4) respectively, and revising paragraph (b)(3) (as renumbered) to read as follows:

§ 916.110 Exemptions.

* * * * *

(b) *Minimum quantities.* * * *

(3) The net weight of such nectarines to any one person during any one day does not exceed 200 pounds.

* * * * *

2. Section 917.143 is amended by removing paragraph (b)(2), renumbering paragraphs (b)(3), (b)(4) and (b)(5) as paragraphs (b)(2), (b)(3) and (b)(4), respectively, and revising paragraph (b)(3) (as renumbered) to read as follows:

§ 917.143 Exemptions.

* * * * *

(b) *Minimum quantities.* * * *

(3) The shipment does not exceed 200 pounds of pears, plums, and peaches to any one person during any one day.

* * * * *

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

Dated: July 8, 1982.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82-19113 Filed 7-13-82; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 19, 30, 40, 50, 60, 70, 72, and 150

Protection of Employees Who Provide Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The NRC is amending its regulations in regard to job protection for employees who provide information to the Commission. These amendments emphasize to employers—that is, licensees, permittees, applicants, and their contractors and subcontractors—that termination or other acts of job discrimination against employees who engage in activities furthering the purposes of the Atomic Energy Act and the Energy Reorganization Act is prohibited. In addition, these amendments will make the employee aware that if discrimination of this nature is believed to have occurred, a remedy is available through the Wage and Hour Division of the Department of Labor. To ensure that employees of licensees, permittees, and applicants are aware of these amendments, these organizations are required to post their premises with explanatory material related to the prohibition of discrimination and availability of a remedy in the event of discrimination.

EFFECTIVE DATE: October 12, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. A. J. DiPalo, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. (301-443-5981).

SUPPLEMENTARY INFORMATION: On March 10, 1980, NRC published in the **Federal Register** (45 FR 15184) proposed amendments related to employee protection. Those proposed amendments were intended (1) to implement section 210, "Employee Protection," of the Energy Reorganization Act of 1974, 42 U.S.C. 5851, as amended, (2) to incorporate into the regulations the Commission's authority under Section 161 of the Atomic Energy Act of 1954, as amended, to investigate an alleged unlawful discrimination against an employee and to take appropriate action, and (3) to complement the Department of Labor's program that is related to this matter (29 CFR Part 24). Section 210 identifies specific acts of employees as protected activities and prohibits employers from discriminating against employees who engage in those activities, provides the Department of Labor with new authority to investigate an alleged act of such discrimination, and provides a remedy to the discrimination by means of an administrative proceeding in the Department of Labor.

Those proposed amendments would announce the statutory prohibition of discrimination of the type described in section 210 above, indicate the availability through the Department of Labor of a remedy for employees who believe they have been unlawfully discriminated against, and also require posting by specific types of licensees, permittees, and applicants of a revised NRC Form 3 that explains the prohibition and remedy. In addition, those amendments would delete 10 CFR 19.16(c) of the Commissions regulations, but at the same time amend Part 19 by the addition of a new § 19.20. This new section, when combined with proposed changes to Parts 30, 40, 50, 60, 70, and 72 of the regulations, would extend the current prohibition of unlawful discrimination against workers who provide information concerning radiological working conditions to NRC to include employees who provide information relating to radiological health protection matters and matters that could affect the public health and safety. The prohibition of unlawful discrimination also extends to information relating to antitrust matters and safeguard matters that could affect the common defense and security if these matters are considered in connection with an application for a license. The amendments continue the exemption from the requirement to post NRC Form 3 for most "general licensees," for example, those granted under § 40.25(e). This exemption is based on the nature of the licensed activity and therefore has not been granted to the general licensee carrier of special nuclear material (10 CFR 70.20(a)).

Comments on the Proposed Rule

The Commission received 26 letters commenting on the proposed rule. Copies of those letters and an analysis of the comments are available for public inspection and copying for a fee at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

A number of commenters stated that the proposed rule would extend the NRC activities beyond the regulatory area of radiological working conditions that is applicable to all licensees. The commenters interpreted the rulemaking preamble as a Commission attempt to become involved in antitrust, safety, and security matters of all licensees. This was not the Commission's intent. Matters pertaining to radiological working conditions and radiological safety of all licensees are of concern to the Commission. However, antitrust and security matters are relevant only to certain types of licensees. For example, antitrust information is considered by the Commission only with respect to certain production and utilization facilities (primarily nuclear reactors). This rule is not intended to extend the Commission's involvement with antitrust or security matters to licensees with whom such matters are not presently considered. As noted earlier, the final rule involves the Commission in radiological safety aspects of all licensees (and their contractors and subcontractors) that are beyond the area of radiological working conditions. This involvement is appropriate since an individual fabricating a component that is destined for use in connection with a regulated facility or activity may be fabricating such component in a nonradiological work area but that individual may possess information that indicates the component, when installed at the regulated facility or activity, may contribute to a degradation of public health or safety. At times this information has not been readily available from those responsible for component fabrication, for example, licensees and their subcontractors. The Commission, to effectively fulfill its mandate, requires complete, factual, and current information concerning the regulated activities of its licensees. Employees are an important source of such information and should be encouraged to come forth with any items of potential significance to safety without fear of retribution from their employers. The purpose of the final rule is to ensure that employees are aware that employment discrimination for engaging in a protected activity, for example, contacting the Commission, is illegal and that a remedy exists through the Department of Labor. The organizations subject to the rule should understand that the Commission will not permit any interference with communications between the Commission's representatives and employees of such organization. In addition to redress being available to the individual employee, the Commission may, upon learning of an adverse finding against an employer by the Department of Labor, take enforcement action against the employer because the employer engaged in illegal discrimination.

Based on the comments received, the following substantive changes have been incorporated into the final rule:

(1) The definition of discrimination has been revised to more closely track the statutory language (see § 30.7(a)).[1]

(2) The statute expressly provides that an employee is not protected from actions taken by the employer when the employer's action is in response to the employee's deliberate action to violate the Atomic Energy Act of 1954, as amended, or the Energy Reorganization Act of 1974, as amended. This concept was not included in the proposed rule but has been incorporated in the final rule for completeness (see § 30.7(a)).

(3) The statement of available NRC enforcement actions that are derived from the Atomic Energy Act, as amended, (see § 30.7(c)) has been revised to more clearly state the policy of enforcement in the event of unlawful discrimination.

(4) A new § 30.7(d) has been added to clarify the fact that some actions taken by an employer that adversely affect an employee are not prohibited by the new regulation.

The final rule requires, in a manner similar to the proposed amendments, that the premises of licensees—including permit holders—and applicants be posted, e.g., 10 CFR 50.7(e). In the course of construction of a nuclear facility an organization may transfer administrative control of a portion of its premises to a contractor or subcontractor, e.g., an office or supply trailer or a large area for concrete construction. Such transfer does not eliminate the requirement for posting by the licensee, permit holder or applicant of those premises in a manner adequate to ensure that employees of a contractor or subcontractor are able to observe the posted information on the way to or from their place of work.

In developing the final rule the Commission considered including in its requirements that would, by one of various means, cause information related to employee protection to be posted on the premises of contractors and subcontractors of licensees—including permit holders—and applicants. Based on, among other things, the experience gained in the drafting and implementing of 10 CFR Part 21 the Commission has determined that contractors and subcontractors should be required to post NRC Form 3. Accordingly, the staff has underway a rulemaking proposing an amendment of 10 CFR 50.7(e) to require contractors and subcontractors to post NRC Form 3 on their premises.

Based on NRC staff comments, the Parts of Title 10 that are included in the rulemaking have been revised to delete Part 71, "Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions," to add Part

[1] For simplification in the preamble, reference is made only to the changes to Part 30. Conforming changes have also been made to Parts 40, 50, 60, 70 and 72.

60, "Disposal of High Level Radioactive Wastes in Geologic Repositories," and to add Part 72, "Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation (ISFSI)." Part 71 was deleted since all general licensees under Part 71 are also specific licensees under another Part, e.g., Part 50, and are, therefore, included in this rulemaking. Conforming amendments to Parts 60 and 72 are included in this final rulemaking to effectuate the Commission's intent that all specific licensees will have similar responsibilities under the Employee Protection amendments. Parts 60 and 72 were not included in the proposed rulemaking since they had not been codified at that time. Conforming amendments will be made to Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste" when that proposed rule (46 FR 38081, July 24, 1981) becomes final.

A number of comments from licensees and their consultants stated that the proposed rule would allow the individuals to harass the employer with accusations that are false, frivolous, or unwarranted. To prevent this, it was recommended that either civil penalties be imposed on the individual that knowingly supplies false information or that compensation be provided to an employer to defray the cost of defending against the allegations. The Commission has rejected these comments since the statutory authority of the Commission under section 210 neither provides for penalties against individuals or for any reimbursement to an employer. Based on a review of allegations of employment discrimination complaints filed with DOL, it appears that at an early stage, DOL denies complaints that are without merit.

List of Subjects

10 CFR Part 19

Environmental protection, Nuclear materials, nuclear power plants and reactors, Occupational safety and health, Penalty, Radiation protection, Reporting requirements, Sex discrimination.

10 CFR Part 30

Byproduct material, Labeling, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting requirements, Scientific equipment.

10 CFR Part 40

Government contracts, Hazardous materials—transportation, Nuclear materials, Penalty, Reporting requirements, Source material, Uranium.

10 CFR Part 50

Antitrust, Classified information, Fire prevention, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting requirements.

10 CFR Part 60

High-level waste, Nuclear power plants and reactors, Nuclear materials, Penalty, Reporting requirements, Waste treatment and disposal.

10 CFR Part 70

Hazardous materials—transportation, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting requirements.

10 CFR Part 72

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

10 CFR Part 150

Hazardous materials—transportation, Intergovernmental relations, Nuclear materials, Penalty, Reporting requirements, Security measures, Source material, Special nuclear material.

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, notice is hereby given that the following amendments to Title 10, Chapter I, Code of Federal Regulations, are published as a document subject to codification.

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

1. The authority citation for Part 19 is revised to read as follows:

Authority: Secs. 53, 63, 81, 103, 104, 161, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2236, 2282); sec. 201, 88 Stat. 1242, as amended by Pub. L. 94–79, 89 Stat. 413 (42 U.S.C. 5841). Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 19.11(a), (c), (d), and (e) and 19.12 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 19.13 and 19.14(a) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

§ 19.13 [Amended]

2. The authority citation following § 19.13 is removed.

3. In § 19.11, paragraph (c) is revised to read as follows:

§ 19.11 Posting of notices to workers.

* * * * *

(c) Each licensee and applicant shall post Form NRC-3, (Revision 6–82 or later) "Notice to Employees," as required by Parts 30, 40, 50, 60, 70, 72, and 150 of this chapter.

* * * * *

§ 19.16 [Amended]

4. In § 19.16, paragraph (c) is removed.

5. A new § 19.20 is added to read as follows:

§ 19.20 Employee protection.

Employment discrimination by a licensee or a contractor or subcontractor of a licensee against an employee for engaging in protected activities under this part or Parts 30, 40, 50, 60, 70, 72, or 150 of this chapter is prohibited.

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

6. The authority citation for Part 30 is revised to read as follows:

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

Section 30.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 30.3, 30.34 (b) and (c), 30.41 (a) and (c), and 30.53 issued under sec. 161b., 68 Stat. 948 (42 U.S.C. 2201(b)) and §§ 30.34(f), 30.51, 30.52 and 30.55 issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

7. A new § 30.7 is added under the center heading "General Provisions" to read as follows:

§ 30.7 Employee protection.

(a) Discrimination by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, and privileges of employment. The protected activities are established in section 210 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

(1) The protected activities include but are not limited to—

(i) Providing the Commission information about possible violations of requirements imposed under either of the above statutes;

(ii) Requesting the Commission to institute action against his or her employer for the administration or enforcement of these requirements; or

(iii) Testifying in any Commission proceeding.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(3) This section has no application to any employee alleging discrimination prohibited by this section who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in the protected activities specified in paragraph (a)(1) of this section may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. The administrative proceeding must be initiated within 30 days after an alleged violation occurs by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement , back pay, and compensatory damages.

(c) A violation of paragraph (a) of this section by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant may be grounds for—

(1) Denial, revocation, or suspension of the license.

(2) Imposition of a civil penalty on the licensee or applicant.

(3) Other enforcement action.

(d) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

(e) Each licensee and each applicant shall post Form NRC-3, "Notice to Employees," on its premises. Posting must be at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be posted not later than 30 days after an application is docketed and remain posted while the application is pending before the Commission, during the term of the license, and for 30 days following license termination.

Note.—Copies of Form NRC-3 may be obtained by writing to the the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D, Part 20 of this chapter or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(f) The general licenses provided in Parts 31 and 35 of this chapter are exempt from paragraph (e) of this section.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

8. The authority citation for Part 40 is revised to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 83, 84, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846) unless otherwise noted.

Section 40.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 40.3, 40.25(d)(1)-(3), 40.35(a)-(d), § 40.41(b) and (c), 40.46, 40.51(a) and (c) and 40.63 are issued under sec. 161b., 68 Stat. 948 as amended (42 U.S.C. 2201(b)); and §§ 40.25(c) and (d)(3) and (4), 40.26(c)(2), 40.35(e), 40.41(f), 40.61, 40.62, 40.64, and 40.65 are issued under sec. 161o., 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

9. A new § 40.7 is added under the center heading "General Provisions" to read as follows:

§ 40.7 Employee protection.

(a) Discrimination by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, and privileges of employment. The protected activities are established in Section 210 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

(1) The protected activities include but are not limited to—

(i) Providing the Commission information about possible violations of requirements imposed under either of the above statutes;

(ii) Requesting the Commission to institute action against his or her employer for the administration or enforcement of these requirements; or

(iii) Testifying in any Commission proceeding.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(3) This section has no application to any employee alleging discrimination prohibited by this section who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in the protected activities specified in paragraph (a)(1) of this section may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. The administrative proceeding must be initiated within 30 days after an alleged violation occurs by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraph (a) of this section by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant may be grounds for—

(1) Denial, revocation, or suspension of the license.

(2) Imposition of a civil penalty on the licensee or applicant.

(3) Other enforcement action.

(d) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by non-prohibited considerations.

(e) Each licensee and each applicant shall post Form NRC-3, "Notice to Employees," on its premises. Posting must be at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be posted not later than 30 days after an application is docketed and remain posted while the application is pending before the Commission, during the term of the license, and for 30 days following license termination.

Note.—Copies of Form NRC-3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D, Part 20 of this chapter or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(f) The general licenses provided in §§ 40.21, 40.22, and 40.25 are exempt from paragraph (e) of this section.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

10. The authority citation for Part 50 is revised to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Section 50.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100-50.102 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§50.10 (a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

11. A new § 50.7 is added under the center heading "General Provisions" to read as follows:

§ 50.7 Employee protection.

(a) Discrimination by a Commission licensee, permittee, an applicant for a Commission license or permit, or a contractor or subcontractor of a Commission licensee, permittee, or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, and privileges of employment. The protected activities are established in section 210 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

(1) The protected activities include but are not limited to—

(i) Providing the Commission information about possible violations of requirements imposed under either of the above statutes;

(ii) Requesting the Commission to institute action against his or her employer for the administration or enforcement of these requirements; or

(iii) Testifying in any Commission proceeding.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(3) This section has no application to any employee alleging discrimination prohibited by this section who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in the protected activities specified in paragraph (a)(1) of this section may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. The administrative proceeding must be initiated within 30 days after an alleged violation occurs by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraph (a) of this section by a Commission licensee, permittee, an applicant for a Commission license or permit, or a contractor or subcontractor of a Commission licensee, permittee, or applicant may be grounds for—

(1) Denial, revocation, or suspension of the license.

(2) Imposition of a civil penalty on the licensee or applicant.

(3) Other enforcement action.

(d) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

(e) Each licensee, permittee and each applicant shall post Form NRC-3, "Notice to Employees," on its premises. Posting must be at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be posted not later than 30 days after an application is docketed and remain posted while the application is pending before the Commission, during the term of the license, and for 30 days following license termination.

Note.—Copies of Form NRC-3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D, Part 20 of this chapter or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

PART 60—DISPOSAL OF HIGH LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

12. The authority citation for Part 60 is revised to read as follows:

Authority: Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); Pub. L. 95-601, secs. 10 and 14, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 60.71 to 60.73 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

13. A new § 60.9 is added to Subpart A to read as follows:

§ 60.9 Employee protection.

(a) Discrimination by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, and privileges of employment. The protected activities are established in section 210 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

(1) The protected activities include but are not limited to—

(i) Providing the Commission information about possible violations of requirements imposed under either of the above statutes;

(ii) Requesting the Commission to institute action against his or her employer for the administration or enforcement of these requirements; or

(iii) Testifying in any Commission proceeding.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(3) This section has no applicaton to any employee alleging discrimination prohibited by this section who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in the protected activities specified in paragraph (a)(1) of this section may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. The administrative proceeding must be initiated within 30 days after an alleged violation occurs by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraph (a) of this section by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant may be grounds for—

(1) Denial, revocation, or suspension of the license.

(2) Imposition of a civil penalty on the licensee or applicant.

(3) Other enforcement action.

(d) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

(e) Each licensee and each applicant shall post Form NRC-3, "Notice to Employees," on its premises. Posting must be at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be posted not later than 30 days after an application is docketed and remain posted while the application is pending before the Commission, during the term of the license, and for 30 days following license termination.

Note.—Copies of Form NRC-3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D, Part 20 of this chapter or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

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

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846) unless otherwise noted.

Section 70.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 70.3, 70.19(c), 70.21(c), 70.22(a), (b), (d)-(k), 70.24(a) and (b), 70.32(a)(3), (5), and (i), 70.36, 70.39(b), and (c), 70.41(a), 70.42(a) and (c), 70.56, are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); § 70.7, 70.20a(a) and (d), 70.32(a)(6), (c), (d), (e), and (g), 70.36, 70.51(c)-(g), 70.56, 70.57(b) and (d), 70.58(a)-(g)(3) and (h)-(j) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 70.32(h), 70.51(b) and (i), 70.52, 70.53, 70.54, 70.55, 70.58(g)(4), (k) and (l), 70.59 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

15. A new § 70.7 is added under the center heading "General Provisions" to read as follows:

§ 70.7 Employee protection.

(a) Discrimination by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, and privileges of employment. The protected activities are established in Section 210 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

(1) The protected activities include but are not limited to—

(i) Providing the Commission information about possible violations of requirements imposed under either of the above statutes;

(ii) Requesting the Commission to institute action against his or her employer for the administration or enforcement of these requirements; or

(iii) Testifying in any Commission proceeding.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(3) This section has no application to any employee alleging discrimination prohibited by this section who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in the protected activities specified in paragraph (a)(1) of this section may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. The administrative proceeding must be initiated within 30 days after an alleged violation occurs by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraph (a) of this section by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant may be grounds for—

(1) Denial, revocation, or suspension of the license.

(2) Imposition of a civil penalty on the licensee or applicant.

(3) Other enforcement action.

(d) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

(e) Each licensee and each applicant shall post Form NRC-3 "Notice to Employees," on its premises. Posting must be at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be posted not later than 30 days after an application is docketed and remain posted while the application is pending before the Commission, during the term of the license, and for 30 days following license termination.

Note.—Copies of Form NRC-3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D, Part 20 of this chapter or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(f) The general licenses provided in §§ 70.19 and 70.20 are exempt from paragraph (e) of this section.

16. Section 70.20a paragraph (a) is revised to read as follows:

§ 70.20a General license to possess special nuclear material for transport.

(a) A general license is hereby issued to any person to possess formula quantities of strategic special nuclear material of the types and quantities subject to the requirements of §§ 73.20, 73.25, 73.26, and 73.27 of this chapter and irradiated reactor fuel containing material of the types and quantities subject to the requirements of § 73.37 of this chapter, in the regular course of carriage for another or storage incident thereto. Carriers generally licensed under § 70.20b are exempt from the requirements of this section. Carriers of irradiated reactor fuel for the United States Department of Energy are also exempt from the requirements of this section. The general license is subject to the applicable provisions of §§ 70.7 (a) through (e); 70.32 (a) and (b), and §§ 70.42, 70.52, 70.55, 70.61, 70.62, and 70.71.

* * * * *

PART 72—LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUEL IN AN INDEPENDENT SPENT FUEL STORAGE INSTALLATION (ISFSI)

17. The authority citation for Part 72 is revised to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2282); sec. 274, Pub. L. 86-273, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, 202, 206, 88 Stat. 1242, 1243, 1246, as amended (42 U.S.C. 5841, 5842, 5846); Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332).

18. A new § 72.10 is added to Subpart A to read as follows:

§ 72.10 Employee protection

(a) Discrimination by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, and privileges of employment. The protected activities are established in section 210 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

(1) The protected activities include but are not limited to—

(i) Providing the Commission information about possible violations of requirements imposed under either of the above statutes;

(ii) Requesting the Commission to institute action against his or her employer for the administration or enforcement of these requirements; or

(iii) Testifying in any Commission proceeding.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(3) This section has no application to any employee alleging discrimination prohibited by this section who, acting without direction from his or her employer (or the employer's agent), deliberately cause a violation of any requirement of the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in the protected activities specified in paragraph (a)(1) of this section may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. The administrative proceeding must be initiated within 30 days after an alleged violation occurs by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraph (a) of this section by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant may be grounds for—

(1) Denial, revocation, or suspension of the license.

(2) Imposition of a civil penalty on the licensee or applicant.

(3) Other enforcement action.

(d) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

(e) Each licensee and each applicant shall post Form NRC-3, "Notice to Employees," on its premises. Posting must be at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be posted not later than 30 days after an application is docketed and remain posted while the application is pending before the Commission, during the term of the license, and for 30 days following license termination.

Note.—Copies of Form NRC-3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D, Part 20 of this chapter or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

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

19. The authority citation for Part 150 is revised to read as follows:

Authority. Sec. 161, 186, 68 Stat. 948, 955, (42 U.S.C. 2201, 2236); sec. 274, Pub. L. 86-273, 73 Stat. 688, as amended (42 U.S.C. 2021) sec. 201, 206, 88 Stat. 1242, 1246, as amended (42 U.S.C. 5841, 5846).

Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152).

For purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 150.17a issued under sec. 161b, 68 Stat. 950 (42 U.S.C. 2201(b)).

20. In § 150.20, the introductory text of paragraph (b) is revised 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 engaging in activities in a non-Agreement State or in offshore waters under the general licenses provided in this section, the general licenses provided in this section are subject to the provisions of §§ 30.7(a) through (e), 30.14(d) and §§ 30.34, 30.41, and 30.51 to 30.63, inclusive, of Part 30 of this chapter; paragraphs 40.7(a) through (e) and §§ 40.41, 40.51, 40.61 to 40.63, inclusive, 40.71 and 40.81 of Part 40 of this chapter; and paragraphs 70.7(a) through (e) and §§ 70.32, 70.42, 70.51 to 70.56, inclusive, 70.61, 70.62, and 70.71 of Part 70 of this chapter; and to the provisions of Parts 19, 20, and 71 and Subpart B of Part 34 of this chapter. In addition, any person engaging in activities in non-Agreement States or in offshore waters under the general licenses provided in this section:

* * * * *

Dated at Washington, D.C. this 9th day of July, 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-19024 Filed 7-13-82; 8:45 am]

BILLING CODE 7590-01-M

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10 CFR Part 50

Codes and Standards for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations to incorporate by reference the Summer 1981 Addenda of the ASME Boiler and Pressure Vessel Code. The sections of the ASME Code being incorporated provide rules for the construction of nuclear power plant components. Adoption of these amendments will permit the use of improved methods for construction.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. E. Baker, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 443-5892.

SUPPLEMENTARY INFORMATION: On February 3, 1982 the Nuclear Regulatory Commission published in the **Federal Register** (47 FR 5010) proposed amendments to its regulation, 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities." The proposed amendments revised § 50.55a to incorporate by reference the Summer 1981 Addenda to Section III of the ASME Boiler and Pressure Vessel Code.

Some of the changes effected in the addenda which are incorporated through the adoption of the amendments are:

1. Article NCA-3000 of Section III was revised to add a requirement that N, NA, and NPT certificate holders be responsible for documentation of the review and approval of materials used by them and the preparation, accumulation, control, and protection of required records while in their custody. Also, the owner must review the materials documentation to verify that the Code Edition, Addenda, and Code Cases used satisfy NCA-1140 and are acceptable to the regulatory and enforcement authorities.

2. Article NCA-8000 of Section III was revised editorially to make it easier to read and understand. Also, two new provisions, NCA-8240(b) and NCA-8430, were added. NCA-8240(b) describes the provisions that must be met if a name plate is to be removed from an item which has been installed in a nuclear power plant system. NCA-8430 describes alternatives for compiling the Code Data Reports so that they can be traced from the Data Report Form.

3. Article NB-3500 of Section III was revised to remove the nomenclatures "normal duty valve," "severe duty valve," "standard valve," and "expected cycle," but there were no technical changes associated with dropping these nomenclatures.

4. Article NB-6000 was given an extensive editorial rewrite which mainly reorganized the paragraphs into a more comprehensive form. Also added were a subarticle on special test procedures and a subparagraph allowing the hydrostatic testing of pump and valve subassemblies.

Interested persons were invited to submit written comments for consideration in connection with the proposed amendement by May 5, 1982. One information/editorial comment on the supplementary information section of the proposed rule was received but no significant comments were received. The necessary editorial corrections were made. The Commission has adopted the proposed amendment with a minor editorial revision to accommodate the incorporation by reference of the ASME Code.

Paperwork Reduction Act Statement

The recordkeeping requirements contained in this Regulation have been approved by the Office of Management and Budget; OMB approval No: 3150-0011.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. Since these companies are dominant in their service areas, this rule does not fall within the purview of the Act.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Intergovernmental relations, Nuclear Power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting requirements.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

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.

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended; (42 U.S.C. 2234). Sections 50.100-50.102 issued under sec. 186, 68 Stat. 955; (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10 (a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, and