

all fuel assemblies in storage casks or in the pool. See, e.g., 10 CFR Part 50 Appendix B, XVII, "Quality Assurance Records," and 10 CFR 72.174, "Quality Assurance Records." Therefore, additional records as proposed by the petitioner are not necessary.

Part 7: The petitioner requests the following revisions to § 72.104(a): in place of "real" put "maximally exposed"; after "individual" add "or fetus"; change "25 mrem" to "5 mrem"; change "75 mrem" to "15 mrem"; and change "25 mrem" to "5 mrem." The sentence will then read, "\* \* \* dose equivalent to any maximally exposed individual or fetus who is located beyond the controlled area must not exceed 5 mrem to the whole body, 15 mrem to the thyroid and 5 mrem to any other organ \* \* \*"

The change of the word "real" to "maximally exposed" in § 72.104(a) is not needed. In the regulation, the word "real" in the phrase "The annual dose equivalent to any real individual who is located beyond the controlled area \* \* \*" refers to an individual who lives closest to the boundary of the controlled area. This individual is, in general, the maximally exposed individual because other individuals are further away from the controlled area. If the petitioner's suggested words "maximally exposed" were adopted, it could mean that an imaginary individual would be continually present at the boundary of the controlled area. The NRC regulates radiation doses on the basis of real people in proximity to the boundary of the controlled area.

Section 72.104(a) establishes the bases for the amount of radioactive materials permitted in ISFSI effluents and direct radiation from an ISFSI. It imposes limits on the annual dose equivalent that is received by an individual who is located beyond the controlled area. The petitioner referred to a 1990 study by Alice Stewart that allegedly supports the conclusion that the standards incorporated in § 72.104(a) are too high for a developing fetus, women, and children. The petitioner cited additional references during the comment period.

Section 72.104(a) does not incorporate exposure limits that are unique to ISFSI operation. Rather, the exposure limits used in Part 72 are based on the Environmental Protection Agency's (EPA) Environmental Radiation Standards for fuel cycle facilities specified in 40 CFR Part 190. 45 FR 74693 (November 11, 1980). Moreover, the EPA, commenting on the proposed 10 CFR Part 72, stated: "Our only comment of substance concerns your requirement that such independent storage facilities provide radiation

protection consistent with the Agency's public health protection standards for the Uranium Fuel Cycle (40 CFR 190). We generally support your use of these requirements."

The § 72.104(a) exposure limits are also consistent with the recent revision of 10 CFR Part 20—Standards for Protection Against Radiation which became effective on January 1, 1994. This revision was comprehensive in scope and reflects state-of-the-art data on radiation protection. This revision was based on recommendations and studies of expert groups through 1990, including the International Commission on Radiological Protection, the National Council on Radiation Protection and Measurements, the United Nations Scientific Committee on the Effects of Atomic Radiation, and the National Academy of Science's Committee on the Biological Effects of Ionizing Radiation (BEIR). Among other things, these studies analyzed the data on radiation exposure to a developing fetus. In sum, the NRC's radiation protection standards are based on a body of recent, authoritative, and substantial data. The petition fails to provide an adequate basis for its requested revisions to § 72.104(a).

It should also be noted that both 10 CFR Parts 20 and 72 have requirements to keep radiation exposures as low as reasonably achievable (ALARA). Experience to date with ISFSI operations has demonstrated that due to the conservative ISFSI designs and the application of ALARA requirements, the radiation levels associated with ISFSI operations are in fact well below regulatory limits.

For the foregoing reasons, the petition is denied.

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

For the Nuclear Regulatory Commission.

**James M. Taylor,**

*Executive Director for Operations.*

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## DELAWARE RIVER BASIN COMMISSION

### 18 CFR Chapter III

#### Water Quality Regulations; Proposed Amendments to Comprehensive Plan, Water Code of the Delaware River Basin, Administrative Manual—Part III Water Quality Regulations; Public Hearings

**AGENCY:** Delaware River Basin Commission.

**ACTION:** Notice of proposed rulemaking and public hearings.

**SUMMARY:** Notice is hereby given that the Delaware River Basin Commission will hold public hearings to receive comments on proposed amendments to its Comprehensive Plan, Water Code and Water Quality Regulations concerning water quality criteria for toxic pollutants and policies and procedures to establish wasteload allocations and effluent limitations for point source discharges to Zones 2 through 5 (Trenton, New Jersey to the Delaware Bay) of the tidal Delaware River.

**DATES:** The public hearings are scheduled as follows: October 5, 1995 beginning at 1:30 p.m. and continuing until 5:00 p.m., as long as there are people present wishing to testify.

October 11, 1995 beginning at 1:30 p.m. and continuing until 5:00 p.m. and resuming at 6:30 p.m. and continuing until 9:00 p.m., as long as there are people present wishing to testify.

October 13, 1995 beginning at 1:30 p.m. and continuing until 5:00 p.m., as long as there are people present wishing to testify.

The deadline for inclusion of written comments in the hearing record will be announced at the hearings.

**ADDRESSES:** The October 5, 1995 hearing will be held in the Second Floor Auditorium of the Carvel State Building, 820 North French Street, Wilmington, Delaware.

The October 11, 1995 hearing will be held in the Franklin Room of the Holiday Inn at 4th and Arch Streets, Philadelphia, Pennsylvania.

The October 13, 1995 hearing will be held in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey.

**FOR FURTHER INFORMATION CONTACT:** Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628. Telephone (609) 883-9500 ext. 203.

#### SUPPLEMENTARY INFORMATION:

##### Background and Rationale

The 1987 amendments to the Federal Clean Water Act required states to adopt water quality criteria for all toxic pollutants for which the U.S. Environmental Protection Agency has issued criteria guidance. This requirement resulted in a total of five separate sets of criteria which apply to the tidal portions of the Delaware River from the head of the tide at Trenton, New Jersey to Delaware Bay. In response, the Commission established