

## Option A—Prescriptive Requirements

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## Option B—Performance-Based Requirements

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## I. Introduction

One of the conditions required of all operating licenses for light-water-cooled power reactors as specified in § 50.54(o) is that primary reactor containments meet the leakage-rate test requirements in either Option A or B of this appendix. These test requirements ensure that (a) leakage through these containments or systems and components penetrating these containments does not exceed allowable leakage rates specified in the Technical Specifications and (b) integrity of the containment structure is maintained during its service life. Option B of this appendix identifies the performance-based requirements and criteria for preoperational and subsequent periodic leakage-rate testing.<sup>3</sup>

## II. Definitions

*Performance criteria* means the performance standards against which test results are to be compared for establishing the acceptability of the containment system as a leakage-limiting boundary.

*Containment system* means the principal barrier, after the reactor coolant pressure boundary, to prevent the release of quantities of radioactive material that would have a significant radiological effect on the health of the public.

*Overall integrated leakage rate* means the total leakage rate through all tested leakage paths, including containment welds, valves, fittings, and components that penetrate the containment system.

*La (percent/24 hours)* means the maximum allowable leakage rate at pressure Pa as specified in the Technical Specifications.

*Pa (p.s.i.g)* means the calculated peak containment internal pressure related to the design basis loss-of-coolant accident as specified in the Technical Specifications.

## III. Performance-Based Leakage-Test Requirements

## A. Type A Test

Type A tests to measure the containment system overall integrated leakage rate must be conducted under conditions representing design basis loss-of-coolant accident containment peak pressure. A Type A test must be conducted (1) after the containment system has been completed and is ready for

<sup>3</sup> Specific guidance concerning a performance-based leakage-test program, acceptable leakage-rate test methods, procedures, and analyses that may be used to implement these requirements and criteria are provided in Regulatory Guide 1.163, "Performance-Based Containment Leak-Test Program."

operation and (2) at a periodic interval based on the historical performance of the overall containment system as a barrier to fission product releases to reduce the risk from reactor accidents. A general visual inspection of the accessible interior and exterior surfaces of the containment system for structural deterioration which may affect the containment leak-tight integrity must be conducted prior to each test, and at a periodic interval between tests based on the performance of the containment system. The leakage rate must not exceed the allowable leakage rate (La) with margin, as specified in the Technical Specifications. The test results must be compared with previous results to examine the performance history of the overall containment system to limit leakage.

## B. Type B and C Tests

Type B pneumatic tests to detect and measure local leakage rates across pressure retaining, leakage-limiting boundaries, and Type C pneumatic tests to measure containment isolation valve leakage rates, must be conducted (1) prior to initial criticality, and (2) periodically thereafter at intervals based on the safety significance and historical performance of each boundary and isolation valve to ensure the integrity of the overall containment system as a barrier to fission product release to reduce the risk from reactor accidents. The performance-based testing program must contain a performance criterion for Type B and C tests, consideration of leakage-rate limits and factors that are indicative of or affect performance, when establishing test intervals, evaluations of performance of containment system components, and comparison to previous test results to examine the performance history of the overall containment system to limit leakage. The tests must demonstrate that the sum of the leakage rates at accident pressure of Type B tests, and pathway leakage rates from Type C tests, is less than the performance criterion (La) with margin, as specified in the Technical Specification.

## IV. Recordkeeping

The results of the preoperational and periodic Type A, B, and C tests must be documented to show that performance criteria for leakage have been met. The comparison to previous results of the performance of the overall containment system and of individual components within it must be documented to show that the test intervals established for the containment system and components within it are adequate. These records must be available for inspection at plant sites.

If the test results exceed the performance criteria (La) as defined in the plant Technical Specifications, those exceedances must be assessed for Emergency Notification System reporting under §§ 50.72 (b)(1)(ii) and § 50.72 (b)(2)(i), and for a Licensee Event Report under § 50.73 (a)(2)(ii).

## V. Application

## A. Applicability

The requirements in either or both Option B, III.A for Type A tests, and Option B, III.B for Type B and C tests, may be adopted on

a voluntary basis by an operating nuclear power reactor licensee as specified in § 50.54 in substitution of the requirements for those tests contained in Option A of this appendix. If the requirements for tests in Option B, III.A or Option B, III.B are implemented, the recordkeeping requirements in Option B, IV for these tests must be substituted for the reporting requirements of these tests contained in Option A of this appendix.

## B. Implementation

1. Specific exemptions to Option A of this appendix that have been formally approved by the AEC or NRC, according to 10 CFR 50.12, are still applicable to Option B of this appendix if necessary, unless specifically revoked by the NRC.

2. A licensee or applicant for an operating license may adopt Option B, or parts thereof, as specified in Section V.A of this Appendix, by submitting its implementation plan and request for revision to technical specifications (see paragraph B.3 below) to the Director of the Office of Nuclear Reactor Regulation.

3. The regulatory guide or other implementation document used by a licensee, or applicant for an operating license, to develop a performance-based leakage-testing program must be included, by general reference, in the plant technical specifications. The submittal for technical specification revisions must contain justification, including supporting analyses, if the licensee chooses to deviate from methods approved by the Commission and endorsed in a regulatory guide.

4. The detailed licensee programs for conducting testing under Option B must be available at the plant site for NRC inspection.

Dated at Rockville, Maryland this 20th day of September, 1995.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

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## DEPARTMENT OF LABOR

## Employment and Training Administration

## 20 CFR Part 655

## Wage and Hour Division

## 29 CFR Part 507

**Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models**

**AGENCY:** Employment and Training Administration, Labor; and Wage and Hour Division, Employment Standards Administration, Labor.

**ACTION:** Notice of enforcement position.

**SUMMARY:** The Employment and Training Administration (ETA) and the Employment Standards Administration (ESA) of the Department of Labor (DOL or Department) are hereby announcing an enforcement policy regarding a provision of the regulations governing the enforcement of labor condition applications filed by employers seeking to employ foreign workers in specialty occupations and as fashion models of distinguished merit and ability under the H-1B nonimmigrant visa classification. Under the Immigration and Nationality Act (INA), an employer seeking to employ such a nonimmigrant is required to file a labor condition application with DOL before the Immigration and Naturalization Service (INS) may approve an H-1B visa petition. The labor condition application process is administered by ETA; complaints and investigations regarding labor condition applications are the responsibility of ESA.

**EFFECTIVE DATE:** September 26, 1995.

**FOR FURTHER INFORMATION CONTACT:** On 20 CFR part 655, subpart H, and 29 CFR part 507, subpart H, contact Flora T. Richardson, Chief, Division of Foreign Labor Certifications, U.S. Employment Service, Employment and Training Administration, Department of Labor, Room N-4456, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 219-5263 (this is not a toll-free number).

On 20 CFR part 655, subpart I, and 29 CFR part 507, subpart I, contact Chief, Branch of Farm Labor and Immigration Programs, Wage and Hour Division, Employment Standards Administration, Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 219-7605 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The Secretary of Labor's Final Rule (December 20, 1994, 59 FR 65646) regarding the H-1B nonimmigrant program became effective on January 19, 1995. Section \_\_\_\_\_.731(b)(1) of the Final Rule requires that, in documenting its compliance with the wage requirements, an employer shall maintain at least the information listed in § \_\_\_\_\_.731(b)(1)(i) through (vii), not only for the H-1B nonimmigrant(s), but for "all other employees for the specific employment in question at the place of employment." The prior Interim Final Rule (January 13, 1992, 57 FR 1316), at § \_\_\_\_\_.730(e)(2)(i), required that the employer maintain documentation of the listed items for "all other individuals with experience and qualifications similar to the H-1B nonimmigrant for the specific

employment in question at the place of employment."

#### Enforcement Position

The Department hereby announces that, with respect to any additional workers for whom the Final Rule may have applied the recordkeeping requirements at § \_\_\_\_\_.731(b)(1), it will enforce this provision to require the employer to keep only those records which are required by the Fair Labor Standards Act ("FLSA"), 29 CFR Part 516. In virtually all situations, the Department anticipates that the records required by the FLSA include those listed under the H-1B Final Rule.

Signed at Washington, D.C., this 20th day of September, 1995.

John R. Beverly, III,

*Deputy Director, United States Employment Service.*

John Fraser,

*Deputy Administrator, Wage and Hour Division.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 178

[Docket No. 94F-0005]

#### Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of oxidized bis(hydrogenated tallow alkyl)amines as a process stabilizer for polypropylene intended for use in contact with food. This action is in response to a petition filed by Ciba-Geigy Corp.

**DATES:** Effective September 26, 1995; written objections and requests for a hearing by October 26, 1995.

**ADDRESSES:** Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Daniel N. Harrison, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3080.

**SUPPLEMENTARY INFORMATION:** In a notice published in the Federal Register of February 24, 1994 (59 FR 8995), FDA announced that a food additive petition (FAP 4B4410) had been filed by Ciba-Geigy Corp., Seven Skyline Dr., Hawthorne, NY 10532. The petition proposed that the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of oxidized bis(hydrogenated tallow alkyl)amines (CAS Reg. No. 143925-92-2) as a process stabilizer for polypropylene intended for use in contact with food.

FDA has evaluated data in the petition and other relevant material. The agency is not including the Chemical Abstracts Service Registry number (CAS Reg. No. 143925-92-2) in the regulation because it corresponds to the pure hydroxylamine component of the additive and not to the additive itself. The agency concludes that the proposed food additive use is safe, and that the regulations in § 178.2010 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before October 26, 1995, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any