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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 10, 20, 25, 26, 30, 34, 40, 50, 54, 70, 71, 72, 95, 110, and 150

RIN 3150-AH49

[NRC-2009-0085]

Miscellaneous Administrative Changes

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is amending its regulations to make miscellaneous administrative changes, including an update of the list of Agreement and Non-Agreement States, the merging of the Region II materials program with that of Region I, the correction of office titles associated with the Office of Nuclear Material Safety and Safeguards and the Office of Federal and State Materials and Environmental Management Programs, the inclusion of references to new Executive Order (E.O.) 13526, and other edits, corrections, and conforming changes. This document is necessary to inform the public of these changes to the NRC's regulations.

DATES: This rule is effective December 30, 2010.

FOR FURTHER INFORMATION CONTACT:

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Federal Rulemaking Web Site: Supporting materials related to this final rule can be found at <http://www.regulations.gov> by searching on Docket ID: NRC-2009-0085.

SUPPLEMENTARY INFORMATION:

Introduction

The NRC is amending its regulations at Title 10 of the *Code of Federal Regulations* (10 CFR) parts 2, 10, 20, 25, 26, 30, 34, 40, 50, 54, 70, 71, 72, 95, 110, and 150 to make miscellaneous administrative changes, including an update of the list of Agreement and Non-Agreement States, the merging of the Region II materials program with that of Region I, the correction of office titles associated with the Office of Nuclear Material Safety and Safeguards and the Office of Federal and State Materials and Environmental Management Programs, the inclusion of references to new E.O. 13526, and other edits, corrections, and conforming changes.

Summary of Changes

Include Electronic Watermarks to Denote Proprietary Content

In § 2.390(b)(1)(i)(A) and (b)(1)(i)(B), the language is revised to include electronic watermarks to denote proprietary content. Current regulations at § 2.390(b)(1)(i)(A) and (b)(1)(i)(B) currently require proprietary marking at the top of the first page, and on succeeding, affected pages, either adjacent to the material sought to be withheld from public disclosure, or at the top of the page, if the entire page is sought to be withheld. At the time the regulations were written, information technology alternatives, such as

electronic watermarks, were not in common use, if the technology was available at all. Various alternatives such as electronic watermark, margin notation, or other suitable markings may now be available to denote proprietary content, and would be acceptable as being completely within the spirit of the regulations, since the goal of the regulations is simply to ensure that there is notice of proprietary content to whoever is handling the document and not to be unnecessarily prescriptive, either as to methodology or terminology.

Update the List of Non-Agreement States

In §§ 30.6(b)(2)(i), 40.5(b)(2)(i), and 70.5(b)(2)(i), Maine, Massachusetts, Pennsylvania and New Jersey no longer appear because they are Agreement States. In §§ 30.6(b)(2)(iii)(B), 40.5(b)(2)(iii)(B), and 70.5(b)(2)(iii)(B), Ohio, Wisconsin and Minnesota no longer appear because they are Agreement States and in §§ 30.6(b)(2)(iv)(B), 40.5(b)(2)(iv)(B), and 70.5(b)(2)(iv)(B), Oklahoma no longer appears because it is an Agreement State.

Add a List of Mining and Milling Agreement States

In §§ 30.6(b)(2)(iii)(A), 40.5(b)(2)(iii)(A), and 70.5(b)(2)(iii)(A), Illinois and Ohio are now properly identified as mining and milling Agreement States and in §§ 30.6(b)(2)(iv)(A), 40.5(b)(2)(iv)(A), and 70.5(b)(2)(iv)(A), Colorado, Utah, Texas and Washington are also identified as mining and milling Agreement States. This addition was made to highlight those Agreements States who selected oversight authority concerning this type of regulation.

Amend Relevant Sections to Identify That Region II's Materials Program Has Been Merged Into That of Region I

The contact information for material licensees has been updated in §§ 30.6(b)(2)(ii), 40.5(b)(2)(ii), 70.5(b)(2)(ii) to reflect Region I because Region II's materials program has been merged into that of Region I.

Remove Obsolete Text

Sections 30.37, 40.43, and 70.33 are revised to remove obsolete text, contained in paragraph (b) of each section, that is related to a final rule published on January 16, 1996 (61 FR

1109). The final rule provided, on a one-time basis, a five-year extension for certain licenses. Those license extensions are now expired.

Correct Office Title Associated with the Office of Nuclear Material Safety and Safeguards

The office title “Spent Fuel Project Office” is corrected to “Division of Spent Fuel Storage and Transportation” in §§ 71.1, 71.17(c)(3), 71.95(c), 71.101(c), 72.4, 72.16(a), 72.44(f), and 72.186(b).

Use the Formal Title for the Office of Federal and State Materials and Environmental Management Programs

Section 71.97(c)(3)(iii) is revised to change the office title from “Office of State Programs” to “Office of Federal and State Materials and Environmental Management Programs”.

Remove Text for an Exemption that Expired on October 18, 2004

In a petition for rulemaking (PRM) submitted by the Nuclear Energy Institute on April 16, 2008 (PRM–70–8; Docket ID NRC–2009–0184), the petitioner requested removal of the exemption in the introductory text to Appendix A to 10 CFR part 70 because this exemption expired on October 18, 2004. The NRC agrees with the petitioner and the text is removed.

Correct Column Heading in Appendix B of 10 CFR Part 20

In the second table that appears in Appendix B to 10 CFR part 20, the heading for the second column of Table 1 which reads “ $\mu\text{Ci/ml}$ ” is corrected to read “ μCi ”.

Correct to Use the Defined Term “Watchman”

In § 26.4(a)(5), the term “watchperson” is replaced with the defined term “watchman”.

Correct the Spelling of the Word “Measures”

In § 50.70(b)(3), the spelling of the word “measures” is corrected.

Remove References to Information Collections

In § 34.8(b), the reference to § 34.53 is removed because it does not contain any information collections. In § 71.6(b), the reference to § 71.20 is removed because the information collection in that section has expired.

Add Missing Punctuation

In § 50.56, a comma is added after the word “contrary”.

Remove Reference to Section That Does Not Exist

In § 150.10, the reference to § 150.18 is removed because that section does not exist.

Correct Name of NUREG

In § 150.17(b), the name “NUREG/BR–007” is corrected to read “NUREG/BR–0007”.

Correct Executive Order Reference

Executive Order (E.O.) 12958 was revoked and replaced with E.O. 13526 in early 2010. References were corrected to E.O. 13526 in the authority citations to 10 CFR parts 25, 54, and 95; definitions in §§ 10.5, 25.5, 95.5, and 110.2; and §§ 25.37(b) and 95.59.

Make Conforming Changes for Consistency and Correct an Error in 10 CFR Part 26

Conforming changes to refer to “review procedure” are made in § 26.39. Conforming changes to refer to individuals “constructing or directing the construction of safety- or security-related SSCs” are made in §§ 26.403(b)(2)(ii), 26.403(b)(3), 26.405(c)(1), 26.406(b), 26.406(d), 26.407 and 26.409. An incorrect reference to operators licensed under 10 CFR Part 52 is removed from the introductory text of § 26.719(b)(2).

Rulemaking Procedure

Because these amendments constitute minor administrative corrections to the regulations, the Commission finds that the notice and comment provisions of the Administrative Procedure Act are unnecessary and is exercising its authority under 5 U.S.C. 553(b)(B) to publish these amendments as a final rule. The amendments are effective 30 days after publication in the **Federal Register**. These amendments do not require action by any person or entity regulated by the NRC. Also, the final rule does not change the substantive responsibilities of any person or entity regulated by the NRC.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2), which excludes from a major action rules which are corrective or of a minor non-policy nature and do not substantially modify existing regulations. Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this rule.

Paperwork Reduction Act Statement

This final rule does not contain information collection requirements and, therefore, is not subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid Office of Management and Budget control number.

Backfit Analysis

The NRC has determined that the backfit rule does not apply to this final rule; therefore, a backfit analysis is not required for this final rule because these amendments are administrative in nature and do not involve any provisions that would impose backfits as defined in 10 CFR chapter I, or be inconsistent with the issue finality provisions in 10 CFR part 52.

Congressional Review Act (CRA)

Under the CRA of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalties, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 10

Administrative practice and procedure, Classified information, Government employees, Security measures.

10 CFR Part 20

Byproduct material, Criminal penalties, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 25

Classified information, Criminal penalties, Investigations, Reporting and

recordkeeping requirements, Security measures.

10 CFR Part 26

Alcohol abuse, Alcohol testing, Appeals, Chemical testing, Drug abuse, Drug testing, Employee assistance programs, Fatigue, Fitness for duty, Management actions, Nuclear power reactors, Protection of information, Reporting and recordkeeping requirement.

10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 34

Criminal penalties, Packaging and containers, Radiation protection, Radiography, Reporting and recordkeeping requirements, Scientific equipment, Security measures.

10 CFR Part 40

Criminal penalties, Government contracts, Hazardous materials transportation, Nuclear materials, Reporting and recordkeeping requirements, Source material, Uranium.

10 CFR Part 50

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

10 CFR Part 54

Administrative practice and procedure, Age-related degradation, Backfitting, Classified information, Criminal penalties, Environmental protection, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

10 CFR Part 70

Criminal penalties, Hazardous materials transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 71

Criminal penalties, Hazardous materials transportation, Nuclear materials, Packaging and containers, Reporting and recordkeeping requirements.

10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

10 CFR Part 95

Classified information, Criminal penalties, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 110

Administrative practice and procedure, Classified information, Criminal penalties, Export, Import, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Scientific equipment.

10 CFR Part 150

Criminal penalties, Hazardous materials transportation, Intergovernmental relations, Nuclear materials, Reporting and recordkeeping requirements, Security measures, Source material, Special nuclear material.

■ For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 2, 10, 20, 25, 26, 30, 34, 40, 50, 54, 70, 71, 72, 95, 110, and 150.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS AND ISSUANCE OF ORDERS

■ 1. The authority citation for part 2 continues to read as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552; sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 114(f), Pub. L. 97–425, 96 Stat. 2213, as amended (42 U.S.C. 10143(f)); sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871).

Sections 2.102, 2.103, 2.104, 2.105, 2.321 also issued under secs. 102, 103, 104, 105, 183i, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200–2.206 also issued under secs. 161 b, i, o, 182, 186, 234,

68 Stat. 948–951, 955, 83 Stat. 444, as amended (42 U.S.C. 2201(b), (i), (o), 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Section 2.205(j) also issued under Pub. L. 101–410, 104 Stat. 90, as amended by section 3100(s), Pub. L. 104–134, 110 Stat. 1321–373 (28 U.S.C. 2461 note). Subpart C also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Section 2.301 also issued under 5 U.S.C. 554. Sections 2.343, 2.346, 2.712 also issued under 5 U.S.C. 557. Section 2.340 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 2.390 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.600–2.606 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553, and sec. 29, Pub. L. 85–256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Subpart L also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Subpart M also issued under sec. 184 (42 U.S.C. 2234) and sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Subpart N also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Appendix A also issued under sec. 6, Pub. L. 91–550, 84 Stat. 1473 (42 U.S.C. 2135).

■ 2. In § 2.390, revise paragraphs (b)(1)(i)(A) and (b)(1)(i)(B) to read as follows:

§ 2.390 Public inspections, exemptions, requests for withholding.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(A) The first page of the document, and each successive page containing such information, must be marked so as to be readily visible, at the top, or by electronic watermark or other suitable marking on the body of the page, with language substantially similar to: “confidential information submitted under 10 CFR 2.390,” “withhold from public disclosure under 10 CFR 2.390,” or “proprietary,” to indicate that it contains information the submitter seeks to have withheld.

(B) Each document or page, as appropriate, containing information sought to be withheld from public disclosure must indicate, adjacent to the information, or as specified in paragraph (b)(1)(i)(A) of this section if the entire page is affected, the basis (*i.e.*, trade secret, personal privacy, etc.) for proposing that the information be withheld from public disclosure under paragraph (a) of this section.

* * * * *

PART 10—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR NATIONAL SECURITY INFORMATION OR AN EMPLOYMENT CLEARANCE

■ 3. The authority citation for part 10 continues to read as follows:

Authority: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 10450, 3 CFR parts 1949–1953 Comp., p. 936, as amended; E.O. 10865, 3 CFR 1959–1963 Comp., p. 398, as amended; 3 CFR Table 4; E.O. 12968, 3 CFR 1995 COM., p.396.

■ 4. In § 10.5, revise the definition of *National Security Information* to read as follows:

§ 10.5 Definitions.

* * * * *

National Security Information means information that has been determined under Executive Order 13526 or any predecessor or successor order to require protection against unauthorized disclosure and that is so designated.

* * * * *

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

■ 5. The authority citation for part 20 continues to read as follows:

Authority: Secs. 53, 63, 65, 81, 103, 104, 161, 182, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 953, 955, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232,

2236, 2297f), secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. 109–58, 119 stat. 594 (2005).

■ 6. In Appendix B to part 20, revise the first page of the second table that appears to read as follows:

Appendix B to Part 20—Annual Limits on Intake (ALIs) and Derived Air Concentrations (DACs) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage

* * * * *

BILLING CODE 7590-01-P

			Table 1 Occupational Values			Table 2 Effluent Concentration		Table 3 Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
Atomic No.	Radionuclide	Class	Oral					Monthly Average Concentration (μ Ci/ml)
			Ingestion	Inhalation		Air	Water	
			ALI (μ Ci)	ALI (μ Ci)	DAC (μ Ci/ml)	(μ Ci/ml)	(μ Ci/ml)	
1	Hydrogen-3	Water, DAC includes skin absorption	8E+4	8E+4	2E-5	1E-7	1E-3	1E-2
Gas (HT or T ₂) Submersion ¹ : Use above values as HT and T ₂ oxidize in air and in the body to HTO								
4	Beryllium-7	W, all compounds except those given for Y	4E+4	2E+4	9E-6	3E-8	6E-4	6E-3
		Y, oxides, halides, and nitrates	-	2E+4	8E-6	3E-8	-	-
4	Beryllium-10	W, see 7Be	1E+3	2E+2	6E-8	2E-10	-	-
		LLI wall	(1E+3)	-	-	-	2E-5	2E-4
		Y, see 7Be	-	1E+1	6E-9	2E-11	-	-
6	Carbon-11 ²	Monoxide	-	1E+6	5E-4	2E-6	-	-
		Dioxide	-	6E+5	3E-4	9E-7	-	-
		Compounds	4E+5	4E+5	2E-4	6E-7	6E-3	6E-2
6	Carbon-14	Monoxide	-	2E+6	7E-4	2E-6	-	-
		Dioxide	-	2E+5	9E-5	3E-7	-	-
		Compounds	2E+3	2E+3	1E-6	3E-9	3E-5	3E-4

Atomic No.	Radionuclide	Class	Table 1 Occupational Values			Table 2 Effluent Concentration		Table 3 Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral					
			Ingestion	Inhalation				Monthly
			ALI (μ Ci)	ALI (μ Ci)	DAC (μ Ci/ml)	Air (μ Ci/ml)	Water (μ Ci/ml)	Average Concentration (μ Ci/ml)
7	Nitrogen-13 ²	Submersion ¹	-	4E-6	2E-8	-	-	-
8	Oxygen-15 ²	Submersion ¹	-	4E-6	2E-8	-	-	-
9	Fluorine-18 ²	D, fluorides of H, Li, Na, K, Rb, Cs, and Fr	5e+4 St wall	7E+4	3E-5	1E-7	-	-
			(5E+4)	-	-	-	7E-4	7E3
		W, fluorides of Be, Mg Ca, Sr, Ba, Ra, Al, Ga, In, Ti, As, Sb, Bi, Fe, Ru, Os, Co, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, V, Nb, Ta, Nm, Tc, and Re	-	9e+4	4e-5	1e-7	-	-
		y, LANTHANUM FLUORIDE	-	8e+4	3e-5	1e-7	-	-
11	Sodium-22	D, all compounds	4E+2	6E+2	3E-7	9E-10	6E-6	6E-5
11	Sodium-24	D, all compounds	4E+3	5E+3	2E-6	7E-9	5E-5	5E-4
12	Magnesium-28	D, all compounds	7E+2	2E+3	7E-7	2E-9	9E-6	9E-5
		except those given for W						
		W, oxides, hydroxides, carbides, halides, and nitrates	-	1E+3	5E-7	2E-9	-	-
13	Aluminum-26	D, all compounds	4E+2	6E+1	3E-8	9E-11	6E-6	6E-5
		except those given for W						
		W, oxides, hydroxides, carbides, halides, and nitrates	-	9E+1	4E-8	1E-10	-	-

* * * * *

PART 25—ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

- 7. Revise the authority citation for part 25 to read as follows:

Authority: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); E.O. 10865, as amended, 3 CFR 1959–1963 Comp., p. 398 (50 U.S.C. 401, note); E.O. 12829, 3 CFR, 1993 Comp., p. 570; E.O. 13526, as amended, 3 CFR, 1995 Comp., p. 333, as amended by E.O. 13292, 3 CFR 2004 Comp., p. 196; E.O. 12968, 3 CFR, 1995 Comp., p. 396;

Appendix A also issued under 96 Stat. 1051 (31 U.S.C. 9701).

- 8. In § 25.5, revise the definition of *Classified National Security Information* to read as follows:

§ 25.5 Definitions.

* * * * *

Classified National Security Information means information that has been determined under E.O. 13526, as amended, or any predecessor or successor order to require protection against unauthorized disclosure and that is so designated.

* * * * *

- 9. In § 25.37, revise paragraph (b) to read as follows:

§ 25.37 Violations.

* * * * *

(b) National Security Information is protected under the requirements and sanctions of Executive Order 13526, as amended, or any predecessor or successor orders.

PART 26—FITNESS FOR DUTY PROGRAMS

- 10. The authority citation for part 26 continues to read as follows:

Authority: Secs. 53, 81, 103, 104, 107, 161, 68 Stat. 930, 935, 936, 937, 948, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2111, 2112, 2133, 2134, 2137, 2201, 2297f); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846).

§ 26.4 [Amended]

- 11. In § 26.4, paragraph (a)(5), remove the word “watchperson” and add in its place the word “watchman”.

- 12. Revise § 26.39 to read as follows:

§ 26.39 Review process for fitness-for-duty violations.

(a) Each licensee and other entity who is subject to this subpart shall establish procedures for the review of a determination that an individual who

they employ or who has applied for authorization has violated the FFD policy. The review procedure must provide for an objective and impartial review of the facts related to the determination that the individual has violated the FFD policy.

(b) The review procedure must provide notice to the individual of the grounds for the determination that the individual has violated the FFD policy, and must provide an opportunity for the individual to respond and submit additional relevant information.

(c) The review procedure must ensure that the individual who conducts the review is not associated with the administration of the FFD program [see the description of FFD program personnel in § 26.4(g)]. Individuals who conduct the review may be management personnel.

(d) If the review finds in favor of the individual, the licensee or other entity shall update the relevant records to reflect the outcome of the review and delete or correct all information the review found to be inaccurate.

(e) When a C/V is administering an FFD program on which licensees and other entities rely, and the C/V determines that its employee, subcontractor, or applicant has violated its FFD policy, the C/V shall ensure that the review procedure required in this section is provided to the individual. Licensees and other entities who rely on a C/V's FFD program need not provide the review procedure required in this section to a C/V's employee, subcontractor, or applicant when the C/V is administering its own FFD program and the FFD policy violation was determined under the C/V's program.

- 13. In § 26.403, revise paragraphs (b)(2)(ii) and (b)(3) to read as follows:

§ 26.403 Written policy and procedures.

* * * * *

(b) * * *

(2) * * *

(ii) Consumed alcohol to excess before or while constructing or directing the construction of safety- or security-related SSCs, as determined by a test that accurately measures BAC;

* * * * *

(3) The process to be followed if an individual's behavior or condition raises a concern regarding the possible use, sale, or possession of illegal drugs on or off site; the possible use or possession of alcohol while constructing or directing the construction of safety- or security-related SSCs; or impairment from any cause which in any way could adversely affect the individual's ability

to safely and competently perform his or her duties.

- 14. In § 26.405, revise paragraph (c)(1) to read as follows:

26.405 Drug and alcohol testing.

* * * * *

(c) * * *

(1) Pre-assignment. Before assignment to construct or direct the construction of safety- or security-related SSCs;

* * * * *

- 15. In § 26.406, revise paragraphs (b) and (d) to read as follows:

§ 26.406 Fitness monitoring.

* * * * *

(b) Licensees and other entities shall implement a fitness monitoring program to deter substance abuse and detect indications of possible use, sale, or possession of illegal drugs; use or possession of alcohol while constructing or directing the construction of safety- or security-related SSCs; or impairment from any cause that if left unattended may result in a risk to public health and safety or the common defense and security.

* * * * *

(d) Licensees and other entities shall ensure that the fitness of individuals specified in § 26.4(f) is monitored effectively while the individuals are constructing or directing the construction of safety- and security-related SSCs, commensurate with the potential risk to public health and safety and the common defense and security imposed by the construction activity. To achieve this objective, licensees and other entities shall consider the number and placement of monitors required, the necessary ratio of monitors to individuals specified in § 26.4(f), and the frequency with which the individuals specified in § 26.4(f) shall be monitored while constructing or directing the construction of each safety- or security-related SSC.

- 16. Revise § 26.407 to read as follows:

§ 26.407 Behavioral observation.

While the individuals specified in § 26.4(f) are constructing or directing the construction of safety- or security-related SSCs, licensees and other entities shall ensure that these individuals are subject to behavioral observation, except if the licensee or other entity has implemented a fitness monitoring program under § 26.406.

- 17. Revise § 26.409 to read as follows:

§ 26.409 Sanctions.

Licensees and other entities who implement an FFD program under this

subpart shall establish sanctions for FFD policy violations that, at a minimum, prohibit the individuals specified in § 26.4(f) from being assigned to construct or direct the construction of safety- or security-related SSCs unless or until the licensee or other entity determines that the individual's condition or behavior does not pose a potential risk to public health and safety or the common defense and security.

■ 18. In § 26.719, revise the introductory text of paragraph (b)(2) to read as follows:

§ 26.719 Reporting requirements.

* * * * *

(b) * * *

(2) Any acts by any person licensed under 10 CFR part 55 to operate a power reactor, as well as any acts by SSNM transporters, FFD program personnel, or any supervisory personnel who are authorized under this part, if such acts—

* * * * *

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

■ 19. The authority citation for part 30 continues 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. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. No. 109–58, 119 Stat. 549 (2005).

Section 30.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

■ 20. In § 30.6, revise paragraph (b)(2) to read as follows:

§ 30.6 Communications.

* * * * *

(b) * * *

(2) *Submissions.* (i) *Region I.* The regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region I non-Agreement States and the District of Columbia: Connecticut, Delaware, and Vermont. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination request of an existing license specified in paragraph (b)(1) of this section must use the following

address: U.S. Nuclear Regulatory Commission, Region I, Nuclear Material Section B, 475 Allendale Road, King of Prussia, PA 19406–1415; where e-mail is appropriate it should be addressed to *RidsRgn1MailCenter.Resource@nrc.gov*.

(ii) *Region II.* The regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region II non-Agreement States and territories: West Virginia, Puerto Rico, and the Virgin Islands. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination request of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region I, Nuclear Material Section B, 475 Allendale Road, King of Prussia, PA 19406–1415; where e-mail is appropriate it should be addressed to *RidsRgn1MailCenter.Resource@nrc.gov*.

(iii) *Region III.* (A) The regional licensing program for mining and milling involves all Federal facilities in the region, and non-Federal licensees in the Region III non-Agreement States of Indiana, Michigan, Missouri and the Region III Agreement States of Minnesota, Wisconsin, and Iowa. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination request of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region III, Material Licensing Section, 2443 Warrenville Road, Suite 210, Lisle, IL 60532–4352; where e-mail is appropriate it should be addressed to *RidsRgn3MailCenter.Resource@nrc.gov*.

(B) Otherwise, the regional licensing program involves all Federal facilities in the region and non-Federal licensees in the Region III non-Agreement States of Indiana, Michigan, and Missouri. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination request of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region III, Material Licensing Section, 2443 Warrenville Road, Suite 210, Lisle, IL 60532–4352; where e-mail is appropriate it should be addressed to *RidsRgn3MailCenter.Resource@nrc.gov*.

(iv) *Region IV.* (A) The regional licensing program for mining and milling involves all Federal facilities in the region, and non-Federal licensees in the Region IV non-Agreement States and territory of Alaska, Hawaii, Idaho,

Montana, South Dakota, Wyoming and Guam and Region IV Agreement States of Oregon, California, Nevada, New Mexico, Louisiana, Mississippi, Arkansas, Oklahoma, Kansas, Nebraska, and North Dakota. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination request of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region IV, Division of Nuclear Materials Safety, 612 E. Lamar Blvd., Suite 400, Arlington, TX 76011–4125; where e-mail is appropriate it should be addressed to

RidsRgn4MailCenter.Resource@nrc.gov.

(B) Otherwise, the regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region IV non-Agreement States and territory: Alaska, Hawaii, Idaho, Montana, South Dakota, Wyoming, and Guam. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination request of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region IV, Division of Nuclear Materials Safety, 612 E. Lamar Blvd., Suite 400, Arlington, TX 76011–4125; where e-mail is appropriate it should be addressed to

RidsRgn4MailCenter.Resource@nrc.gov.

■ 21. Revise § 30.37 to read as follows:

§ 30.37 Application for renewal of licenses.

Application for renewal of a specific license must be filed on NRC Form 313 and in accordance with § 30.32.

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

■ 22. The authority citation for part 34 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note). Section 34.45 also issued under sec. 206, 88 Stat. 1246, (42 U.S.C. 5846).

§ 34.8 [Amended]

■ 23. In § 34.8, paragraph (b), to remove the reference “34.53,”.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

- 24. The authority citation for part 40 continues 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. 11e(2), 83, 84, Pub. L. 95–604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97–415, 96 Stat. 2067 (42 U.S.C. 2022); sec. 193, 104 Stat. 2835, as amended by Pub. L. 104–134, 110 Stat. 1321, 1321–349 (42 U.S.C. 2243); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. No. 109–59, 119 Stat. 594 (2005).

Section 40.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123 (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). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

- 25. In § 40.5, revise paragraph (b)(2) to read as follows:

§ 40.5 Communications.

* * * * *

(b) * * *

(2) *Submissions.* (i) *Region I.* The regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region I non-Agreement States and the District of Columbia: Connecticut, Delaware, and Vermont. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region I, Nuclear Material Section B, 475 Allendale Road, King of Prussia, PA 19406–1415; where e-mail is appropriate it should be addressed to RidsRgn1MailCenter.Resource@nrc.gov.

(ii) *Region II.* The regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region II non-Agreement States and territories: West Virginia, Puerto Rico, and the Virgin Islands. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination request of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory

Commission, Region I, Nuclear Material Section B, 475 Allendale Road, King of Prussia, PA 19406–1415; where e-mail is appropriate it should be addressed to RidsRgn1MailCenter.Resource@nrc.gov.

(iii) *Region III.* (A) The regional licensing program for mining and milling involves all Federal facilities in the region, and non-Federal licensees in the Region III non-Agreement States of Indiana, Michigan, Missouri and Region III Agreement States of Minnesota, Wisconsin, and Iowa. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination request of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region III, Material Licensing Section, 2443 Warrenville Road, Suite 210, Lisle, IL 60532–4352; where e-mail is appropriate it should be addressed to RidsRgn3MailCenter.Resource@nrc.gov.

(B) Otherwise, the regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region III non-Agreement States: Indiana, Michigan, and Missouri. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, or renewal of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region III, Material Licensing Section, 2443 Warrenville Road, Suite 210, Lisle, IL 60532–4352; where e-mail is appropriate it should be addressed to RidsRgn3MailCenter.Resource@nrc.gov. Outside of this jurisdiction, concerning the licensing program involving mining and milling, the Agreement States of Illinois and Ohio should be contacted.

(iv) *Region IV.* (A) The regional licensing program for mining and milling involves all Federal facilities in the region, and non-Federal licensees in the Region IV non-Agreement States and territory of Alaska, Hawaii, Idaho, Montana, South Dakota, Wyoming and Guam and Region IV Agreement States of Oregon, California, Nevada, New Mexico, Louisiana, Mississippi, Arkansas, Oklahoma, Kansas, Nebraska, and North Dakota. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination, request of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region IV, Division of Nuclear Materials Safety, 612 E. Lamar Blvd., Suite 400, Arlington, TX 76011–4125; where e-

mail is appropriate it should be addressed to *mail to:*

RidsRgn4MailCenter.Resource@nrc.gov.

(B) Otherwise, the regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region IV non-Agreement States and territory: Alaska, Hawaii, Idaho, Montana, South Dakota, Wyoming, and Guam. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region IV, Division of Nuclear Materials Safety, 612 E. Lamar Blvd., Suite 400, Arlington, TX 76011–4125; where e-mail is appropriate it should be addressed to RidsRgn4MailCenter.Resource@nrc.gov.

- 26. Revise § 40.43 to read as follows:

§ 40.43 Renewal of licenses.

Application for renewal of a specific license must be filed on NRC Form 313 and in accordance with § 40.31.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

- 27. The authority citation for part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. No. 109–58, 119 Stat. 194 (2005). Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5841). Section 50.10 also issued under secs. 101, 185, 68 Stat. 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). 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). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

§ 50.56 [Amended]

- 28. In § 50.56, add a comma after the word “contrary”.

§ 50.70 [Amended]

- 29. In § 50.70, paragraph (b)(3), remove the word “measures” and add in its place the word “measures”.

PART 54—REQUIREMENTS FOR RENEWAL OF OPERATING LICENSES FOR NUCLEAR POWER PLANTS

- 30. Revise the authority citation for part 54 to read as follows:

Authority: Secs. 102, 103, 104, 161, 181, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs 201, 202, 206, 88 Stat. 1242, 1244, as amended (42 U.S.C. 5841, 5842).

Section 54.17 also issued under E.O.12829, 3 CFR, 1993 Comp., p.570; E.O. 13526, as amended, 3 CFR, 1995 Comp., p. 333; E.O. 12968, 3 CFR, 1995 Comp., p.391.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

- 31. The authority citation for part 70 continues 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, 2297f); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846). Sec. 193, 104 Stat. 2835 as amended by Pub.L. 104–134, 110 Stat. 1321, 1321–349 (42 U.S.C. 2243); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. No. 109–58, 119 Stat. 194 (2005).

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

Section 70.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93–377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.81 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.82 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

- 32. In § 70.5, revise paragraph (b)(2) to read as follows:

§ 70.5 Communications.

* * * * *

(b) * * *

(2) *Submissions.* (i) *Region I.* The regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region I non-Agreement States and the District of Columbia: Connecticut,

Delaware, and Vermont. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region I, Nuclear Material Section B, 475 Allendale Road, King of Prussia, PA 19406–1415; where e-mail is appropriate it should be addressed to *RidsRgn1MailCenter.Resource@nrc.gov*.

(ii) *Region II.* The regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region II non-Agreement States and territories: West Virginia, Puerto Rico, and the Virgin Islands. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination request of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region I, Nuclear Material Section B, 475 Allendale Road, King of Prussia, PA 19406–1415; where e-mail is appropriate it should be addressed to *RidsRgn1MailCenter.Resource@nrc.gov*.

(iii) *Region III.* (A) The regional licensing program for mining and milling involves all Federal facilities in the region, and non-Federal licensees in the Region III non-Agreement States of Indiana, Michigan, Missouri and Region III Agreement States of Minnesota, Wisconsin, and Iowa. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination request of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region III, Material Licensing Section, 2443 Warrenville Road, Suite 210, Lisle, IL 60532–4352; where e-mail is appropriate it should be addressed to

RidsRgn3MailCenter.Resource@nrc.gov.

(B) Otherwise, the regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region III non-Agreement States: Indiana, Michigan, and Missouri. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, or renewal of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region III, Material Licensing Section, 2443 Warrenville Road, Suite 210, Lisle, IL 60532–4352; where e-mail is appropriate it should be addressed to *RidsRgn3MailCenter.Resource@nrc.gov*.

Outside of this jurisdiction, concerning the licensing program involving mining and milling, the Agreement States of Illinois and Ohio should be contacted.

(iv) *Region IV.* (A) The regional licensing program for mining and milling involves all Federal facilities in the region, and non-Federal licensees in the Region IV non-Agreement States and territory of Alaska, Hawaii, Idaho, Montana, South Dakota, Wyoming and Guam and Region IV Agreement States of Oregon, California, Nevada, New Mexico, Louisiana, Mississippi, Arkansas, Oklahoma, Kansas, Nebraska, and North Dakota. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment, renewal, or termination request of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region IV, Division of Nuclear Materials Safety, 612 E. Lamar Blvd., Suite 400, Arlington, TX 76011–4125; where e-mail is appropriate it should be addressed to

RidsRgn4MailCenter.Resource@nrc.gov.

(B) Otherwise, the regional licensing program involves all Federal facilities in the region and non-Federal licensees in the following Region IV non-Agreement States and territory: Alaska, Hawaii, Idaho, Montana, South Dakota, Wyoming, and Guam. All mailed or hand-delivered inquiries, communications, and applications for a new license or an amendment or renewal of an existing license specified in paragraph (b)(1) of this section must use the following address: U.S. Nuclear Regulatory Commission, Region IV, Division of Nuclear Materials Safety, 612 E. Lamar Blvd., Suite 400, Arlington, TX 76011–4125; where e-mail is appropriate it should be addressed to

RidsRgn4MailCenter.Resource@nrc.gov.

Outside of this jurisdiction, concerning the licensing program involving mining and milling, the Agreement States of Colorado, Utah, Texas and Washington should be contacted.

- 33. Revise § 70.33 to read as follows:

§ 70.33 Applications for renewal of licenses.

Applications for renewal of a license should be filed in accordance with §§ 70.21 and 70.22. Information contained in previous applications, statements or reports filed with the Commission under the license may be incorporated by reference, provided that such references are clear and specific.

- 34. In Appendix A to part 70, revise the introductory text to read as follows:

Appendix A to Part 70—Reportable Safety Events

Licensees must comply with reporting requirements in this appendix. As required by 10 CFR 70.74, licensees subject to the requirements in subpart H of part 70, shall report:

* * * * *

PART 71—PACKING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

■ 35. The authority citation for part 71 continues to read as follows:

Authority: Secs. 53, 57, 62, 63, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2077, 2092, 2093, 2111, 2201, 2232, 2233, 2297f); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. No. 109–58, 119 Stat. 594 (2005). Section 71.97 also issued under sec. 301, Pub. L. 96–295, 94 Stat. 789–790.

§ 71.1 [Amended]

■ 36. In § 71.1, the first sentence of paragraph (a), remove the words “Spent Fuel Project Office” and add in their place the words “Division of Spent Fuel Storage and Transportation”.

§ 71.6 [Amended]

■ 37. In § 71.6, paragraph (b), remove the reference “71.20,”.

§ 71.17 [Amended]

■ 38. In § 71.17, paragraph (c)(3), remove the words “Spent Fuel Project Office” and add in their place the words “Division of Spent Fuel Storage and Transportation”.

§ 71.95 [Amended]

■ 39. In § 71.95, the fourth sentence of the introductory text of paragraph (c), remove the words “Spent Fuel Project Office” and add in their place the words “Division of Spent Fuel Storage and Transportation”.

§ 71.97 [Amended]

■ 40. In § 71.97, paragraph (c)(3)(iii), remove the words “Office of State Programs” and add in their place the words “Office of Federal and State Materials and Environmental Management Programs”.

§ 71.101 [Amended]

■ 41. In § 71.101, the second sentence of paragraph (c)(1), remove the words “Spent Fuel Project Office” and add in their place the words “Division of Spent Fuel Storage and Transportation”.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 42. The authority citation for part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 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, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); sec. 651(e), Pub. L. No. 109–58, 119 Stat. 806–810 (42 U.S.C. 2014, 2021, 2021b, 2111).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154).

Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)).

Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2224 (42 U.S.C. 10101, 10137(a), 10161(h)).

Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

§ 72.4 [Amended]

■ 43. In § 72.4, the first sentence, remove the words “Spent Fuel Project Office” and add in their place the words “Division of Spent Fuel Storage and Transportation”.

§ 72.16 [Amended]

■ 44. In § 72.16, paragraph (a), remove the words “Spent Fuel Project Office” and add in their place the words “Division of Spent Fuel Storage and Transportation”.

§ 72.44 [Amended]

■ 45. In § 72.44, the third sentence of paragraph (f), remove the words “Spent Fuel Project Office” and add in their place the words “Division of Spent Fuel Storage and Transportation”.

§ 72.186 [Amended]

■ 46. In § 72.186, the second sentence of paragraph (b), remove the words “Spent Fuel Project Office” and add in their place the words “Division of Spent Fuel Storage and Transportation”.

PART 95—FACILITY SECURITY CLEARANCE AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

■ 47. Revise the authority citation for part 95 to read as follows:

Authority: Secs. 145, 161, 193, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); E.O. 10865, as amended, 3 CFR 1959–1963 Comp., p. 398 (50 U.S.C. 401, note); E.O. 12829, 3 CFR, 1993 Comp., p. 570; E.O. 13526, as amended, 3 CFR, 1995 Comp., p. 333, as amended by E.O. 13292, 3 CFR, 2004 Comp., p. 196; E.O. 12968, 3 CFR, 1995 Comp., p. 391.

■ 48. In § 95.5, revise the definitions of *Classified National Security Information* and *Infraction* to read as follows:

§ 95.5 Definitions.

* * * * *

Classified National Security Information means information that has been determined under E.O. 13526, as amended, or any predecessor or successor order to require protection against unauthorized disclosure and that is so designated.

* * * * *

Infraction means any knowing, willful, or negligent action contrary to the requirements of E.O. 13526, as amended, or any predecessor or successor order, or its implementing directives that does not comprise a “violation,” as defined in this section.

* * * * *

■ 49. Revise § 95.59 to read as follows:

§ 95.59 Inspections.

The Commission shall make inspections and reviews of the premises, activities, records and procedures of any licensee, certificate holder, or other person subject to the regulations in this part as the Commission and CSA deem necessary to effect the purposes of the Act, E.O. 13526, as amended, or any predecessor or successor order, and/or NRC rules.

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

■ 50. The authority citation for part 110 continues to read as follows:

Authority: Secs. 51, 53, 54, 57, 63, 64, 65, 81, 82, 103, 104, 109, 111, 126, 127, 128, 129, 134, 161, 170H., 181, 182, 187, 189, 68 Stat. 929, 930, 931, 932, 933, 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2071, 2073, 2074, 2077, 2092–2095, 2111, 2112, 2133, 2134, 2139, 2139a, 2141, 2154–2158, 2160d., 2201, 2210h., 2231–2233, 2237, 2239); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841; sec. 5, Pub. L. 101–575, 104 Stat. 2835 (42 U.S.C. 2243); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Energy Policy Act of 2005; Pub. L. 109–58, 119 Stat. 594 (2005)).

Sections 110.1(b)(2) and 110.1(b)(3) also issued under Pub. L. 96–92, 93 Stat. 710 (22 U.S.C. 2403). Section 110.11 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152) and secs. 54c and 57d, 88 Stat. 473, 475 (42 U.S.C. 2074). Section 110.27 also issued under sec. 309(a), Pub. L. 99–440. Section 110.50(b)(3) also issued under sec. 123, 92 Stat. 142 (42 U.S.C. 2153). Section 110.51 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 110.52 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). Sections 110.80–110.113 also issued under 5 U.S.C. 552, 554. Sections 110.130–110.135 also issued under 5 U.S.C. 553. Sections 110.2 and 110.42(a)(9) also issued under sec. 903, Pub. L. 102–496 (42 U.S.C. 2151 *et seq.*).

■ 51. In § 110.2, revise the definition of *Classified Information* to read as follows:

§ 110.2 Definitions.

* * * * *

Classified Information means Classified National Security Information under Executive Order 13526, as amended, or any predecessor or successor Executive Order and Restricted Data under the Atomic Energy Act.

* * * * *

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

■ 52. The authority citation for part 150 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, sec. 274, 73 Stat. 688 (42 U.S.C. 2201, 2202); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. No. 109–58, 119 Stat. 594 (2005). Sections 150.3, 150.15, 150.15a, 150.31, 150.32 also issued under secs. 11e(2), 81, 68 Stat. 923, 935, as amended, secs. 83, 84, 92 Stat. 3033, 3039 (42 U.S.C. 2014e(2), 2111, 2113, 2114). Section 150.14 also issued under sec. 53, 68 Stat. 930, as amended (42 U.S.C. 2073).

Section 150.15 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 150.30 also issued under sec. 234, 83 Stat. 444 (42 U.S.C. 2282).

§ 150.10 [Amended]

■ 53. In § 150.10, the first sentence, remove the reference “150.18.”.

§ 150.17 [Amended]

■ 54. In § 150.17, the last sentence of paragraph (b)(1), remove the reference “NUREG/BR–007” and add in its place the reference “NUREG/BR–0007”.

Dated at Rockville, Maryland, this 19th day of November 2010.

For the Nuclear Regulatory Commission.

Cindy Bladley,

Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration.

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DEPARTMENT OF ENERGY

10 CFR Part 851

Worker Safety and Health Program: Safety Conscious Work Environment

AGENCY: Office of the General Counsel, Department of Energy (DOE).

ACTION: Notice of denial of petition for rulemaking.

SUMMARY: The Department of Energy received a petition from the Hanford Challenge on August 18, 2009, requesting the initiation of a rulemaking regarding safety policies at DOE’s nuclear facilities. The petition calls for DOE to establish by regulation a safety program using the Nuclear Regulatory Commission’s “Safety-Conscious Work Environment” guidelines as a model. DOE published this petition and a request for comment on October 16, 2009. DOE denies the petition for rulemaking.

DATES: This notice is effective November 30, 2010.

FOR FURTHER INFORMATION CONTACT:

Steven L. Krahn, Acting Deputy Assistant Secretary, Safety Management and Operations, Environmental Management Office, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0121, (202) 586–2281, e-mail: steve.krahn@em.doe.gov.

SUPPLEMENTARY INFORMATION: DOE received numerous comments in response to the notice of the Hanford Challenge petition for rulemaking, published on October 16, 2009. 74 FR 53190. The vast majority of those comments recommended denial of the petition, for two reasons. First, DOE already has numerous regulations in place to protect and encourage employees to raise work-related

concerns. Second, not only would instituting a “Safety-Conscious Work Environment” by regulation be redundant, but it would also fail to add any additional protections not already in place. The comments DOE received in favor of the petition were generally related to the existing culture of safety and whistleblower protection. The main concern in these comments was that DOE facilities would be unsafe without an environment where employees could raise concerns without fear of retaliation or reprisal.

After reviewing the existing protections, DOE agrees with the majority of the comments that granting the petition for rulemaking would be unnecessary. Currently, employee protection and safety programs exist in the following statutory and regulatory authorities: 42 U.S.C. 5851, 10 CFR part 708, 10 CFR part 851, 29 CFR 1960.28, 48 CFR 970.0309, and 29 CFR part 24, as well as numerous internal DOE orders and directives including DOE’s Employee Concerns Program (DOE Order 442.1A) and Differing Professional Opinions Manual (DOE Manual 442.1–1). These authorities provide sufficient guidance and protections in which employees can properly raise concerns that will be promptly reviewed and appropriately resolved with timely feedback.

DOE denies the petition for rulemaking because the existing regulations provide legal protection to employees while adequately promoting worker involvement in raising and resolving concerns. Implementing the “Safety-Conscious Work Environment” would be redundant and would fail to add any substantive protections not currently in place. While the petitioner believes that the existing regulations are inadequate, neither DOE’s internal review nor the comments submitted in response to the petition demonstrate that to be the case.

Nevertheless, DOE recognizes that the existing authorities governing safety and employee protection programs can be diverse and confusing. In an attempt to provide as much clarity on this issue as possible, DOE has created a Web site summarizing the existing law and providing a central location consolidating all the relevant standards on this issue. This Web site can be accessed at: <http://www.gc.energy.gov/1630.htm>. The Department believes that this Web site will increase awareness of the existing protections for DOE employees and DOE contractors and will address the underlying concerns evident in the Hanford Challenge petition for rulemaking and the comments in support thereof.