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## DEPARTMENT OF ENERGY

### 10 CFR Part 835

[Docket No. HS-RM-09-835]

RIN 1992-AA-45

### Occupational Radiation Protection

**AGENCY:** Office of Health, Safety and Security, Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** The Department of Energy (DOE) today amends the values in appendix C to its Occupational Radiation Protection requirements. The derived air concentration values for air immersion are calculated using several parameters. One of these, exposure time, is better represented by the hours in the workday, rather than the hours in a calendar day, and is therefore used in the revised calculations.

**DATES:** This rule is effective May 13, 2011.

**FOR FURTHER INFORMATION CONTACT:** Dr. Judith Foulke, U.S. Department of Energy, Office of Worker Safety and Health Policy, 1000 Independence Avenue, SW., Washington, DC 20585; (301) 903-5865, e-mail: [Judy.Foulke@hq.doe.gov](mailto:Judy.Foulke@hq.doe.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Background

The requirements in title 10, Code of Federal Regulations, part 835 (10 CFR part 835), *Occupational Radiation Protection*, are designed to protect the health and safety of workers at Department of Energy (DOE) facilities. One situation that must be addressed is the exposure of workers to radioactive material dispersed in the air. Based on calculations involving doses to the organs of the body, levels of contamination in the air that will not cause the dose limits for workers to be exceeded are established for specified

radionuclides. These values are given in appendix C. DOE first published a final rule on December 14, 1993, (58 FR 65485), amending 10 CFR part 835. In the June 8, 2007, (72 FR 31903) amendment to part 835, DOE revised the values in appendix C to part 835, *Derived Air Concentration (DAC) for Workers from External Exposure during Immersion in a Cloud of Airborne Radioactive Material*. The calculations done for the 2007 amendment were based on a 24-hour day. However, to be consistent with other occupational exposure scenarios, such as those used in developing the appendix A DACs, an 8-hour per day exposure scenario is more reasonable.

DOE proposed amending the values in appendix C to take account of the 8-hour per day exposure scenario on January 25, 2011 (76 FR 4258). Today's final rule modifies 10 CFR part 835 appendix C values resulting from calculations using an 8-hour day.

#### II. Discussion of Changes to 10 CFR 835

The values for air immersion derived air concentrations in the present part 835 are based on a 24-hour day. Because the work day is 8 hours long, it was decided to base calculations of air immersion derived concentrations on an 8-hour day for workers occupationally exposed.

DOE received two comments from one commenter. The commenter stated that the derived conversion factors differed by a factor of 20 billion to 70 billion. DOE noted that values calculated in Bq/m<sup>3</sup> and in µCi/L differ by a factor of 37 billion, but use of truncated numbers explained the difference. The commenter stated that the half-life of Kr-77 was wrong. DOE agreed with the correct value and replaced the incorrect value.

A second commenter stated that the change in calculation for exposure time from calendar day hours to workday hours will lessen the amount of protection provided to employees. The commenter incorrectly stated that the effects of the radiation will continue after the employees have gone home. These radionuclides in appendix C are inert gases and are not absorbed by the body; they affect the worker only while immersed in a cloud of airborne radioactivity.

A third commenter agreed with DOE's approach.

#### III. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

#### List of Subjects in 10 CFR Part 835

Federal buildings and facilities, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Nuclear safety, Occupational safety and health, Radiation protection, and Reporting and recordkeeping requirements.

Issued in Washington, DC, on March 28, 2011.

**Glenn S. Podonsky,**

*Chief Health, Safety and Security Officer, Office of Health, Safety and Security.*

Accordingly, for the reasons set forth in the preamble, part 835 of Chapter III of Title 10 of the Code of Federal Regulations is amended as set forth below:

#### PART 835—OCCUPATIONAL RADIATION PROTECTION

■ 1. The authority citation for part 835 continues to read as follows:

**Authority:** 42 U.S.C. 2201, 7191; 50 U.S.C. 2410.

■ 2. In appendix C to part 835, the table at the end of paragraph c. is removed and a new table is added to read as follows:

#### Appendix C to Part 835—Derived Air Concentration (DAC) for Workers From External Exposure During Immersion in a Cloud of Airborne Radioactive Material

\* \* \* \* \*

c. \* \* \*

#### AIR IMMERSION DAC

Radio-nuclide	Half-life	(µCi/mL)	(Bq/m <sup>3</sup> )
Ar-37 .....	35.02 d ...	3E+00	1E+11
Ar-39 .....	269 yr .....	1E-03	5E+07
Ar-41 .....	1.827 h ...	3E-06	1E+05
Kr-74 .....	11.5 min	3E-06	1E+05
Kr-76 .....	14.8 h .....	1E-05	3E+05
Kr-77 .....	74.7 min	4E-06	1E+05
Kr-79 .....	35.04 h ...	1E-05	6E+05
Kr-81 .....	2.1E+05 yr.	7E-04	2E+07
Kr-83m .....	1.83 h .....	7E-02	2E+09
Kr-85 .....	10.72 yr ..	7E-04	2E+07
Kr-85m .....	4.48 h .....	2E-05	1E+06
Kr-87 .....	76.3 min	4E-06	1E+05
Kr-88 .....	2.84 h .....	1E-06	7E+04

AIR IMMERSION DAC—Continued

Radio-nuclide	Half-life	( $\mu\text{Ci/mL}$ )	( $\text{Bq/m}^3$ )
Xe-120 .....	40.0 min	1E-05	4E+05
Xe-121 .....	40.1 min	2E-06	8E+04
Xe-122 .....	20.1 h .....	8E-05	3E+06
Xe-123 .....	2.14 h .....	6E-06	2E+05
Xe-125 .....	16.8 h .....	1E-05	6E+05
Xe-127 .....	36.406 d	1E-05	6E+05
Xe-129m ..	8.89 d .....	2E-04	7E+06
Xe-131m ...	11.84 d ...	5E-04	1E+07
Xe-133 .....	5.245 d ...	1E-04	5E+06
Xe-133m ..	2.19 d .....	1E-04	5E+06
Xe-135 .....	9.11 h .....	1E-05	6E+05
Xe-135m ..	15.36 min	1E-05	3E+05
Xe-138 .....	14.13 min	3E-06	1E+05

\* \* \* \* \*

[FR Doc. 2011-8836 Filed 4-12-11; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 563e

Community Reinvestment

CFR Correction

In Title 12 of the Code of Federal Regulations, Parts 500 to 599, revised as of January 1, 2011, on page 278, in § 563e.12, the heading of paragraph (u) and paragraph (u)(1) are corrected to read as follows:

§ 563e.12 Definitions.

\* \* \* \* \*

(u) *Small savings association*—(1) *Definition.* *Small savings association* means a savings association that, as of December 31 of either of the prior two calendar years, had assets of less than \$1.122 billion. *Intermediate small savings association* means a small savings association with assets of at least \$280 million as of December 31 of both of the prior two calendar years and less than \$1.122 billion as of December 31 of either of the prior two calendar years.

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[FR Doc. 2011-8795 Filed 4-12-11; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 27

[Docket No. SW026; Special Conditions No. 27-026-SC]

Special Conditions: Eurocopter France Model AS350B Series, AS350D, and EC130 Helicopters, Installation of a Hoh Aeronautics, Inc. Autopilot/Stabilization Augmentation System (AP/SAS)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the modification of the Eurocopter France (Eurocopter) model AS350B series, AS350D, and EC130 helicopters. These model helicopters will have novel or unusual design features when modified by installing the Hoh Aeronautics, Inc. (Hoh) complex autopilot/stabilization augmentation system (AP/SAS) that has potential failure conditions with more severe adverse consequences than those envisioned by the existing applicable airworthiness regulations. These special conditions contain the added safety standards the Administrator considers necessary to ensure the failures and their effects are sufficiently analyzed and contained.

**DATES:** The effective date of these special conditions is March 31, 2011. We must receive your comments by June 13, 2011.

**ADDRESSES:** You may send your comments by e-mail to: [john.vanhoudt@faa.gov](mailto:john.vanhoudt@faa.gov); by mail to: Federal Aviation Administration, Rotorcraft Directorate, Attn: John VanHoudt (ASW-111), Special Conditions Docket No. SW026, 2601 Meacham Blvd., Fort Worth, Texas 76137; or by delivering your comments to the Rotorcraft Directorate at the indicated address. You must mark your comments: Docket No. SW026. You can inspect comments in the special conditions docket on weekdays, except Federal holidays, between 8:30 a.m. and 4 p.m., in the Rotorcraft Directorate.

**FOR FURTHER INFORMATION CONTACT:** John VanHoudt, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Policy Group (ASW-111), 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222-5167; facsimile (817) 222-5961; or e-mail to [john.vanhoudt@faa.gov](mailto:john.vanhoudt@faa.gov).

SUPPLEMENTARY INFORMATION:

Reason for No Prior Notice and Comment Before Adoption

The substance of these special conditions has been subjected to the notice and comment period previously and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Further, a delay in the effective date of these special conditions would significantly delay issuance of the design approval and thus delivery of the helicopter, which is imminent. Therefore, the FAA has determined that prior public notice and comment are unnecessary, impracticable, and contrary to the public interest, and finds good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment.

Comments Invited

While we did not precede this with a notice of proposed special conditions, we invite interested people to take part in this action by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will file in the special conditions docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel about these special conditions. You can inspect the docket before and after the comment closing date. If you wish to review the docket in person, go to the address in the ADDRESSES section of this document between 8:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive by the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

If you want us to let you know we received your mailed comments on these special conditions, send us a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it back to you.

Background

On February 5, 2010, Hoh submitted an application to the FAA's Los Angeles