

household participating longer than two consecutive, complete months. Regardless of the issuance schedule used, the State agency shall adhere to the reporting requirements specified in § 274.4.

(2) Upon the request of the tribal organization that exercises governmental jurisdiction over a reservation, the State agency shall stagger the issuance of benefits for eligible households located on reservations for at least 15 days each month.

(3) When a participating household is transferred from one issuance system or procedure to another issuance system or procedure, the State agency shall not permit more than 40 days to elapse between the last issuance under the previous system or procedure, and the first issuance under the new system or procedure. The 40-day requirement does not apply to instances in which actions by recipients, such as failure to submit a monthly report, disrupt benefits. Transfers include, but are not limited to, households being moved into or out of a staggered issuance procedure, households on a fluctuating schedule within a staggered system, and households being moved from a direct-mail issuance system to an authorization document system. If the State agency determines that more than 40 days may elapse between issuances, the State agency shall divide the new issuance into two parts, with one part being issued within the 40-day period, and the second part, or supplemental issuance, being issued on the household's established issuance date in the new system or procedure. The supplemental issuance cannot provide the household more benefits than the household is entitled to receive.

(g) *Issuance in rural areas.* State agencies shall use direct-mail issuance in any rural areas where the State agency determines that recipients face substantial difficulties in obtaining transportation in order to obtain their food stamp benefits by methods other than direct-mail issuance. Exceptions shall be made for households which have exceeded the two allowable reported losses within a six-month period and replacements set forth in § 274.6 (b) and (g), and direct-mail issuance is not required in those localities where the direct mail loss rates exceed, or are likely to exceed, standards set by the Secretary at § 276.2(b) of this chapter. The State agency shall:

(1) Submit an attachment to the State Plan of Operation (§ 272.2(d)(1)(xi) of

this chapter) which describes the State's exemption from this requirement, because the State agency uses direct-mail issuance throughout the State, or

(2) Submit an attachment to the State Plan of Operation (§ 272.2(d)(1)(xi) of this chapter) which describes:

(i) The areas designated by the State agency as rural;

(ii) The rural areas where direct-mail issuance will not be used because:

(A) Recipients do not face substantial difficulties in obtaining transportation to obtain their benefits, and/or;

(B) Direct-mail issuance losses exceed the loss tolerance levels, or there is evidence which indicates that direct-mail issuance, if used, would produce losses which would exceed the loss tolerance levels established under § 276.2(b)(4) of this chapter.

(iii) The State agency's criteria for designating an area as rural. Such criteria may include, but are not limited to: the use of the Bureau of the Census definition; the distances that recipients may need to travel to reach an issuance office; or, other criteria described by the State agency.

(iv) The State agency's minimum criteria for determining that recipients in an area designated as rural do not face substantial difficulties in obtaining transportation to obtain their benefits.

(v) The State agency's schedule for introducing direct-mail issuance into any rural areas requiring direct-mail issuance because of substantial transportation problems.

5. In § 274.3, paragraph (e)(1) is revised to read as follows:

§ 274.3 Issuance systems.

(e) *Validity periods.* (1) State agencies shall establish validity periods for issuances made in both authorization document and direct access systems. A validity period is the time frame during which a household may obtain benefits by transacting an authorization document, or receiving the benefits directly at an issuance point. Generally, the validity period coincides with the issuance month or the period of intended use, which may or may not be a calendar month. However, in instances in which authorization documents are distributed, or benefits become available for ongoing households late in the issuance month, the State agency shall extend the validity or availability period for either twenty (20) additional days, or until the end of the following issuance month, at the State agency's option. The State agency may also choose one of two dates which will initiate this extension of the validity or availability period.

(1) State agencies shall establish validity periods for issuances made in both authorization document and direct access systems. A validity period is the time frame during which a household may obtain benefits by transacting an authorization document, or receiving the benefits directly at an issuance point. Generally, the validity period coincides with the issuance month or the period of intended use, which may or may not be a calendar month. However, in instances in which authorization documents are distributed, or benefits become available for ongoing households late in the issuance month, the State agency shall extend the validity or availability period for either twenty (20) additional days, or until the end of the following issuance month, at the State agency's option. The State agency may also choose one of two dates which will initiate this extension of the validity or availability period.

The State agency may choose to extend the period for authorization documents distributed or for benefits made available, on or after the 20th day of the issuance month or after the 15th day of the issuance month. Whichever date the State agency chooses to initiate the required extension, the State agency must use the date consistently for all extensions in this category. A household which does not transact its authorization document, or obtain the benefits directly from an issuance point during the issuance's validity period, shall lose its entitlement to the benefits, and the State agency shall not issue benefits to such a household for such a period.

\* \* \* \* \*

6. In § 274.11, the section heading, the heading and introductory text of paragraph (a), and paragraph (a)(1) are revised to read as follows:

**§ 274.11 Issuance and inventory record retention, and forms security.**

(a) *Availability of records.* The State agency shall maintain issuance, inventory, reconciliation, and other accountability records for a period of three years as specified in § 272.1(f) of this chapter. This period may be extended at the written request of FNS.

(1) Issuance, inventory, reconciliation, and other accountability records shall include all Agency, State, and local forms involved in the State agency's receipt, storage, handling, issuance, and destruction of coupons completed by contract agents or any other individuals or entities involved in issuance or inventory, as well as those completed by the State agency.

\* \* \* \* \*

Dated: April 11, 1995.

**Ellen Haas,**

*Under Secretary for Food, Nutrition, and Consumer Services.*

[FR Doc. 95-10091 Filed 4-24-95; 8:45 am]

BILLING CODE 3410-30-U

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 20**

**RIN 3150-AA38**

**Standards for Protection Against Radiation; Clarification**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule; clarification.

**SUMMARY:** A final rule was published in the **Federal Register** on December 22, 1993 (58 FR 67657) that made a number

of conforming amendments to the NRC's standards for protection against radiation. References to the former 10 CFR Part 20 were removed from the revised Part 20, and, in that process, certain requirements not intended to be removed were inadvertently deleted. This final rule reinstates those requirements to retain records generated under the previously existing provisions of Part 20 which were intended to remain in effect.

**EFFECTIVE DATE:** April 25, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Mary L. Thomas or Jayne M. McCausland, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6230 or 415-6219, email MLT1@NRC.GOV or JMM2@NRC.GOV.

**SUPPLEMENTARY INFORMATION:** On May 21, 1991 (56 FR 23360), the Nuclear Regulatory Commission (NRC) published its revised standards for protection against radiation (10 CFR 20.1001-20.2401 and the associated appendices). The revised standards for protection against radiation incorporated scientific information and reflected changes in the basic philosophy of radiation protection that had occurred since the promulgation of the original regulations. The revisions conformed the Commission's regulations to the "Presidential Radiation Protection Guidance to Federal Agencies for Occupational Exposure" and to recommendations of national and international radiation protection organizations. The revised standards for protection against radiation became effective on June 20, 1991. However, NRC licensees were permitted to defer the mandatory implementation of these regulations until January 1, 1994.

On December 22, 1993 (58 FR 67657), the NRC published a final rule, effective on January 1, 1994, that removed or modified a number of provisions to reflect the effective date for NRC's revised standards for radiation protection. It has been determined that several requirements, scheduled for removal or modification by the December 22, 1993 rulemaking, should not have been removed or modified because they have continuing effect beyond the January 1, 1994, effective date for 10 CFR Part 20. Accordingly, the current action restores those requirements that were incorrectly modified or removed by the December 22, 1993, rulemaking.

Specifically, this action is necessary to clarify the Commission's intent in 10 CFR Part 20 to require that licensees

continue to retain the following records until the Commission terminates the pertinent license:

(1) Records of surveys which were required by the formerly applicable § 20.401(c)(2) (i), (ii), and (iii), such as records of the results of surveys to determine the external radiation dose in the absence of personnel monitoring data to ensure compliance with NRC regulations concerning the concentrations of radioactive materials in air (formerly applicable 10 CFR Part 20 Appendix B), and records of the results of surveys used to evaluate the release of radioactive effluents to the environment;

(2) Records used in the preparation of NRC Form 4, such as records of the individual's occupational exposure from former employers which were required by the formerly applicable § 20.102(c)(2);

(3) Waste shipment manifests and documentation of acknowledgement of receipt which were required by the formerly applicable §§ 20.311(d)(7), (e)(5), (f)(8), and (g)(2);

(4) Records of radiation monitoring which were required by the formerly applicable § 20.401(c)(1);

(5) Records of disposal into sanitary sewers, by land burial, and other approved disposals which were required by the formerly applicable § 20.401(c)(3).

2. In addition, this action is necessary to correct the reference to "appendices A, B, C, D, or F to §§ 20.1001-20.2401" to read "appendices B, C, D, or F to part 20" in § 20.1201 (d) and (e), § 20.1204(c)(3), (e)(i), and (h)(2), § 20.1302 (b)(2)(i) and (c), § 20.1502(b)(1), § 20.1703 (b)(1), (b)(2), and (d), § 20.1704, § 20.1902(e), § 20.1905 (a) and (b), § 20.1906(d), § 20.2003 (a)(2) and (a)(3)(i), § 20.2006 (a), (b), (c), and (d), § 20.2201 (a)(i), (a)(ii), and (b)(2)(ii), § 20.2203(d), and § 20.2204.

3. To be consistent with the ALARA definition found in § 20.1003, the word "practicable" is changed to read "practical" in §§ 20.1701, 20.1702, 20.1906(c), and Appendix F to Part 20.

4. Finally, in Appendix C to 10 CFR Part 20, Quantities of licensed material requiring labeling, the quantity for Carbon-14 is corrected to read "100" rather than "1000." This change corrects a typographical error.

These amendments are corrective in nature, restore provisions inadvertently deleted in prior amendments, and correct reference and typographical errors found in the aforementioned sections of the revised 10 CFR part 20 (December 22, 1993; 58 FR 67657). Because the opportunity for public

comment was previously provided for the changes which formed the basis for the December 22, 1993, amendments (May 21, 1991; 56 FR 23360 and August 26, 1992; 57 FR 38588), and because the proposed changes are minor corrective amendments, the NRC has determined that good cause exists to dispense with the notice and comment provisions of the Administrative Procedures Act (APA) pursuant to 5 U.S.C. 553(b)(B). For the same reasons, the NRC has determined that good cause exists to waive the 30-day deferred effective date provisions of the APA (5 U.S.C. 553(d)).

**Enforcement**

During the interim period from January 1, 1994 to the present, there has been no explicit requirement that licensees retain the five categories of records addressed in this rule that were required under the old Part 20. Therefore, a violation will not be cited in any case in which a licensee discarded the records during this period. In the case of a licensee that retained any of the five categories of records but discards those records *after the effective date of this rulemaking*, a violation may be cited in accordance with the NRC Enforcement Policy.

**Environmental Impact: Categorical Exclusion**

The NRC has determined that this rule is the type of action described in categorical exclusion 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

**Paperwork Reduction Act Statement**

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval number 3150-0014.

**Regulatory Analysis**

This final rule is administrative in that it reinstates provisions inadvertently removed from the text of an existing regulation and corrects errors found in the revised 10 CFR Part 20. These amendments will not have a significant impact. Therefore, the NRC has not prepared a separate regulatory analysis for this final rule. The final regulatory analysis for the May 21, 1991, final rule examined the costs and benefits of the alternatives considered by the Commission in developing the revised standards for protection against radiation and is available for inspection

in the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC 20037.

**Backfit Analysis**

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule and, therefore, that a backfit analysis is not required for this final rule because these amendments do not involve any provision that would impose backfits as defined in 10 CFR 50.109(a)(1).

**List of Subjects in 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, Special nuclear material, Source material, Waste treatment and disposal.

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 Part 20.

**PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION**

1. 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 (2 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232, 2236), secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

**§ 20.1201 [Amended]**

2. In § 20.1201, paragraphs (d) and (e) are amended by correcting the reference to “Appendix B to §§ 20.1001–20.2401” to read “Appendix B to Part 20.”

**§ 20.1203 [Amended]**

3. Section 20.1203 is amended by correcting the reference to “Appendix B to §§ 20.1001–20.2401” to read “Appendix B to Part 20.”

**§ 20.1204 [Amended]**

4. In § 20.1204, paragraphs (c)(3), (e)(1), and (h)(2) are amended by correcting the reference to “Appendix B to §§ 20.1001–20.2401” to read “Appendix B to Part 20.”

**§ 20.1302 [Amended]**

5. In § 20.1302, paragraphs (b)(2)(i) and (c) are amended by correcting the reference to “Appendix B to §§ 20.1001–20.2401” to read “Appendix B to Part 20.”

**§ 20.1502 [Amended]**

6. In § 20.1502, paragraph (b)(1) is amended by correcting the reference to “Appendix B to §§ 20.1001–20.2401” to read “Appendix B to Part 20.”

**§ 20.1701 [Amended]**

7. Section 20.1701 is amended by deleting the word “practicable” and replacing it with the word “practical.”

**§ 20.1702 [Amended]**

8. Section 20.1702 is amended by deleting the word “practicable” and replacing it with the word “practical.”

9. In § 20.1703, paragraph (b)(1), the introductory text of paragraph (b)(2), and paragraph (d) are revised to read as follows:

**§ 20.1703 Use of individual respiratory protection equipment.**

\* \* \* \* \*

(b) \* \* \*

(1) The licensee selects respiratory protection equipment that provides a protection factor (see Appendix A, Part 20) greater than the multiple by which peak concentrations of airborne radioactive materials in the working area are expected to exceed the values specified in Appendix B to Part 20, Table 1, column 3. If the selection of a respiratory protection device with a protection factor greater than the multiple defined in the preceding sentence is inconsistent with the goal specified in § 20.1702 of keeping the total effective dose equivalent ALARA, the licensee may select respiratory protection equipment with a lower protection factor only if such a selection would result in keeping the total effective dose equivalent ALARA. The concentration of radioactive material in the air that is inhaled when respirators are worn may be initially estimated by dividing the average concentration in air, during each period of uninterrupted use, by the protection factor. If the exposure is later found to be greater than estimated, the corrected value must be used; if the exposure is later found to be less than estimated, the corrected value may be used.

(2) The licensee shall obtain authorization from the Commission before assigning respiratory protection factors in excess of those specified in Appendix A to Part 20. The Commission may authorize a licensee to use higher protection factors on receipt of an application that—

\* \* \* \* \*

(d) The licensee shall notify, in writing, the Regional Administrator of the appropriate NRC Regional Office listed in Appendix D to Part 20 at least 30 days before the date that respiratory

protection equipment is first used under the provisions of either § 20.1703 (a) or (b).

**§ 20.1704 [Amended]**

10. The introductory paragraph of § 20.1704 is amended by correcting the reference to “Appendix A to §§ 20.1001–20.2401” to read “Appendix A to Part 20.”

**§ 20.1902 [Amended]**

11. In § 20.1902, paragraph (e) is amended by correcting the reference to “Appendix C to §§ 20.1001–20.2401” to read “Appendix C to Part 20.”

**§ 20.1905 [Amended]**

12. In § 20.1905, paragraph (a) is amended by correcting the reference to “Appendix C to §§ 20.1001–20.2401” to read “Appendix C to Part 20” and paragraph (b) is amended by correcting the reference to “Appendix B to §§ 20.1001–20.2401” to read “Appendix B to Part 20.”

**§ 20.1906 [Amended]**

13. In § 20.1906, paragraph (c) is amended by deleting the word “practicable” and replacing it with the word “practical,” and the introductory text of paragraph (d) is amended by correcting the reference to “Appendix D to §§ 20.1001–20.2401” to read “Appendix D to Part 20.”

**§ 20.2003 [Amended]**

14. In § 20.2003, paragraphs (a)(2) and (a)(3)(i) are amended by correcting the reference to “Appendix B to §§ 20.1001–20.2401” to read “Appendix B to Part 20.”

**§ 20.2006 [Amended]**

15. In § 20.2006, paragraphs (a), (b), (c), and (d) are amended by correcting the reference to “Appendix F to §§ 20.1001–20.2401” to read “Appendix F to Part 20.”

16. In § 20.2103, paragraphs (b)(1), (b)(2), (b)(3), and (b)(4) are revised to read as follows:

**§ 20.2103 Records of surveys.**

\* \* \* \* \*

(b) \* \* \*

(1) Records of the results of surveys to determine the dose from external sources and used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents. This includes those records of results of surveys to determine the dose from external sources and used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents required under the

standards for protection against radiation in effect prior to January 1, 1994; and

(2) Records of the results of measurements and calculations used to determine individual intakes of radioactive material and used in the assessment of internal dose. This includes those records of the results of measurements and calculations used to determine individual intakes of radioactive material and used in the assessment of internal dose required under the standards for protection against radiation in effect prior to January 1, 1994; and

(3) Records showing the results of air sampling, surveys, and bioassays required pursuant to § 20.1703(a)(3) (i) and (ii). This includes those records showing the results of air sampling, surveys, and bioassays required under the standards for protection against radiation in effect prior to January 1, 1994; and

(4) Records of the results of measurements and calculations used to evaluate the release of radioactive effluents to the environment. This includes those records of the results of measurements and calculations used to evaluate the release of radioactive effluents to the environment required under the standards for protection against radiation in effect prior to January 1, 1994.

17. In § 20.2104, paragraph (f) is revised to read as follows:

**§ 20.2104 Determination of prior occupational dose.**

\* \* \* \* \*

(f) The licensee shall retain the records on NRC Form 4 or equivalent until the Commission terminates each pertinent license requiring this record. The licensee shall retain records used in preparing NRC Form 4 for 3 years after the record is made. This includes records required under the standards for protection against radiation in effect prior to January 1, 1994.

18. In § 20.2106, paragraph (f) is revised to read as follows:

**§ 20.2106 Records of individual monitoring results.**

\* \* \* \* \*

(f) The licensee shall retain the required form or record until the Commission terminates each pertinent license requiring this record. This includes records required under the standards for protection against radiation in effect prior to January 1, 1994.

19. In § 20.2108, paragraph (b) is revised to read as follows:

**§ 20.2108 Records of waste disposal.**

\* \* \* \* \*

(b) The licensee shall retain the records required by paragraph (a) of this section until the Commission terminates each pertinent license requiring this record. This includes records required under the standards for protection against radiation in effect prior to January 1, 1994.

**§ 20.2201 [Amended]**

20. In § 20.2201, paragraphs (a)(1) (i) and (ii), are amended by correcting the reference to "Appendix C to §§ 20.1001-20.2401" to read "Appendix C to Part 20," and paragraph (b)(2)(ii) is amended by correcting the reference to "Appendix D to §§ 20.1001-20.2401" to read "Appendix D to Part 20."

**§ 20.2203 [Amended]**

21. In § 20.2203, paragraph (d) is amended by correcting the reference to "Appendix D to §§ 20.1001-20.2401" to read "Appendix D to Part 20."

**§ 20.2204 [Amended]**

22. Section 20.2204 is amended by correcting the reference to "Appendix D to §§ 20.1001-20.2401" to read "Appendix D to Part 20."

23. In Appendix C, the quantity for Carbon-14 is revised to read as follows:

**Appendix C to Part 20—Quantities of Licensed Material Requiring Labeling**

\* \* \* \* \*

**APPENDIX C TO PART 20—QUANTITIES OF LICENSED MATERIAL REQUIRING LABELING**

Radionuclide	Quantity (µCi)
Carbon-14 .....	100

\* \* \* \* \*

*Appendix F to part 20 [Amended]*

24. In Appendix F, paragraph I, Manifest is amended by deleting the word "practicable" and replacing it with the word "practical," and paragraphs III(A)(7), (B)(5), (C)(8), and (D)(2) are revised to read as follows:

**III. Control and Tracking**

(A) \* \* \*

(7) Retain a copy of the manifest and documentation of acknowledgement of receipt as the record of transfer of licensed material as required by parts 30, 40, and 70 of this chapter. This includes those manifests and documents required under the standards for protection against radiation in effect prior to January 1, 1994; and

\* \* \* \* \*

(B) \* \* \*

(5) Retain a copy of the manifest and documentation of acknowledgement of receipt as the record of transfer of licensed material as required by parts 30, 40, and 70 of this chapter, and retain information from generator manifest until the license is terminated. This includes those manifests and documents of acknowledgement of receipt required under the standards for protection against radiation in effect prior to January 1, 1994; and

\* \* \* \* \*

(C) \* \* \*

(8) Retain copies of original manifests and new manifests and documentation of acknowledgement of receipt as the record of transfer of licensed material as required by parts 30, 40, and 70 of this chapter. This includes those manifests and documents of acknowledgement of receipt required under the standards for protection against radiation in effect prior to January 1, 1994; and

\* \* \* \* \*

(D) \* \* \*

(2) Maintain copies of all completed manifests or equivalent documentation until the license is terminated. This includes those manifests or equivalent documents required under the standards for protection against radiation in effect prior to January 1, 1994; and

\* \* \* \* \*

Dated at Rockville, Maryland, this 11th day of April 1995.

For the Nuclear Regulatory Commission.

**James L. Milhoan,**

*Acting Executive Director for Operations.*

[FR Doc. 95-10123 Filed 4-24-95; 8:45 am]

BILLING CODE 7590-01-P

**FEDERAL RESERVE SYSTEM**

**12 CFR Part 225**

[Regulation Y; Docket No. R-0851]

**Revisions Regarding Tying Restrictions**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule.

**SUMMARY:** The Board is adopting a regulatory "safe harbor" from the anti-tying restrictions of section 106 of the Bank Holding Company Act Amendments of 1970 and the Board's Regulation Y. The safe harbor permits any bank or nonbank subsidiary of a bank holding company to offer a "combined-balance discount"—that is, a discount based on a customer maintaining a combined minimum