

regulation has been updated as EPA has updated its drinking water regulations in 40 CFR parts 141 and 142 to reflect current constituents and limits.

Utah's specific constituents and limit values (higher, lower, and not identified in NRC regulations) are based on the EPA maximum concentration limits (MCLs) in its primary or secondary drinking water standards as updated by EPA. As noted above, NRC standards are based on the MCLs in effect in 1983 when EPA issued its uranium milling regulations. Therefore, the different values for the MCLs are due to EPA updating its MCLs in 40 CFR parts 141 and 142 based on newer scientific information. NRC staff has used the newer values when NRC licensees have proposed their use as part of an Alternate Concentration Limit (ACL) proposal as permitted in Appendix A, to 10 CFR part 40. Based on this information, NRC staff concludes that the Utah groundwater protection regulation (R317-6) has the same objective as NRC's regulations and is based on the same EPA standards that form the basis for the NRC regulations even through the Utah regulation is based on the more recent version of the EPA regulations. Thus, the differences between the proposed Utah groundwater protection regulations and the 10 CFR part 40, Appendix A groundwater protection standards are essentially the differences between the two versions of the EPA regulations. Because NRC regulations in this area must conform to those in 40 CFR part 192, subparts D and E, until such time as EPA updates these regulations, NRC is not able, by law, to update its regulations. However, the public health, safety, and environmental protection objectives are the same in both regulations.

The Utah regulation at R317-6-6.3.I.6 also includes a reference to the EPA RCRA Groundwater Monitoring Technical Enforcement Guidance Manual (1986) for use in selecting constituents for groundwater monitoring and this document uses the current list of constituents in 40 CFR part 261, Appendix VIII, which has been updated by EPA since it was used earlier as the basis for Criterion 13 of 10 CFR part 40, Appendix A. The updated list drops certain chemicals listed in Criterion 13 and includes other constituents not currently listed in Criterion 13. Utah has stated that it will use Criterion 13 and the list in 40 CFR part 261, Appendix VIII, as guidance in selecting the constituents to be monitored at 11e.(2) byproduct materials facilities. The constituents selected will be based on the feed material to the facility and the

process chemicals used at the facility. This selection process is equivalent to the hazardous constituent selection process in Criteria 5B(2) and 5B(3).

Therefore, the NRC staff conclusion is that the Utah Administrative Code R317-6 provides a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with such sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by standards and requirements adopted and enforced by the Commission for the same purpose.

Section 274o Hearing for Alternative Standards

The Commission has approved the use of a hearing process similar to the provisions in subpart H of 10 CFR part 2 for the "hearing" component required by the last paragraph of section 274o. The proposed alternative standards have been subject to the State of Utah rulemaking process which includes opportunity for a public hearing. A hearing process similar to the provisions in subpart H is not intended to duplicate the State's process; rather, it will be used to provide sufficient information for the Commission to make the determination required in section 274o.

Pursuant to the hearing process set forth in subpart H of 10 CFR part 2, the Commission is requesting information from interested members of the public on the alternative standards proposed by the State of Utah of substituting Utah Administrative Code R317-6 for the groundwater protection standards in 10 CFR part 40, Appendix A, Criteria 5B(1) through 5H, 7A, and 13. The NRC staff will evaluate the information received and provide the information to the Commission for a final determination. The issue under consideration is:

Does the Utah alternative standard achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with such sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by standards and requirements adopted and enforced by the Commission for the same purpose and any final standards promulgated by the Administrator of the Environmental Protection Agency in accordance with section 275?

Environmental Analysis

The environmental impact of a Commission determination that an

Agreement State's alternative standards that have been found to provide a level of protection that is equivalent to, to the extent practicable, or more stringent than standards promulgated by NRC or the Administrator of EPA under section 275 are within the generic impact analysis conducted by NRC and EPA in promulgating their standards and requirements (NUREG-0706, "Final Generic Environmental Impact Statement on Uranium Milling," and EPA 520/1-83-008, "Final Environmental Impact Statement for Standards for the Control of Byproduct Materials from Uranium Processing"). Any site-specific application of alternative standards in Agreement States will be evaluated under the State's environmental assessment required of the State under the section 274o.

Dated at Rockville, Maryland, this 21st day of August, 2003.

For the Nuclear Regulatory Commission.
Annette L. Vietti-Cook,
Secretary of the Commission.

[FR Doc. 03-21884 Filed 8-26-03; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002-NM-105-AD]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model DC-9-10, DC-9-20, DC-9-30; DC-10-40, and DC-10-50 Series Airplanes; Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) Airplanes; and Model MD-88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas transport category airplanes. This proposal would require an inspection of the upper lock link assembly of the nose landing gear (NLG) to determine the manufacturer, repetitive eddy current inspections for cracking, and modification or replacement if necessary. This proposal also would provide for optional terminating action for the repetitive inspections. This action is necessary to prevent fracture of the upper lock link