NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of July 1 through July 8, 1984, as National Duck Stamp Week and 1984 as the Golden Anniversary Year of the Duck Stamp. I urge all Americans to observe these occasions with appropriate ceremonies and events, including participating in this program.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of July, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

[FR Doc. 84-18088
Filed 7-3-84; 4:51 pm]
Billing code 3195-01-M

Editorial note: For the President's remarks of July 3, 1984, on the commemoration of the 50th year of the Duck Stamp, see the *Weekly Compilation of Presidential Documents* (vol. 20, no. 27).

Rules and Regulations

Federal Register
Vol. 49, No. 131
Friday, July 6, 1984

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

Revision of User Fees for Cotton Classification, Testing, and Standards

Correction

In FR Doc. 84–17106, beginning on page 26543, in the issue of Thursday, June 28, 1984, make the following corrections:

1. On page 26546, in § 28.956, in the table, in Item No. 2.0, in the first line, "micronair" should read "micronaire".

2. Also on page 26546, in § 28.956, in the table, in Item No. 11.0, in the fifth line, "employing and standard twist miltiplier" should read "employing a standard twist multiplier".

BILLING CODE 1505-01-M

Federal Grain Inspection Service

7 CFR Part 68

Fees for Certain Commodity Inspection Services and Rice Inspection Services

Correction

In FR Doc. 84–17208 beginning on page 26547 in the issue of Thursday, June 28, 1984, make the following corrections:

§ 68.42a [Corrected]

On page 26550, § 68.42a, column two, Table 3, second column, "Fees", entry (7), "7.70" should read "7.60"; and in entry (31), "18.90" should read "18.00".

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 924

[Prune Reg. 19, Amdt. 3]

Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, Oregon; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule relaxes the surface color requirement of fresh prunes shipped from the production area from prunes having at least three-fourths purplish color to prunes having at least two-thirds purplish color. This change is necessary to assure shipments of prunes of acceptable quality in the interest of producers and consumers.

EFFECTIVE DATE: July 6, 1984.

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

SUPPLEMENTARY INFORMATION: This final 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 certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the Washington-Oregon prune crop for the benefit of producers and consumers and will not substantially affect costs for the persons directly regulated.

This amendment to Prune Regulation 19 is issued under Marketing Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Washington-Oregon Fresh Marketing Committee and upon other available information.

Prune Regulation 19 was issued on a continuing basis subject to modification, suspension, or termination upon recommendation by the committee and approval by the Secretary. The committee meets prior to and during each season to consider recommendations for modifications, suspension, or termination of the regulatory requirements for Washington-Oregon fresh prunes. Prior to making any such recommedations, the committee submits to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department reviews committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension, or termination of the regulatory requirements would tend to effectuate the declared policy of the Act.

The current regulation requiring that at least three-fourths of the surface of the prune shall be purplish in color has been in effect for one year. Prior to that time, the requirement was two-thirds. Purplish color is an indicator of maturity in fresh prunes, and, unless the fruit is mature, it will not ripen properly. The regulation was changed from two-thirds to three-fourths purplish color to advance maturity in fresh prune shipments.

During the early part of the 1983 season prunes arriving at markets were soft or overripe, had internal browning, or a combination of these conditions which are serious grade defects. The committee discussed the problem at its annual meeting on May 23, 1984, and concluded that the stricter color requirement contributed to the defect problems that occurred last season. The committee also concluded that the lower two-thirds purplish color requirement would continue to assure that fresh prunes were mature and thereby provide a satisfactory product to consumers.

Except for the change in the surface color requirement, the current grade requirement applicable to fresh prune shipments would remain unchanged.

Accordingly, the Secretary finds that upon good cause shown it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in other public rulemaking procedures, and postpone the effective date of this final

rule until 30 days after publication in the **Federal Regiater** (5 U.S.C. 553) because of insufficient time between the date when information became available upon which this action is based and the effective date necessary to effectuate the declared purposes of the Act. Washington-Oregon fresh prune handlers have been apprised of the new requirement and its effective date, and this action relieves restrictions on the handling of fresh prunes grown in Washington and Oregon. It is found that this action will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 924

Marketing agreements and orders, Prunes, Washington, Oregon.

PART 924—[AMENDED]

Therefore, § 924.319 is revised by amending that part of paragraph (a)(1) which precedes the first proviso as follows:

§ 924.319 Prune Regulation 19.

(a) * * *

(1) Such prunes grade at least U.S. No. 1, except that at least two-thirds of the surface of the prune is required to be purplish in color, and such prunes measure not less than 1¼ inches in diameter as measured by a rigid ring: * * *

* * * * *

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

Dated: June 29, 1984.

Thomas R. Clark,

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

[FR Doc. 84–17890 Filed 7–5–84; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Pro Air Services

Correction

In FR Doc. 84–17052 beginning on page 26203 in the issue of Wednesday, June 27, 1984, make the following corrections on page 26204: In the first column, in the eighth line, "Naturalization" should read "Nationality"; and in the tenth line, "facilities" should read "facilitates".

BILLING CODE 1505–01–M

8 CFR Part 238

Contracts With Transportation Lines; Addition of Gull Air, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the listing of carriers which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States by adding the name of Gull Air, Inc.

EFFECTIVE DATE: June 25, 1984.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into an agreement with Gull Air, Inc. on June 25, 1984 to provide for the preinspection of its passengers and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds an air carrier's name to the present listing and is editorial in nature.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Government contracts, Inspections.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

§ 238.4 [Amended]

Section 238.4 is amended by adding the name "Gull Air, Inc." under "At Freeport".

(Secs. 103 and 238 of the Immigration and Nationality Act, as amended; (8 U.S.C. 1103 and 1228))

Dated: June 29, 1984.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 84–17941 Filed 7–5–84; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 309, 310, and 318

[Docket No. 84–010N]

Sulfonamide and Antibiotic Residues in Young Veal Calves; Reporting and Recordkeeping Requirements

June 22, 1984.

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: OMB reporting and recordkeeping requirements; conformation of effective date.

SUMMARY: This notice announces the approval by the Office of Management and Budget (OMB) of the reporting and recordkeeping requirements set forth in the emergency interim rule published on June 7, 1984 (49 FR 23602), concerning sulfonamide and antibiotic residues in young veal calves. The interim rule was effective on June 4, 1984, except for those provisions containing reporting and recordkeeping requirements because OMB approval of such requirements had not yet been obtained. Those requirements are hereby effective.

EFFECTIVE DATE: July 6, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. W.S. Horne, Assistant Deputy Administrator, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–3697.

SUPPLEMENTARY INFORMATION: As a result of increased levels of sulfonamide and antibiotic residues in young veal calves, the Food Safety and Inspection Service (FSIS) undertook emergency rulemaking to decrease the likelihood that adulterated meat will enter into human food channels. The interim rule intensifies implant testing procedures for detecting violative levels of sulfonamides and antibiotics in young calves up to 3 weeks in age or 159 pounds in weight. Furthermore, the interim rule provides a voluntary certification program for producers of young calves which provides for less intensified testing for such certified calves. Under the certification program,

the producer of the calves certifies that the calves have not been treated with any animal drugs or, if so, that the prescribed withdrawal period for such drugs has passed allowing the drug residues in the animals to be in compliance with tolerances approved by the Food and Drug Administration.

The interim rule was effective on June 4, 1984, except for § 309.16(d) (2)(i) and (3) which contain reporting and recordkeeping requirements. Such requirements were not to be effective until OMB approval had been obtained. The interim rule stated that when OMB had approved the reporting and recordkeeping requirements, FSIS would publish a notice of the effective date of these requirements.

This notice announces that OMB has approved the reporting and recordkeeping requirements set forth in § 309.16(d) (2)(i) and (3) of the interim rule, and that such requirements are hereby effective.

Done at Washington, DC, on June 29, 1984.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 84-17891 Filed 7-5-84; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Emergency Planning and Preparedness

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations to relax the frequency of participation by State and local governmental authorities in emergency preparedness exercises at nuclear power reactor sites. This relaxation reflects experience gained in observing and evaluating over 150 emergency preparedness exercises since 1980.

EFFECTIVE DATE: August 6, 1984.

FOR FURTHER INFORMATION CONTACT: Michael T. Jamgochian, Accident Source Term Program Office, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 443-7615.

SUPPLEMENTARY INFORMATION: On July 21, 1983, the Commission published in the **Federal Register** a proposed rule relating to emergency preparedness exercises (48 FR 33307). The proposed rule retained the presently required annual, full-participation exercise with a proviso that, if all major elements in the emergency plan are performed in a satisfactory manner during the annual exercise, FEMA may recommend and the NRC may find that another exercise with State and local government participation is not required for up to 2 years. The proposed rule did not relax in any manner the annual requirement for onsite exercises that each licensee is required to conduct which include exercising the control room, technical support center, and emergency operation facility functions.

Immediately after the Commission approved publication of the proposed rule, the Director of FEMA wrote to NRC Chairman Palladino, urging the Commission to "* * * adopt biennial exercise frequency language * * *" in 10 CFR Part 50, Appendix E to assure consistency in the regulations.

FEMA's final regulation, 44 CFR 350, published in the **Federal Register** on September 28, 1983 (48 FR 44332), reduced State and local participation in emergency preparedness exercises to a frequency of once every 2 years. The FEMA final rule is not consistent with the position taken by the Commission in the NRC proposed rule (an annual frequency with a specific NRC finding necessary for relaxation). This difference was a source of some concern to both agencies and to some of the commenters on the NRC proposed rule. The FEMA regulation requires that a State within the plume exposure pathway EPZ fully participate in an exercise every 2 years with no requirement on the return frequency at a specific site. Typically, therefore, a State with two sites might be expected to fully participate in an exercise at a specific site at least every 4 years, a State with three sites, every 6 years; four sites, every 8 years; five sites, every 10 years, etc. Whereas, the enclosed NRC rule change stipulates that a State within the plume exposure pathway EPZ fully participate in an exercise every 2 years with a return frequency of at least once every 7 years at a specific site. Both rules require a multi-site State, when not fully participating in an exercise at a specific site, to partially participate every 2 years at that specific site in order to support the participation of the appropriate local governments.

The Commission has selected a return frequency of 7 years because presently no State has more than 7 operating and/or planned reactors and States with that number of sites or less would not be required to exercise in a full participation mode more often than about once a year.

Public Comments

The NRC proposed rule was published in the **Federal Register** with a 60-day comment period on July 21, 1983 (48 FR 33307). Seventy-one comment letters were received and evaluated by the NRC staff.

Those commenters (55) favoring relaxing the frequency of State and local governmental participation in emergency preparedness exercises were utilities, consulting firms representing utilities, two State Governors, State and local governmental agencies, FEMA and private citizens.

Those commenters (14) opposing relaxing the frequency of State and local governmental participation in emergency preparedness exercises were an information service, environmental groups, a State Governor, State and local governmental agencies, EPA and private citizens.

The comments raised several significant issues, to which the Commission responds as follows:

Issue No. 1

Should the Commission adopt a biennial exercise frequency for State and local government participation with a proviso for remedial exercises for the correction of serious deficiencies rather than the exercise frequency contained in the proposed rule?

Discussion: This issue was addressed by many State and local governmental comment letters whose concerns are generaly characterized by the following quote from the FEMA comment letter:

> The NRC proposal will be difficult to administer. For example, objective criteria will need to be developed for use in determining whether State and local governments have performed in a satisfactory enough manner to warrant an exemption from the succeeding year's exercise. It will be difficult to apply such criteria to the satisfaction of State and local governments. The NRC proposal would create complex situations such as what to do if some jurisdictions perform in an unsatisfactory manner and the others in a satisfactory manner. Would all jurisdictions have to exercise the next year or only the unsatisfactory ones? If only the unsatisfactory ones, an unworkable condition would result wherein some jurisdictions would be on annual and others on biennial frequency. Inequities would result. Further, the time involved for evaluating exercise results, including getting commitments from State and local governments to take corrective actions, has proved time consuming in the past. If we add time for the NRC to make a finding after FEMA's recommendation, a good portion of a year could be consumed. This would cause uncertainty and instability in State and local governments, which should be avoided.

Commission Response: The Commission recognizes the implementation difficulties with the proposed NRC approach (annual frequency with a finding to relax). This was pointed out by the NRC emergency preparedness regional inspectors, a majority of the comment letters, the general thrust in two petitions for rulemaking,[1] and the ACRS.

Issue No. 2

Will less frequent exercises result in making personnel and equipment less effective or reliable and therefore reduce the level of safety?

Discussion: A few commenters, primarily citizens and governmental organizations, addressed this issue by pointing out that State and local emergency response organizations must frequently respond to various natural and man-made emergencies. This continuum of real life emergencies exercises personnel, equipment, communication networks and organizational structures on a frequent basis.

The following quote from a comment letter summarizes this concern:

> While an emergency situation at a nuclear power plant may call for some procedures that are different from those used under other emergency situations, many of the response and evacuation measures will be similar, if not identical. A myriad of major and minor emergencies demand the maintenance of a force of personnel trained in these procedures. By responding to other emergency situations such as chemical spills, the emergency response personnel will be rehearsing many of the procedures they would use in the event of an emergency situation at a nuclear power plant. Some examples of these procedures would include notification of appropriate local authorities, establishing communication links between local, regional and state emergency response personnel, and evacuating or finding shelter for the affected population.

Commission Response: Because emergency response personnel at the State and local government level continuously respond to actual emergencies, the Commission does not consider that relaxing the frequency of State and local government participation in emergency preparedness exercises would adversely affect the health and safety of the public.

A provision has been added in the final rule to permit State or local government participation in the licensee's annual exercise. A State or local government may consider its response capability to be less than optimal because of an unusually large personnel turnover or because there have been limited responses to real emergencies in the community. The final rule requires the licensee to provide for State or local government participation if they indicate such a desire.

Issue No. 3

Will the deletion of NUREG–0654[2] as a footnote adversely affect the interface between offsite emergency plans and the licensee's emergency plans?

Discussion: The proposed rule included a provision to delete references to NUREG–0654 throughout the regulations. NUREG–0654 provides specific criteria for the evaluation of the standards in § 50.47 and is titled, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Plants." A few commenters, primarily a utility and a state governmental official, felt that the deletion of the NUREG–0654 footnote in the regulations would preclude its use by reviewers in determining the adequacy of emergency preparedness.

Commission Response: The delegation of a reference to NUREG–0654 will not affect its use as a guidance document for emergency planning. In the 1980 rulemaking, the Commission included this reference as a means of formally approving the use of NUREG–0654. See 45 FR 55402, 55408 (August 19, 1980). NUREG–0654 is endorsed by Regulatory Guide 1.101,[2] and will continue to be used by reviewers in evaluating the adequacy of emergency preparedness at nuclear power reactor sites.

Issue No. 4

Do adequate procedures exist for NRC and FEMA to evaluate whether major elements are performed satisfactorily during an exercise?

Discussion: Many commenters, primarily State and local governmental authorities as well as utilities, pointed out that there is a need for uniform evaluation of exercise performance.

Commission Response: The Commission concurs with the commenters. In order to provide for uniform evaluation of emergency preparedness exercises, FEMA has developed and now uses a document titled "Procedural Policy on Radiological Emergency Preparedness Plan Reviews, Exercise Observations and Evaluations and Interim Findings."[2] These procedures were forwarded to the FEMA regions for use on August 5, 1983.

Having considered all comments received, experience gained since 1980, input from emergency preparedness regional inspectors, the general thrust of two petitions for rulemaking, and ACRS comments, the Commission has concluded that the requirements for frequency of participation by State and local governmental authorities in emergency preparedness exercises around nuclear power reactors should be relaxed. The Commission therefore is promulgating a final rule which:

1. Continues to require licensees to conduct an annual onsite emergency preparedness exercise,
2. Requires that State and local governments participate in emergency preparedness exercises every 2 years with a provision for remedial exercises to assure that deficiencies are corrected,
3. Provides that at least once every 7 years, all States within the plume exposure pathway EPZ of a given site must fully participate in an offsite exercise for that site,
4. Requires licensees to provide an opportunity for State and local government participation in the licensees annual emergency preparedness exercise, and
5. Requires FEMA to determine the need for and extent of remedial exercises.*

The final rule is not totally consistent with FEMA's final regulation (44 CFR 350). This inconsistency lies in the area of return frequency for multiple-site states as previously discussed. The FEMA position on return frequency is a significant departure from the NRC's proposed regulation (48 FR 33307) dated July 21, 1983. The Commission believes that more study is needed before deletion of the return frequency requirement can be justified.

The Commission is adopting a biennial exercise frequency for State and local government participation with a proviso for remedial exercises to assure the correction of serious deficiencies. These changes to the emergency preparedness regulations are being made because:

a. Experience in observing and evaluating over 150 exercises has shown that a disproportionate amount of

[1] On March 17, 1982, the Commission received a petition for rulemaking (PRM–50–33) from National Emergency Management Association. On August 30, 1982, the Commission received a petition for rulemaking (PRM–50–34) from the Adjutant General of the State of South Carolina. The general thrust of both petitions urged the relaxation of the frequency of emergency preparedness exercises.

[2] Copies of these documents are available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. Copies of these documents may be purchased from the Government Printing Office. Information on current prices may be obtained by writing the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

* Guidance for determining the need for, and extent of, remedial exercises is being developed.

Federal, State and local government and licensee resources are being expended in order to conduct and evaluate annual emergency preparedness exercises. As a result of the substantial expenditure of resources for these exercises, fewer resources are available to establish and maintain the essential day-to-day upgraded state of emergency preparedness.

b. State and local governments respond to a variety of actual emergencies on a continuing basis, thus frequently exercising their emergency preparedness capabilities.

c. The flexibility provided for in a biennial frequency will be an incentive for State and local governments to perform in a satisfactory manner in order to avoid conducting remedial exercises.

And lastly, the Commission notes that FEMA has had almost 3 years of experience with evaluating State and local government radiological emergency planning and preparedness. With few exceptions, this experience has revealed a significant increase in the level of State and local government radiological preparedness as demonstrated in joint exercises. FEMA has evaluated approximately 150 exercises. In only five instances did FEMA determine that State and local governments did not demonstrate adequate preparedness. The Commission believes that this enhanced level of preparedness should be recognized by allowing State and local governments to exercise jointly with utilities on a binennial frequency.

On March 17, 1982, the Commission received a petition for rulemaking (PRM–50–33) from National Emergency Management Association. On August 30, 1982, the Commission received a petition for rulemaking (PRM–50–34) from the Adjutant General of the State of South Carolina. The petition from the National Emergency Management Association requested the NRC to relax the frequency of full participation by State and local governments in emergency preparedness exercises from annually to biennially. The petition from South Carolina requested that the NRC reduce the frequency with which local governments must participate in a full scale emergency preparedness exercise.

The promulgation of this final rule relaxes the frequency of full participation by State and local governments in emergency preparedness exercises from annually to biennially. This rule completes NRC action by granting both petitions for rulemaking.

Finding of No Significant Environmental Impact

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that this rule is not a major Federal action significantly affecting the quality of the human environment and therefore an environmental impact statement is not required. See 10 CFR 51.20(a)(1). Moreover, the Commission has determined, pursuant to 10 CFR 51.32, that the final rule has no significant environmental impact. This determination has been made because the Commission cannot identify any impact on the human environment associated with reducing the frequency of full participation of State and local governments in emergency preparedness exercises from annually to biennially.

The alternative approaches that were considered in this rulemaking proceedings were:

1. To retain the annual full participation exercise with a provision to enable relaxation to every 2 years.

2. To incorporate by reference into the NRC's regulations, the FEMA regulations governing the frequency of full participation of State and local governments in emergency preparedness exercises.

3. To relax the frequency of full participation of State and local governments in emergency preparedness exercises from annually to biennially.

There were no environmental impacts identified from any of the alternatives considered.

Because FEMA is directly involved in the evaluation of offsite emergency preparedness exercises and is affected by the promulgation of these amendments, the NRC consulted extensively with FEMA during the development of this rule.

Paperwork Reduction Act Statement

The final rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

Regulatory Analysis

The Commission has prepared a regulatory analysis of this regulation. The analysis examines the costs and benefits of the rule as considered by the Commission. A copy of the regulatory analysis is available for inspection and copying, for a fee, at the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from Michael T. Jamgochian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 443–7615.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this final rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The final rule clarifies certain elements and findings necessary for the issuance of an operating license for a nuclear power plant licensed pursuant to sections 103 and 104b of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2133, 2134b. The electric utility companies which own and operate nuclear power plants are dominant in their service areas and do not fall within the definition of a small business found in Section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards set forth in 13 CFR Part 121. Accordingly, there is no significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act of 1980.

List of Subjects in 10 CFR Part 50

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

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 552 and 553 of Title 5 of the United States Code, notice is hereby given that the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 50 is published as a document subject to codification.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues 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.

Sec. 50.7 also issued under Pub. L. 95–601, sce. 10, 92 Stat. 2951 (42 U.S.C. 5851). Secs. 50.57(d) 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2071, 2073 (42 U.S.C. 2133, 2239). Sec. 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Secs. 50.80–50.81 also issued under sec. 184,

68 Stat. 954, as amended (42 U.S.C. 2234). Secs. 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, 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, 50.73, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

§ 50.47 [Amended]

2. In § 50.47, Footnote 1 is removed.

3. In Appendix E, section IV.F is revised to read as follows:

Appendix E—Emergency Planning and Preparedness for Production and Utilization Facilities

* * * * *

IV. * * *

F. Training.

The program to provide for (1) the training of employees and exercising, by periodic drills, of radiation emergency plans to ensure that employees of the licensee are familiar with their specific emergency response duties, and (2) the participation in the training and drills by other persons whose assistance may be needed in the event of a radiation emergency shall be described. This shall include a description of specialized initial training and periodic retraining programs to be provided to each of the following categories of emergency personnel:

a. Directors and/or coordinators of the plant emergency organization;

b. Personnel responsible for accident assessment, including control room shift personnel;

c. Radiological monitoring teams;

d. Fire control teams (fire brigades);

e. Repair and damage control teams;

f. First aid and rescue teams;

g. Medical support personnel;

h. Licensee's headquarters support personnel;

i. Security personnel.

In addition, a radiological orientation training program shall be made available to local services personnel; e.g., local emergency services/Civil Defense, local law enforcement personnel, local news media persons.

The plan shall describe provisions for the conduct of emergency preparedness exercises are follows: Exercises shall test the adequacy of timing and content of implementing procedures and methods, test emergency equipment and communications networks, test the public notification system, and ensure that emergency organization personnel are familiar with their duties.[3]

1. A full participation [4] exercise which tests as much of the licensee, State and local emergency plans as is reasonably achievable without mandatory public participation shall be conducted for each site at which a power reactor is located for which the first operating license for that site is issued after July 13, 1982. This exercise shall be conducted within 1 year before the issuance of the first operating license for full power and prior to operation above 5% of rated power of the first reactor, and shall include participation by each State and local government within the plume exposure pathway EPZ and each State within the ingestion exposure pathway EPZ.

2. Each licensee at each site shall annually exercise its emergency plan.

3. Each licensee at each site shall exercise with offsite authorities such that the State and local government emergency plans for each operating reactor site are exercised biennially, with full or partial participation [5] by States and local governments, within the plume exposure pathway EPZ. State and local governments that have fully participated in a joint exercise since October 1, 1982, are eligible to fully participate in emergency preparedness exercises on a biennial frequency. The level of participation shall be as follows:

(a) A State shall at least partially participate in each offsite exercise at each site.

(b) A State shall fully participate in at least one offsite exercise every 2 years.

(c) At least once every 7 years, all States within the plume exposure pathway EPZ for a given site must fully participate in an offsite exercise for that site. This exercise must also involve full participation by local governments within the plume exposure pathway EPZ.

(d) Partial participation by a local government during an offsite exercise for a site is acceptable only when the local government is fully participating in a biennial exercise at another site.

(e) Each State within any ingestion exposure pathway EPZ shall exercise its plans and preparedness related to ingestion exposure pathway measures at least once every 5 years.

(f) Licensees shall enable any State or local government located within the plume exposure pathway EPZ to participated in annual exercises when requested by such State or local government.

4. Remedial exercises will be required if the emergency plan is not satisfactorily tested during the biennial exercise, such that NRC, in consultation with FEMA, cannot find reasonable assurance that adequate protective measures can be taken in the event to a radiological emergency. The extent of State and local participation in remedial exercises must be sufficient to show that appropriate corrective measures have been taken regarding the elements of the plan not properly tested in the previous exercises.

5. All training, including exercises, shall provide for formal critiques in order to identify weak or deficient areas that need correction. Any weaknesses or deficiencies that are identified shall be corrected.

4. In Appendix E, footnotes 1 and 4 are removed; footnotes 2 and 3 are renumbered as footnotes 1 and 2; and new footnotes 3, 4, and 5 are added to read as follows:

[3] Use of site specific simulators or computers is acceptable for any exercise.

[4] "Full participation" when used in conjunction with emergency preparedness exercises for a particular site means appropriate offsite local and State authorities and licensee personnel physically and actively take part in testing their integrated capability to adequately access and respond to an accident at a commercial nuclear power plant. "Full participation" includes testing the major observable portions of the onsite and offsite emergency plans and mobilization of State, local and licensee personnel and other resources in sufficient mumbers to verify the capability to respond to the accident scenario.

[5] "Partial participation" when used in conjunction with emergency preparedness exercises for a particular site means appropriate offsite authorities shall actively take part in the exercise sufficient to test direction and control functions; i.e., (a) protective action decision making related to emergency action levels, and (b) communication capabilities among affected State and local authorities and the licensee.

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Dated at Washington, D.C. this 29th day of June 1984.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc 84–17784 Filed 7–5–84; 8:45 am]

BILLING CODE 7590–01–M

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10 CFR Part 50

Reduction of Risk From Anticipated Transients Without Scram (ATWS) Events for Light-Water-Cooled Nuclear Powerplants

Correction

In FR Doc. 84–16839 beginning on page 26036 in the issue of Tuesday, June 26, 1984, make the following corrections:

1. On page 26045, second column, tenth line "outrage" should have read "outage".

2. On page 26042, in the table reading "Guidance Regarding System and Equipment Specifications", the first column was only partially printed, and the table should have read as follows: