NUCLEAR REGULATORY COMMISSION

Development of Implementing Procedures for the Final Policy Statement on the Adequacy and Compatibility of Agreement State Radiation Control Programs: Joint NRC-Agreement State Working Group Report

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the availability of the Report of Joint NRC-Agreement State Working Group on Adequacy and Compatibility Implementing Procedures.

SUMMARY: The Nuclear Regulatory Commission (NRC) is announcing the completion and availability of the Report of the Joint NRC-Agreement State Working Group for Development of Implementing Procedures for the Final Policy Statement on the Adequacy and Compatibility of Agreement State Programs.

ADDRESSES: Copies of the report may be obtained by calling Kathaleen Kerr at (301) 415–3340 or by writing to U.S. Nuclear Regulatory Commission, Document Control Desk, P1–37, Washington, D.C. 20555, Attn: Kathaleen Kerr, Office of State Programs. These documents are available for inspection in the NRC Public Document Room, 2120 L Street, N.W., Washington, D. C., (Lower Level), between the hours of 7:45 a.m. and 4:15 p.m.

FOR FURTHER INFORMATION CONTACT: Ms. Cardelia H. Maupin, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301–415–2312.

SUPPLEMENTARY INFORMATION: On December 1, 1995 (60 FR 61716), the Commission published in the Federal Register the formation of a working group consisting of representatives from Agreement States and from the Nuclear Regulatory Commission to respond to Commission direction in Staff Requirements Memorandum dated June 29, 1995, which instructed staff to develop implementing procedures for the Final Policy Statement Policy Statement on Adequacy and Compatibility of Agreement State Programs. The purpose of this notice is to inform the public that the Report of the Joint NRC-Agreement State Working Group for Development of Implementing Procedures for the Final Policy Statement on the Adequacy and Compatibility of Agreement State Programs was completed and filed in letter dated August 21, 1996 to Richard L. Bangart, Director, Office of State Programs. This report is being made available to interested members of the public.

Dated at Rockville, Maryland this 12th day of September, 1996.

For the Nuclear Regulatory Commission.

Richard L. Bangart,

Director, Office of State Programs.

[FR Doc. 96–24018 Filed 9–18–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 030–32908; License No. 29–28784–01; EA 96–152]

Shashi K. Agarwal, M.D., Orange, New Jersey; Order Suspending License (Effective Immediately) and Demand for Information

I

Shashi K. Agarwal, M.D., (Licensee) is the holder of Byproduct Nuclear Material License No. 29–28784–01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30. License No. 29–28784–01 authorizes possession and use of any byproduct material identified in 10 CFR 35.200 for any imaging and localization procedure approved in 10 CFR 35.200. The license was issued on November 27, 1992 and is due to expire on December 31, 1997.

II

On April 18, and April 30, 1996, the NRC conducted an inspection at the Licensee's facility in Orange, New Jersey. During the inspection, numerous apparent violations of NRC requirements were identified. One of the violations involved the continued use of radioactive material by a contractor of Dr. Agarwal despite the fact that the only authorized user listed on the license (who was also the Radiation Safety Officer (RSO)) had left the employ of the company on April 3, 1996, and has not been replaced. Specifically, in a letter dated April 3, 1996, to Dr. Agarwal, the only authorized user/RSO listed on the license resigned and informed Dr. Agarwal that if Dr. Agarwal wished to remain active with the license, he would have to replace the RSO. The authorized user/RSO was not replaced. This violation of the license was willful in that, at a minimum, it demonstrated careless disregard for NRC requirements.

Furthermore, the authorized user/RSO listed on Dr. Agarwal's license made an inaccurate statement to NRC during a telephone inquiry conducted on May 20, 1993, when he stated that the licensee had not acquired any licensed material. This statement was inaccurate in that the inspector later determined that the licensee received 33 doses of technetium-99m labeled radiopharmaceuticals in April 1993. This inaccurate statement was material in that this information was relied on by the NRC in reaching its decision to postpone its initial on-site inspection of Dr. Agarwal's facility until October 1993. In a letter to Dr. Agarwal dated June 22, 1993, the NRC reported the results of the May 20, 1993 telephone inquiry. The letter states that the inspector contacted the authorized user/RSO on May 20, 1993, and the letter further states: ''From this discussion, we understand that you have never possessed material authorized by this license, but you plan to acquire such material in the near future.'' The letter also states: ''If our understanding is incorrect, please inform us in writing.'' There is no record of the licensee correcting this inaccuracy.

In addition, the inspection revealed numerous violations of NRC requirements, several of which were repetitive of violations identified during the previous NRC inspection conducted at the facility in October 1993, for which a Notice of Violation was issued to the licensee on November 17, 1993 (Inspection Report No. 030–32908/93–002). The repetitive violations included: the RSO's failure to review and sign records of dose calibrator linearity and accuracy tests; sealed source leak tests of dose calibrator sources were not performed every six months; dose calibrator linearity test was not performed quarterly; and survey meter calibrations were performed without dedicated check source measurements. These violations are listed in the Appendix to this Order.

Furthermore, on numerous occasions, Dr. Agarwal resisted attempts by inspectors and NRC management to advise him of the findings of the inspection, as described below:

- On April 19, 1996, and at least daily during the week beginning April 22, 1996, the NRC inspector and his supervisor attempted to contact Dr. Agarwal, and were told by Dr. Agarwal's staff that Dr. Agarwal was unavailable at that time but would return the telephone call as soon as he was available. Dr. Agarwal did not return the telephone calls from the NRC officials.
- On April 30, 1996, the NRC inspector spoke briefly with Dr. Agarwal at the licensee's facility and informed Dr. Agarwal that he, the inspector, was onsite to complete the inspection begun on April 18, 1996. Dr. Agarwal immediately left the facility without affording the inspector any opportunity

to conduct needed discussions with Dr. Agarwal, or to brief him on the preliminary findings of the inspection. Dr. Agarwal provided a member of his staff to assist with the inspection. The inspector inquired as to what time the office closed at the end of the day. The staff member commented that the office would close at 5:00 p.m. The inspector informed Dr. Agarwal's assistant that he would complete his inspection by 4:30 p.m. and that it would be necessary to exit with Dr. Agarwal in order to debrief him on the results of the inspection. The inspector was left alone in the nuclear medicine area. When the inspector attempted to exit with Dr. Agarwal at 4:30 p.m., he discovered that Dr. Agarwal and his office staff had closed and left the facility. The inspector located one individual, a physical therapist, who was not aware that an inspection was being conducted. The inspector left a business card with this individual with instructions that it was very important that Dr. Agarwal call the inspector the next day so that the results of the inspection could be discussed. Dr. Agarwal did not contact the inspector.

- On May 1, 2, and 3, 1996, the NRC inspector and the inspector's supervisor attempted to contact Dr. Agarwal by telephone, but again were told that Dr. Agarwal was not available to speak at that time but that he would return the telephone calls as soon as possible. Dr. Agarwal did not return these telephone calls.
- The NRC was able to make contact with Dr. Agarwal by telephone on June 13, 1996, at which time the NRC findings were presented. During a subsequent telephone conversation on July 12, 1996 with Dr. Agarwal, a transcribed predecisional enforcement conference was scheduled for August 8, 1996. Dr. Agarwal failed to appear for the predecisional enforcement conference. On August 8, 1996, the NRC contacted Dr. Agarwal's office to inquire as to his whereabouts and was told that they didn't know where he was. On September 4, 1996, the NRC was able to make contact with Dr. Agarwal by telephone, at which time the NRC inquired why Dr. Agarwal failed to appear for the August 8, 1996, predecisional enforcement conference and why Dr. Agarwal did not contact the NRC when he returned to his office. The response given by Dr. Agarwal was that personal problems precluded him from attending the predecisional enforcement conference. Dr. Agarwal did not provide an explanation as to why he did not contact the NRC regarding his inability to attend the conference.

III

The NRC must be able to rely on the Licensee and its employees to comply with NRC requirements. It is important that licensed material be used by, or under the supervision of, an authorized user. It is also essential that all communications between the Licensee and the NRC are complete and accurate in all material respects and that licensees are forthright with the NRC. It appears that the Licensee has provided inaccurate information to the NRC, has failed to comply with numerous additional Commission requirements described above, and has demonstrated an unwillingness to cooperate with the NRC, as indicated herein. These actions by the Licensee have raised serious doubt as to whether the Licensee can be relied upon in the future to comply with NRC requirements and to provide complete and accurate information to the NRC.

Consequently, I lack the requisite reasonable assurance that the Licensee's current operations can be conducted under License No. 29–28784–01 in compliance with the Commission's requirements, and that the health and safety of the public, including the Licensee's employees, will be protected, given these findings, as well as the fact that the Licensee currently does not have an authorized user or RSO. Therefore, the public, health, safety and interest require that License No. 29–28784–01 be suspended. Furthermore, pursuant to 10 CFR 2.202, I find that, given the willfulness of the Licensee's conduct, as described above, as well as the safety significance of conducting licensed activities without an authorized user, the public health, safety, and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to sections 81, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 30, it is hereby ordered, effective immediately, that license no. 29–28784–01 is suspended as follows, *pending* further Order.

A. All NRC-licensed material in the Licensee's possession shall be placed in secured storage.

B. All activities under License No. 29–28784–01 to use licensed material shall be suspended. All other requirements of the license remain in effect.

C. No material authorized by the license shall be ordered, purchased, received, or transferred by the Licensee while this Order is in effect.

D. All records related to licensed activities shall be maintained in their original form and must not be removed or altered in any way.

The Regional Administrator, Region I, may, in writing, relax or rescind this order upon demonstration by the Licensee of good cause.

V

In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for an extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this order and set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Services Section, Washington, D.C. 20555. Copies of the hearing request also should be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania, 19406, and to the Licensee if the hearing request is by a person other than the Licensee. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which the individual's interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by the Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), the Licensee, or any other person adversely affected by this Order, may, in addition to demanding a hearing, at the time the

answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or a written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received.

AN ANSWER OR A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

VI

In addition to issuance of this Order suspending License No. 29–28784–01, the Commission requires further information from the Licensee in order to determine whether the Commission can have reasonable assurance that in the future the Licensee will conduct its activities in accordance with the Commission's requirements.

Accordingly, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's requirements in 10 CFR 2.204 and 10 CFR 30.32(b), in order for the Commission to determine whether your license should be further modified, suspended or revoked, or other enforcement action taken to ensure compliance with NRC regulatory requirements, the Licensee is required to submit to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, within 20 days of the date of this Order and Demand for Information, a response in writing and under oath or affirmation, describing why its License should not be revoked in light of the NRC findings described herein.

Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address, and to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406.

After reviewing your response, the NRC will determine whether further action is necessary to ensure compliance with regulatory requirements.

Dated at Rockville, Maryland this 12th day of September 1996.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support.

Appendix—List of Violations

[Docket No. 030–32908; License No. 29–28784–01 EA 96–152]

Shashi K. Agarwal, M.D., Orange, New Jersey

During an NRC inspection conducted on April 18 and 30, 1996, the following violations of NRC requirements were identified.

I. Violation Involving the Submittal of Inaccurate Information

10 CFR 30.9(a) requires, in part, that information provided to the Commission by a licensee be complete and accurate in all material respects.

Contrary to the above, the licensee did not provide to the Commission information that was complete and accurate in all material respects. Specifically, on May 20, 1993, the licensee's authorized user/Radiation Safety Officer (RSO) stated that the licensee had not yet acquired any licensed material. This was an inaccurate statement, because the licensee had received 33 doses of technetium-99m labelled radiopharmaceuticals in April 1993. This information was material because it resulted in a decision by the NRC to postpone its initial inspection of the licensee's program until the fourth quarter of 1993.

II. Additional Violations of NRC Requirements

A. 10 CFR 35.25(a)(3) requires, in part, that a licensee that permits the receipt, possession, use, or transfer of byproduct material by an individual under the supervision of an authorized user, periodically review the supervised individual's use of byproduct material and the records kept to reflect this use.

Contrary to the above, from April 25, 1993 until April 3, 1996, the licensee permitted the receipt, possession, use, and transfer of byproduct material by an individual under the supervision of an authorized user, and the licensee failed to periodically review the supervised individual's use of byproduct material and the records kept to reflect this use.

B. Condition 12 of License No. 29–28784–01 names a specific individual as authorized to use material under the license.

Contrary to the above:

1. on April 4 and 16, 1996, an individual not named as authorized to use material under the license performed cardiac studies using unit dose Tc-99m material; and

2. on April 9, 1996, an individual not named as authorized to use material under the license performed cardiac studies using unit dose Tc-99m material.

C. 10 CFR 35.21(a) requires, in part, that the licensee, through the Radiation Safety Officer, ensure that radiation safety activities are being performed in accordance with approved procedures and regulatory requirements.

License Condition 14 of Amendment No. 0–1 of License 29–28784–01 provides in part that the licensee shall conduct its program in accordance with procedures contained in its application dated August 19, 1992.

1. The application dated August 19, 1992, states in Item No. 9.3 that, for dose calibrator calibration, the licensee will establish and implement the model procedure published in Appendix C to Regulatory Guide 10.8, Revision 2.

Appendix C of Regulatory Guide 10.8, Revision 2 requires, in part, that the Radiation Safety Officer review and sign records of accuracy and linearity tests.

Contrary to the above, as of April 30, 1996, the Radiation Safety Officer failed to review and sign records of accuracy tests performed on May 5, 1994, and December 5, 1995; and failed to sign records of linearity tests performed in March, July, and October 1994, January and November 1995, and February 1996.

This is a repeat violation.

2. The application dated August 19, 1992 states in Item No. 9.4 that, for personnel monitoring, the licensee will establish and implement the model procedure published in Appendix D to Regulatory Guide 10.8, Revision 2.

Appendix D of Regulatory Guide 10.8, Revision 2 requires, in part, that all individuals who are occupationally exposed to ionizing photon radiation on a regular basis be issued a film or thermoluminescent (TLD) whole body monitor that will be processed on a monthly basis and that all individuals who, on a regular basis, handle radioactive material that emits ionizing photons be issued a film or TLD finger monitor that will be processed on a monthly basis.

Contrary to the above, (1) between October 27, 1995 and April 16, 1996, the licensee did not issue whole body monitors to individuals (the mobile service staff) who were occupationally exposed to ionizing photon radiation on a regular basis or issue finger monitors to these same individuals who, on a regular basis, handled radioactive material that emitted ionizing photons; and (2) between April 1993 and April 1996 the licensee issued TLD whole body monitors and TLD finger monitors to its staff which were processed quarterly rather than monthly.

3. The application dated August 19, 1992, states, in Item No. 10.2, that the licensee will establish and implement the model ALARA program published in Appendix G of Regulatory Guide 10.8, Revision 2.

Appendix G of Regulatory Guide 10.8, Revision 2 requires, in part, that the Radiation Safety Officer will review at least quarterly the external radiation doses of authorized users and workers to determine that their doses are ALARA.

Contrary to the above, as of April 30, 1996, the licensee's Radiation Safety Officer had not performed a quarterly review of external radiation doses of authorized users and workers to determine that their doses were ALARA.

D. 10 CFR 20.2103(b)(1) requires, in part, that each licensee maintain certain records, including the record of the results of surveys to determine the dose from external sources in the assessment of individual dose

equivalents, until the Commission terminates each pertinent license requiring the record.

Contrary to the above, as of April 30, 1996, the licensee had not maintained records of the results of surveys to determine the dose from external sources performed during three-month periods beginning: April 15, 1993; July 15, 1993; April 15, 1994; July 15, 1994; October 15, 1995; and January 15, 1996.

E. 10 CFR 35.50(b)(3) requires, in part, that a licensee test each dose calibrator for linearity at least quarterly.

Contrary to the above, the licensee did not test its dose calibrator for linearity at least quarterly. Specifically, the licensee utilized the dose calibrator for patient studies from January 1 through June 21, 1995, and from October 27 through the end of 1995, but performed dose calibrator linearity tests only in January and November, 1995.

This is a repeat violation.

F. 10 CFR 35.59(b)(2) requires, in part, that a licensee in possession of a sealed source test the source for leakage at intervals not to exceed six months or at other intervals approved by the Commission or an Agreement State.

Contrary to the above, the licensee did not test a sealed source containing 200 microcuries of cesium-137 for leakage between January 13, 1995, and December 5, 1995, an interval in excess of six months, and no other interval was approved by the Commission or an Agreement State.

This is a repeat violation.

G. 10 CFR 35.59(d) requires in part, that a licensee retain records of leakage test results for five years; and that the records contain the signature of the Radiation Safety Officer.

Contrary to the above, as of April 30, 1996, the licensee's records of leakage test results did not contain the signature of the Radiation Safety Officer.

H. 10 CFR 35.59(g) requires, in part, that a licensee in possession of a sealed source or brachytherapy source conduct a quarterly physical inventory of all such sources in its possession.

Contrary to the above, the licensee did not conduct a physical inventory of its sealed sources during the fourth quarter of 1994 (in that an inventory was not done between July 7, 1994 and January 13, 1995), and during the second quarter of 1995 (an inventory was not done between January 13, 1995 and November 28, 1995).

I. 10 CFR 35.59(g) requires, in part, that a licensee retain for five years records of quarterly physical inventories of sealed sources and brachytherapy sources in its possession, and that the records contain the signature of the Radiation Safety Officer.

Contrary to the above, as of April 30, 1996, the licensee's records of physical inventories of its sealed sources did not contain the signature of the Radiation Safety Officer.

J. 10 CFR 35.51(a)(3) requires that a licensee conspicuously note the apparent exposure rate from a dedicated check source, as determined at the time of calibration, and the date of calibration on any survey instrument used to show compliance with 10 CFR Part 35.

Contrary to the above, as of April 30, 1996, the licensee did not conspicuously note the apparent exposure rate from a dedicated check source as determined at the time of calibration noted on its Ludlum Model 14C survey instrument, and the licensee was using this survey instrument to show compliance with 10 CFR Part 35. Specifically, the apparent exposure rate from a dedicated check source noted on the licensee's survey meter was not determined on December 15, 1995, when the survey meter was calibrated, but was determined on January 29, 1996, after it was returned to the licensee's facility.

This is a repeat violation.

[FR Doc. 96–24017 Filed 9–18–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–280 and 50–281]

Virginia Electric and Power Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Virginia Electric and Power Company (the licensee) to withdraw its January 26, 1993, application for proposed amendment to Facility Operating License Nos. DPR–32 and DPR–37 for the Surry Power Station, Unit Nos. 1 and 2, located in Surry County, Virginia.

The proposed amendments would have relocated the fire protection Technical Specifications to the Updated Final Safety Analysis Report consistent with Generic Letter 86–10.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on April 14, 1993 (58 FR 19492). However, by letter dated April 23, 1996, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated January 26, 1993, and the licensee's letter dated April 23, 1996, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC, and the Swem Library, College of William and Mary, Williamsburg, VA 23185.

Dated at Rockville, MD this 11th day of September, 1996.

For the Nuclear Regulatory Commission.

Gordon E. Edison,Sr.

Project Manager, Project Directorate II–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 96–24016 Filed 9–18–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 70–7001; 70–7002]

Notice of Certification Decision for U.S. Enrichment Corporation To Operate Gaseous Diffusion Plants and Finding of No Significant Impact

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Certification of gaseous diffusion plants.

SUMMARY: The U.S. Nuclear Regulatory Commission is issuing a certification decision for the U.S. Enrichment Corporation (USEC) to operate the two gaseous diffusion plants (GDPs) located at Paducah, Kentucky, and at Piketon, Ohio. NRC is also issuing a Finding of No Significant Impact (FONSI) concerning NRC's approval of the compliance plan prepared by the U.S. Department of Energy (DOE) and submitted by USEC.

FOR FURTHER INFORMATION CONTACT: Ms. M.L. Horn, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–8126; Mr. C. B. Sawyer, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–8174.

SUPPLEMENTARY INFORMATION:

Background

The President signed H.R. 776, the Energy Policy Act of 1992 (the Act), into law on October 24, 1992. The Act amended the Atomic Energy Act of 1954, to establish a new government corporation, the U.S. Enrichment Corporation (USEC), for the purpose of operating the uranium enrichment enterprise owned and previously operated by the DOE. The Act provided that within two years after enactment of the legislation, NRC would promulgate standards that apply to USEC's operation of its GDPs at Paducah, KY, and Piketon, OH, to protect public health and safety from radiological hazards, and to provide for the common defense and security. The Act directed the NRC to establish and implement an annual certification process under which the GDPs would be certified by the NRC for compliance with these standards. For areas where plant operations are not yet in compliance, the Act provided for a compliance plan prepared by the DOE. The Act also required NRC to report annually to the Congress on the status of the GDPs.

On February 11, 1994 (59 FR 6792), the Commission published for comment a proposed new Part 76 to Chapter I of Title 10 of the *Code of Federal*