Since the proposed emission standard was lower than actual emission rates, the relaxation of the standard would actually lower overall emissions from these sources and, consequently, have less impact on PM10 nonattainment areas.

After reviewing the State's response, the EPA determined that sufficient information was available to make a determination of the status of the SIP revision. In correspondence dated June 7, 1990 to the State, EPA indicated that the SIP would be disapproved.

EPA is disapproving the State's revisions because they do not meet the enforcement of emission limitations and regulations requirement of sections 110(a)(2)(A) and 110(a)(2)(C) of the Clean Air Act, as amended. The State failed to demonstrate that it would be able to effectively determine a source's compliance with the particulate standard either through visible emissions observation or stack testing of the wood-waste burners. The revisions, therefore, do not provide for the enforcement of emission limitations and regulations to assure that the NAAQS would be protected or maintained. In addition, the impact of the relaxation of the emission standard on the State's PM10 nonattainment areas and efforts to reach or ensure attainment of the standard in these areas was not adequately addressed.

The opacity limitation for aluminum manufacturing potrooms, although not changed in the proposed revisions, was identified by EPA as being unenforceable because of the inability to distinguish the potroom emission plume from other plumes that are part of the manufacturing operation. The revision to help clarify the application of the visible emission standard did not resolve the issue.

Proposed Action

In this action EPA is proposing to disapprove revisions to Montana's State Implementation Plan made to the Administrative Rules of Montana (ARM) 16.8.1407 and 16.8.1503. Disapproval pertains to those revisions that amend the emission limitation and provisions for the operation of wood-waste burners and the clarification of the standard for visible emissions from aluminum manufacturing facilities potroom groups, respectively.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities.

This action has been classified as a table 2 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

The Agency has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that this action does not conform with the statute as amended and must be disapproved. The Agency has examined the issue of whether this action should be reviewed only under the provisions of the law as it existed on the date of submittal to the Agency (i.e., prior to November 15, 1990) and has determined that the Agency must apply the new law to this revision.

List of Subjects in 40 CFR Part 52

Air pollution control, Particulate matter.

Authority: 42 U.S.C. 7401–7642.

Dated: May 29, 1991.

Jack McGraw,

Acting Regional Administrotor.

[FR Doc. 91–18510 Filed 8–2–91; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 61

[FRL–3980–7]

National Emission Standards for Hazardous Air Pollutants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is today proposing to rescind subpart I of 40 CFR part 61 (subpart I) as it applies to nuclear power reactors, one of the subcategories of NRC-licensed facilities which are governed by subpart I. EPA is establishing a 60-day comment period to receive comments on this issue. In a related action published elsewhere in today's Federal Register, EPA is issuing a final rule which stays the effectiveness of subpart I for nuclear power reactors pending completion of the rulemaking on rescission. Subpart I is also stayed as it applies to subcategories of NRC-licensees other than nuclear power reactors while EPA collects additional information needed to make the determination contemplated by section 112(d)(9) of the Clean Air Act Amendments.

DATES: Public hearings will be held on September 23 and 24, 1991, in Washington, DC and on September 26 and 27, 1991, in Seattle, Washington if a request for such a hearing is received by September 6, 1991. Comments concerning the proposed rule must be received on or before October 27, 1991.

ADDRESSES: Comments should be submitted (in duplicate) to: Central Docket Section LE–131, Environmental Protection Agency, attn: Docket No. A–79–11, Washington, DC 20460. Comments may also be faxed to the EPA at (703) 308–8763.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the Background Information Document supporting this proposed rule, and requests for additional information may be made by writing to: Al Colli, Environmental Standards Branch, Criteria and Standards Division (ANR–460W), Office of Radiation Programs, Environmental Protection Agency, Washington, DC 20460 (703) 308–8787.

SUPPLEMENTARY INFORMATION:

A. Background

On October 31, 1989, EPA promulgated standards controlling radionuclide emissions to the ambient air from several source categories, including emissions from licensees of the Nuclear Regulatory Commission (NRC) and from federal facilities not licensed by the NRC or operated by the Department of Energy (non-DOE Federal facilities) (subpart I, 40 CFR part 61). This rule was published in the Federal Register on December 15, 1989. (54 FR 51654). Simultaneously with promulgating the rule, EPA granted reconsideration of subpart I based on information received late in the rulemaking on the subject of duplicative regulation by NRC and EPA and on potential negative effects of the standard on nuclear medicine. EPA established a comment period to receive further information on these subjects, and also granted a 90-day stay of subpart I as permitted by Clean Air Act section 307(d)(7)(B), 42 U.S.C. 7607 (d)(7)(B). That stay expired on March 15, 1990.

EPA subsequently extended the stay of the effective date of subpart I on several occasions, pursuant to the authority provided by section 10(d) of the Administrative Procedure Act

(APA), 5 U.S.C. 705, and section 301(a) of the Clean Air Act, 42 U.S.C. 7601(a). (55 FR 10455, March 21, 1990; 55 FR 29205, July 18, 1990; and 55 FR 38057, September 17, 1990.)

In October 1990, Congress passed new legislation amending the Clean Air Act. Section 112(d)(9) of the amendments provides,

> No standard for radionuclide emissions from any category or subcategory of facilities licensed by the Nuclear Regulatory Commission (or an Agreement State) is required to be promulgated under this section if the Administrator determines, by rule, and after consultation with the Nuclear Regulatory Commission, that the regulatory program established by the Nuclear Regulatory Commission pursuant to the Atomic Energy Act for such category or subcategory provides an ample margin of safety to protect the public health.

After evaluating the information received during the reconsideration of subpart I, EPA concluded that the data presently available to EPA for all categories of NRC-licensed facilities except nuclear power reactors is not sufficient to enable the Agency to determine whether the regulatory program established by NRC provides "an ample margin of safety to protect the public health," as that term is used in section 112 of the Clean Air Act (CAA). On February 13, 1991, EPA proposed to stay the effectiveness of Subpart I for all NRC-licensed facilities except for nuclear power reactors until November 15, 1992. 56 FR 6339 (February 15, 1991). EPA issued a final rule to stay Subpart I for these facilities on April 24, 1991 (56 FR 18735). This stay will provide EPA with the time needed to collect (using the authority of section 114 of the Clean Air Act) the information which is required to make a determination under section 112(d)(9). With regard to non-DOE federal facilities, EPA concluded that the factors which led to the reconsideration of subpart I, possible duplication of effort between the EPA and the NRC and potential negative effects on nuclear medicine, are not applicable to this subcategory of facilities. Since the determination concerning the adequacy of the NRC regulatory program contemplated by the new language in section 112(d)(9) could not apply to such facilities, EPA did not include non-DOE federal facilities in the latest stay of subpart I.

With regard to nuclear power reactors, EPA believes that it now possesses sufficient information concerning radionuclide emissions from nuclear power reactors and the NRC program which addresses those emissions to reach a determination under section 112(d)(9). Therefore, EPA is today proposing to rescind subpart I as applied to nuclear power reactors, pursuant to the authority provided by section 112(d)(9). In a related action published elsewhere in this issue of the Federal Register, EPA is issuing a final rule which stays the effectiveness of subpart I as applied to nuclear power reactors until the rulemaking concerning rescission of subpart I for nuclear power reactors has been concluded. EPA did not include this subcategory of facilities in the stay issued on April 24, 1991 because the basis of that stay, EPA's need to collect further information before making a determination under section 112(d)(9), is not applicable to these facilities.

B. Discussion of Existing EPA Standard 40 CFR Part 61 Subpart I

Subpart I of 40 CFR part 61 limits radionuclide emissions to the ambient air from NRC-licensed facilities to that amount which would cause any member of the public to receive in any year an effective dose equivalent (ede) of 10 millirem, of which no more than 3 millirem ede may be from radioiodine. The limit of 10 millirem/year ede represents the Agency's application to radionuclide emissions of the policy for regulating section 112 pollutants which was first announced in the benzene NESHAP. 54 FR 38044 (September 14, 1989).

The NESHAP policy utilized a two-step approach. In the first step, EPA considered that the risk to the maximally exposed individual is presumptively acceptable if it is no higher than approximately 1 in ten thousand. This presumptive level provides a benchmark for judging the acceptability of a category of emissions. This first step also considers other health and risk factors such as projected incidence of cancer, the estimated number of persons exposed within each individual lifetime risk range, the weight of evidence presented in the risk assessment, and the estimated incidence of non-fatal cancer and other health effects. After considering all of this information, a final decision on acceptable risk is made. This becomes the starting point for the second step, determining an ample margin of safety.

In the second step, EPA strives to provide protection of an individual lifetime risk level no higher than approximately one in one million to the greatest number of persons possible. In this ample margin decision, the Agency again considers all of the health risk and other health information considered in the first step. Beyond that information, additional factors relating to the appropriate level of control will also be considered, including costs and economic impacts of controls, technological feasibility, uncertainties, and any other relevant factors.

As part of the risk assessment associated with the promulgation of Subpart I, EPA examined the doses to the maximally exposed individuals from all categories of NRC-licensed facilities. EPA examined the uranium fuel cycle as a separate sector of NRC-licensees and determined that baseline emissions from that category were at a safe level. However, subpart I was promulgated to ensure that baseline emissions would not increase, and that the public would be afforded an ample margin of safety. Upon reconsideration of the standard, EPA conducted a review of the nuclear power reactor sector of the uranium fuel cycle and determined that the individual doses associated with nuclear power reactors are even lower than was previously estimated. This latest analysis revealed that the most exposed individual from emissions of nuclear power plants would be expected to receive a dose of less than 1.0 mrem/year ede from all radionuclides and a dose of less than 0.01 mrem/year ede from radioiodine. The estimated doses for these facilities are a factor of 10 less than the standard and are likely to remain low in the future.

C. The Advanced Notice of Proposed Rulemaking

After reviewing the information provided to EPA concerning radionuclide emissions from nuclear power reactors and the program implemented by the NRC to control such emissions, EPA tentatively concluded that NRC's regulatory program limiting these emissions protects public health with an ample margin of safety. Accordingly, on March 13, 1991, EPA issued an Advanced Notice of Proposed Rulemaking announced the Agency's intention to enter into a rulemaking to rescind subpart I as it applies to nuclear power reactors.

D. Rationale for the Proposed Rule To Rescind 40 CFR Part 61 Subpart I for Nuclear Power Reactors

In light of the new statutory authority given EPA under section 112(d)(9), EPA has analyzed the public health risks posed by nuclear power plants to determine whether NRC's regulatory program for air emissions provides an ample margin of safety to protect the public health. In making this determination, EPA has focused on two questions: (1) Does the objective evidence demonstrate that the NRC

regulatory program in practice results in sufficiently low doses to protect the public health with an ample margin of safety? and (2) Is the NRC program sufficiently comprehensive and thorough and administered in a manner which will detect and prevent future increases in radionuclide emissions? Today's proposal to rescind Subpart I for nuclear power reactors is based upon evaluation of NRC's current regulatory program; EPA could revisit this decision if new information suggesting higher emissions or other information concerning NRC's regulatory program becomes available.

1. Doses Resulting From Radionuclide Emissions From Nuclear Power Reactors.

EPA independently calculated doses for every NRC site with one or more operating reactors using the most current year for which a complete set of data was available (1988). If the plants had below normal emissions in 1988, an alternative year was used in the analysis. Site-specific data were obtained to the maximum extent practical and used as input to the AIRDOSE EPA computer program. In all cases, calculated doses did not exceed 1.0 mrem/year ede to the maximally exposed individual. This is equivalent to a lifetime individual risk of approximately 3 in 100,000. Thus, the NRC regulatory program, for the years examined, results in doses which are at least 10 times lower than EPA's NESHAP of 10 mrem/year ede. EPA also compared the 1988 data with historical data to determine if the 1988 data was representative a long term trends in population and individual doses. Although the populations around the reactor facilities and the facility capacity factors have increased over the last fifteen years, the average annual collective population doses have steadily declined.

2. NRC's Regulatory Program

a. Regulations Governing Radionuclide Emissions

There are three regulations which control routine radionuclide emissions from commercial nuclear power plants: 10 CFR part 50, Appendix I, "Numerical Guides for Design Objectives and Limiting Conditions for Operation to Meet the Criterion 'As Low As is Reasonably Achievable' for Radioactive Material in Light-Water-Cooled Nuclear Power Reactor Effluents"; 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations"; and 10 CFR Part 20, "Standards for Protection Against Radiation."

1. *10 CFR 50, Appendix I, "Numerical Guides for Design Objectives and Limiting Conditions for Operation to Meet the Criterion "As Low As Is Reasonably Achievable" for Radionuclide Material in Light-Water-Cooled Nuclear Power Reactor Effluents".* This appendix provides numerical guides for design objectives and limiting conditions for operation to assist licensees for light-water-cooled commercial nuclear power plants in meeting the requirements of §§ 50.34a and 50.36a that radioactive materials in effluents released to unrestricted areas be kept as low as is reasonably achievable (ALARA). The licensee satisfies the design objectives, in part, by demonstrating that the gaseous radionuclide releases to the atmosphere from each reactor on site will not result in an estimated average annual air dose in excess of 10 millirem for gamma exposure and 20 millirem for beta exposure. These limits apply to dose to individuals located in unrestricted areas and are limited to external exposure to noble gases. Lower radionuclide release rates may be required to satisfy the design objectives if it appears that the releases are likely to result in an estimated annual external dose from gaseous effluents in excess fo 5 mrem/year. Alternatively, higher release rates may be acceptable if the applicant can provide reasonable assurance that the external dose to any individual in an unrestricted area will not exceed 5 mrem/year to the whole body and 15 mrem/year to the skin. The applicant must also demonstrate that the calculated annual total quantity of all radioiodines and radioactive particulates released to the atmosphere from each reactor will not cause exposures to any individual in unrestricted areas in excess of 15 mrem to any organ. A dose of 15 mrem/year to the thyroid from radioiodine will result in an ede of less than 1 rmem/year. For all practical purposes, the total ede allowed under 10 CFR part 50 appendix I is held to 6 mrem/year because essentially all of the internal emitters are radioiodine.

The limiting conditions of operation (LCOs) set forth in Appendix I complement the design objectives by providing guidance on ensuring that, during operation, the facility maintains radionuclide releases and offsite exposures as low as is reasonably achievable consistent with the design objectives. At the same time, the LCOs provide for flexibility of operation, compatible with considerations of pubic health and safety, to assure that the facility can continue to operate even under unusual operating conditions.

2. *40 CFR part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations."* This regulation requires uranium fuel cycle operations to be conducted in such a manner that there is reasonable assurance that the annual radiation dose equivalent to any member of the public from all uranium fuel cycle sources, does not exceed 25 mrem to the whole body, 75 rmem to the thyroid, and 25 mrem to any other organ. This standard applies to gaseous and liquid effluent pathways and direct radiation.

In 1981, 10 CFR 20.105 and 20.106 were amended to adopt these standards. Paragraphs 20.105(c) and 20.106(g) specifically require that licensees engaged in uranium fuel cycle operations subject to the provision of this part comply with these dose limits.

3. *10 CFR Part 20, "Standards for Protection Against Radiation."* The regulations in 10 CFR part 20 establish standards for protection against radiation hazards arising out of activities conducted under licenses issued by the NRC and were issued pursuant to the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974.

The portions of part 20 that apply to radionuclide emissions from licensed facilities are § 20.105, which sets permissible levels of radiation in unrestricted areas and 20.106 which establishes limits on radioactivity in effluents to unrestricted areas. Section 20.105 states that the Commission will grant a licensee to possess or use radioactive materials or any other source of radiation if the applicant demonstrates that any individual in an unrestricted area is not likely to receive a whole body dose in excess of 500 mrem/year.

Section 20.106 limits the release of radioactive material to unrestricted areas to levels that will not result in average annual radionuclide concentrations in air and water in excess of the limits set forth in table II of appendix B of Part 20. This secondary standard is designed to provide assurance that the primary health based standard of 500 mrem/year to the whole body or the equivalent to any organ is not exceeded.

In addition to these numerical standards, paragraph 20.1(c) requires each licensee to make every reasonable effort to maintain radiation exposures, and releases of radioactive material in effluents to unrestricted areas, as low as is reasonable achievable (ALARA). ALARA means "as low as is reasonable

achievable taking into account the state of technology, and the economics of improvement in relation to benefits to the public health and safety, and other societal and socioeconomic considerations in relation to the utilization of atomic energy in the public interest."

On December 13, 1990, major revisions to Part 20 were approved by the Commission. The revised rule implements 1987 Presidential guidance on occupational radiation protection and the recommendations of scientific organizations to establish risk based limits and a system of dose limitation in accordance with the guidance published by the International Committee on Radiation Protection. Pertinent revisions to the rule include:

- Section 20.301 which reduced the total allowable effective dose equivalent to individual members of the public to 100 mrem/year;
- Section 20.302 which requires appropriate surveys to ensure that the dose limits are not exceeded;
- Table 2 which provides Derived Air Concentrations that act to ensure that continued exposure at these levels will not result in doses to members of the general public in excess of 50 mrem/year; and
- Codification of ALARA as a regulatory requirement versus a regulatory admonition.

The revised part 20 still adopts the standards set forth in 40 CFR part 190 for the uranium fuel cycle.

b. NRC's Methods of Implementation of Its Standards

The principal radionuclides routinely released in the gaseous effluents from commercial light water reactors are noble gases and radioiodines. The whole body dose from noble gas emissions per reactor is limited by the 5 mrem/year limit of appendix I. The organ doses from radioiodines and particulates are limited to 15 mrem/year. For the thyroid gland from radioiodines, this converts to an effective dose equivalent of less than 1 mrem/year. The guidelines set forth in appendix I to 10 CFR part 50 and the standards set forth in 40 CFR part 190 together establish a regulatory framework that provides a high level of assurance that the routine emissions from commercial light water reactors will not result in exposures in excess of 10 mrem/year ede.

1. *Monitoring.* Compliance with 10 CFR part 50 appendix I and 40 CFR part 190 is demonstrated through the establishment of Limiting Conditions of Operation (LCOs) and Radiological Effluent Technical Specifications (RETS) for each nuclear power reactor in accordance with 10 CFR 50.36a. The LCOs and their associated RETS require that, if the quantity of radioactive materials actually released in effluents to unrestricted areas in any calendar quarter is such that the resulting radiation exposure, calculated on the same basis as the design objectives, exceeds on half the annual design objectives, the licensee is required to investigate the cause of the release, define and initiate corrective actions to prevent a recurrence, and report these actions to the NRC within 30 days from the end of the quarter in which the release occurred.

The LCOs and RETS also require the licensee to initiate effluent and environmental monitoring programs to provide (1) data on the quantities of radionuclides released, (2) the levels of radiation and radioactive materials in the environment, and (3) changes in land use and demography in the vicinity of the site that pertain to compliance with the LCOs. If the monitoring data reveal that the relationship between the quantities of radioactive materials released and the doses to individuals in unrestricted areas is significantly different than that assumed in the calculations used to assess compliance with the design objectives, the NRC may require a modification of the RETS.

In order to provide assistance to licensees in complying with the LCOs and preparing their RETS, the NRC has issued the following guidance: NUREG–0472 and –0473, "Standard Radiological Effluent Technical Specifications for PWRs (and BWRs)," U.S. NRC, January 1983; NUREG–0133, "Preparation of Radiological Effluent Technical Specifications for Nuclear Power Plants," U.S. NRC, October 1978; NUREG–1301 and NUREG–1302, "Offsite Dose Calculation Manual Guidance: Standard Radiological Effluent Controls for Pressurized Water Reactors (and Boiling Water Reactors)," U.S. NRC, April 1991; and U.S. NRC Regulatory Guide 1.21, "Measuring, Evaluating, and Reporting Radioactivity in Solid Waste and Releases of Radioactive Material in Liquid and Gaseous Effluents from Light-Water-Cooled Nuclear Power Plants".

These documents provide highly detailed standard RETS and procedures for implementing the RETS. Detailed guidance is provided in the areas of effluent monitoring instrumentation; specific equations, assumptions and methodologies addressing short and long term radioactive releases; and the use of gaseous radwaste treatment systems.

NUREG–0133 also provides guidance to utilities for calculating doses for the purpose of assessing compliance with 40 CFR 190, as follows:

(1) Identify the uranium fuel cycle sources that contribute to individual dose.

(2) Identify the maximum exposed individual. This individual may be different than the maximum individual identified for the purpose of assessing compliance with appendix I.

(3) Determine the annual dose to this person from all existing pathways and sources of radioactivity and radiation using the methodologies described in Regulatory Guide 1.109, "Calculation of Annual Doses to Man from Routine Releases of Reactor Effluents for the Purpose of Evaluating Compliance with 10 CFR part 50 appendix I" or other methods that may be more appropriate.

(4) Include direct radiation dose from all potential sources of radioactivity onsite.

2. *Inspections.* To ensure that the licensee is meeting its regulatory and license-specific requirements for each facility receives approximately 2 inspections per year in the area of radiation protection by the regional NRC inspectors. Along with the plants' reporting requirements, the inspections determine the degree to which each plant is in compliance with its license and technical specifications, including its RETS. If problem areas are identified, follow-up inspections are scheduled in order to ensure that deficiencies are corrected. If a facility appears to have persistent problems in particular areas, the facility is subjected to inspections on a more frequent basis.

The periodic inspections of the RETS include a review of records and procedures, interviews with plant personnel, and an effluent and environmental measurements program. The measurements program consists of the independent collection and analysis of effluent and environmental samples by NRC personnel using an NRC mobile laboratory. The results of these analyses not only indicate the level of radioactive material in the effluent, but also indicate the degree of accuracy and precision of the facility's own effluent monitoring equipment.

Each commercial power plant has at least one full time NRC Senior Resident Inspector who provides continual health and safety oversight of plant operations. Sites with multiple reactors have at least one Resident Inspector per reactor. If problem areas arise pertaining to compliance with the RETS, the Resident Inspector may request special

inspections and audit related plant operations on a more frequent basis.

All inspections performed by either on-site Resident Inspectors or inspectors from the NRC Regional offices or NRC Headquarters are fully documented. These reports are made available to the public in the NRC Public Document Rooms located in the regions and in Washington, DC. The reports are filed in the separate docket established for each site. Periodically the NRC publishes a summary of the licensee event reports generated by reactor facilities which provides a brief explanation of the type of event, its cause(s), corrective actions taken by the licensee, and what, if any, fines were imposed. Reportable licensee events include exceeding effluent release rates, worker overexposures, procedure violations, and accidents, to name just a few. If detailed event information is desired, the Licensee Event Report located in the individual docket can provide it.

These ongoing elements of the NRC regulatory program demonstrate that the emissions are being adequately controlled. After a thorough evaluation of these requirements, EPA has tentatively determined that: (1) Present radionuclide emissions from nuclear power plants are well controlled under the NRC's regulatory program and result in low doses to the general public; and (2) the NRC's regulatory program will ensure that current levels do not substantially increase. Based on these determinations, EPA has tentatively concluded that the regulatory program of the NRC controls radionuclide emissions from nuclear power reactors sufficiently to protect public health with an ample margin of safety. Consequently, EPA proposes to delete commercial nuclear power plants from the category of facilities subject to 40 CFR part 61 subpart I.

F. Miscellaneous

1. Paperwork Reduction Act

There are no information collection requirements in this proposed rule.

2. Executive Order 12291

Under Executive Order 12291, EPA is required to judge whether this regulation, if promulgated, would be a "major rule" and therefore subject to certain requirements of the Order. The EPA has determined that rescinding subpart I for nuclear power reactors would result in none of the adverse economic effects set forth in section 1 of the Order as grounds for finding a regulation to be a "major rule." This regulation would not be major because the nationwide compliance costs would not meet the $100 million threshold, the regulation would not significantly increase prices or production costs, and the regulation would not cause significant adverse effects on domestic competition, employment, investment, productivity, innovation or competition in foreign markets.

The Agency has not conducted a Regulatory Impact Analysis (RIA) of this purposed regulation because this action does not constitute a major rule.

3. Regulatory Flexibility Analysis

Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603, requires EPA to prepare and make available for comment an "initial regulatory flexibility analysis" which describes the effect of the proposed rule on small business entities. However, section 604(b) of the Act provides that an analysis not be required when the head of an Agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

This proposed rule to rescind 40 CFR part 61 subpart I, if promulgated as a final rule, will have the effect of easing the burdens associated with the provisions of subpart I and for those reasons, I certify that this rule will not have significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 61

Air pollution control, Arsenic, Asbestos, Benzene, Beryllium, Hazardous substances, Mercury, Radionuclides, Radon, Reporting and Recordkeeping requirements, Uranium, Vinyl chloride.

William K. Reilly,
Administrator.

Part 61 of chapter I of title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 61—[AMENDED]

1. The authority citation for part 61 continues to read as follows:

Authority: 42 U.S.C. 7401, 7412, 7414, 7416, 7601.

2. Section 61.100 is revised to read as follows:

§ 61.100 Applicability.

The provisions of this subpart apply to facilities other than nuclear power reactors which are licensed by the Nuclear Regulatory Commission. This subpart also applies to facilities owned or operated by any Federal agency other than the Department of Energy, except that this subpart does not apply to disposal at facilities regulated under 40 CFR part 191, subpart B, or to any uranium mill tailings pile after it has been disposed of under 40 CFR part 192, or to low energy accelerators, or to any NRC-licensee that possesses and uses radionuclides only in the form of sealed sources.

§ 61.107 [Amended]

3. Section 61.107 is amended by removing paragraph (c)(1) and by redesignating paragraphs (c)(2) and (c)(3) as paragraphs (c)(1) and (c)(2) respectively.

[FR Doc. 91-18507 Filed 8-2-91; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Threatened Status for Three Florida Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The comment period on the Service's proposed rule to designate threatened status for three plants of the Florida panhandle is reopened to acknowledge acceptance into the public record of comments received since the close of the original comment period, and to permit receipt of additional data and comments.

DATES: Comments from all interested parties must be received by August 26, 1991.

ADDRESSES: Comments and materials should be sent to the Field Supervisor, Jacksonville Field Office, U.S. Fish and Wildlife Service, 3100 University Boulevard South, suite 120, Jacksonville, Florida 32216. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: David J. Wesley, Field Supervisor, at the above address (telephone: 904/791-2580 or FTS 946-2580).

SUPPLEMENTARY INFORMATION:

Background

On December 18, 1990 (55 FR 51936) the Service published a proposal to list