

19–3–113 to enter into this amendment to the Agreement of March 29, 1984, as amended, between the Commission and the State of Utah; and

*Whereas*, the Governor of the State of Utah has requested this amendment in accordance with section 274 of the Act by certifying on January 2, 2003, that the State of Utah has a program for the control of radiological and non-radiological hazards adequate to protect the public health and safety and the environment with respect to byproduct material as defined in section 11e.(2) of the Act and facilities that generate this material and that the State desires to assume regulatory responsibility for such material; and

*Whereas*, the Commission found on [date] that the program of the State for the regulation of materials covered by this amendment is in accordance with the requirements of the Act and in all other respects compatible with the Commission's program for the regulation of byproduct material as defined in section 11e.(2) and is adequate to protect public health and safety; and

*Whereas*, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that the State and the Commission programs for protection against hazards of radiation will be coordinated and compatible; and

*Whereas*, this amendment to the Agreement of March 29, 1984, as amended, is entered into pursuant to the provisions of the Act.

*Now, Therefore*, it is hereby agreed between the Commission and the Governor of the State, acting on behalf of the State, as follows:

*Section 1.* Article I of the Agreement of March 29, 1984, as amended, is amended by adding a new paragraph B and renumbering paragraphs B through D as C through E. Paragraph B will read as follows:

“B. Byproduct materials as defined in Section 11e.(2) of the Act;”

*Section 2.* Article II of the Agreement of March 29, 1984, as amended, is amended by deleting paragraph E and inserting a new paragraph E to implement the reassertion of Commission authority over sealed sources and devices to read:

“E. The evaluation of radiation safety information on sealed sources or devices containing byproduct, source, or special nuclear materials and the registration of the sealed sources or devices for distribution, as provided for in regulations or orders of the Commission.”

*Section 3.* Article II of the Agreement of March 29, 1984, as amended, is amended by numbering the current Article as A by placing an A in front of the current Article language. The subsequent paragraphs A through E are renumbered as 1 through 5. After the current amended language, the following new section B is added to read:

“B. Notwithstanding this Agreement, the Commission retains the following authorities pertaining to byproduct material as defined in section 11e.(2) of the Act:

1. Prior to the termination of a State license for such byproduct material, or for any activity that resulted in the production of such material, the Commission shall have made a determination that all applicable standards and requirements pertaining to such material have been met;

2. The Commission reserves the authority to establish minimum standards governing reclamation, long-term surveillance or maintenance, and ownership of such byproduct material and of land used as a disposal site for such material. Such reserved authority includes:

a. The authority to establish terms and conditions as the Commission determines necessary to assure that, prior to termination of any license for such byproduct material, or for any activity that results in the production of such material, the licensee shall comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission; and with ownership requirements for such materials and its disposal site;

b. The authority to require that prior to termination of any license for such byproduct material or for any activity that results in the production of such material, title to such byproduct material and its disposal site be transferred to the United States or the State of Utah at the option of the State (provided such option is exercised prior to termination of the license);

c. The authority to permit use of the surface or subsurface estates, or both, of the land transferred to the United States or the State pursuant to 2.b. in this section in a manner consistent with the provisions of the Uranium Mill Tailings Radiation Control Act of 1978, as amended, provided that the Commission determines that such use would not endanger public health, safety, welfare, or the environment.

d. The authority to require, in the case of a license for any activity that produces such byproduct material (which license was in effect on November 8, 1981), transfer of land and material pursuant to paragraph 2.b. in this section taking into consideration the status of such material and land and interests therein, and the ability of the licensee to transfer title and custody thereof to the United States or the State;

e. The authority to require the Secretary of the Department of Energy, other Federal agency, or State, whichever has custody of such byproduct material and its disposal site, to undertake such monitoring, maintenance, and emergency measures as are necessary to protect public health and safety, and other actions as the Commission deems necessary; and

f. The authority to enter into arrangements as may be appropriate to assure Federal long-term surveillance or maintenance of such byproduct material and its disposal site on land held in trust by the United States for any Indian Tribe or land owned by an Indian Tribe and subject to a restriction against alienation imposed by the United States.”

*Section 4.* Article IX of the 1984 Agreement, as amended, is renumbered as Article X and a new Article IX is inserted to read:

#### Article IX

In the licensing and regulation of byproduct material as defined in section 11e.(2) of the Act, or of any activity which results in the production of such byproduct material, the State shall comply with the provisions of section 2740 of the Act. If in such licensing and regulation, the State requires financial surety arrangements for reclamation and or long-term surveillance and maintenance of such byproduct material:

A. The total amount of funds the State collects for such purposes shall be transferred to the United States if custody of such byproduct material and its disposal site is transferred to the United States upon termination of the State license for such byproduct material or any activity that results in the production of such byproduct material. Such funds include, but are not limited to, sums collected for long-term surveillance or maintenance. Such funds do not, however, include monies held as surety where no default has occurred and the reclamation or other bonded activity has been performed; and

B. Such surety or other financial requirements must be sufficient to ensure compliance with those standards established by the Commission pertaining to bonds, sureties, and financial arrangements to ensure adequate reclamation and long-term management of such byproduct material and its disposal site.”

This amendment shall become effective on [date] and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII of the Agreement of March 29, 1984, as amended.

Done in Rockville, Maryland, in triplicate, this [day] day of [month, year].

For the United States Nuclear Regulatory Commission.

Nils J. Diaz,  
Chairman.

Done in Salt Lake City, Utah, in triplicate, this [day] day of [month, year].

For the State of Utah.

Olene S. Walker,  
Governor.

[FR Doc. E4–375 Filed 2–24–04; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission (NRC) has issued for public comment a proposed revision of a guide in its Regulatory Guide Series. Regulatory guides are developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed

by the staff in its review of applications for permits and licenses.

The draft guide is temporarily identified by its task number, DG-7004, which should be mentioned in all correspondence concerning this draft guide. Draft Regulatory Guide DG-7004, "Standard Format and Content of Part 71 Applications for Approval of Packaging for Radioactive Material," is the proposed Revision 2 of Regulatory Guide 7.10. This revision is being developed to provide guidance on developing Quality Assurance Programs with respect to the transport of radioactive materials in Type B and fissile material packages.

This draft guide has not received complete staff approval and does not represent an official NRC staff position.

Comments may be accompanied by relevant information or supporting data. Written comments may be submitted by mail to the Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555; or they may be hand-delivered to the Rules and Directives Branch, Office of Administration, at 11555 Rockville Pike, Rockville, MD. Copies of comments received may be examined at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. Comments will be most helpful if received by April 25, 2004.

You may also provide comments via the NRC's interactive rulemaking Web site through the NRC home page (<http://www.nrc.gov>). This site provides the ability to upload comments as files (any format) if your Web browser supports that function. For information about the interactive rulemaking Web site, contact Ms. Carol Gallagher, 301-415-5905; e-mail [cag@nrc.gov](mailto:cag@nrc.gov). For technical information about Draft Regulatory Guide DG-7004, contact Mr. J. Pearson at 301-415-1985 (e-mail [jjp@nrc.gov](mailto:jjp@nrc.gov)).

Although a deadline is given for comments on these draft guides, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the NRC's Public Document Room, 11555 Rockville Pike, Rockville, MD; the PDR's mailing address is USNRC PDR, Washington, DC 20555; telephone 301-415-4737 or (800) 397-4209; fax 301-415-3548; e-mail [pdr@nrc.gov](mailto:pdr@nrc.gov). Requests for single copies of draft or final regulatory guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory

Commission, Washington, DC 20555, Attention: Reproduction and Distribution Services Section, or by fax to 301-415-2289; e-mail [distribution@nrc.gov](mailto:distribution@nrc.gov). Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them. (5 U.S.C. 552(a))

Dated in Rockville, Maryland, this 3rd day of February, 2004.

For the Nuclear Regulatory Commission.

**Mabel Lee,**

*Director, Program Management, Project Development and Support, Office of Nuclear Regulatory Research.*

[FR Doc. E4-374 Filed 2-24-04; 8:45 am]

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## POSTAL SERVICE

### Privacy Act of 1974; System of Records

**AGENCY:** Postal Service.

**ACTION:** Notice of proposal to revise system of records.

**SUMMARY:** The Postal Service proposes to revise the existing system of records entitled, "Office of Inspector General—Investigative File System, 300.010", originally published in the **Federal Register** on October 15, 1998 (63 FR 55416). This system of records, maintained by the Postal Service Office of Inspector General (OIG), is being revised to comply with newly enacted requirements in section 6(e)(7) of the Inspector General Act of 1978. A new routine use will be added to allow disclosure of information, as necessary, to authorized members of the President's Council on Integrity and Efficiency (PCIE) and other Inspector General Offices, which on a periodic basis will conduct a peer review of OIG investigative files and practices to assess and report on the quality of OIG investigations.

**DATES:** The revision will become effective without further notice 30 days from the date of this publication unless comments are received on or before that date which result in a contrary determination.

**ADDRESSES:** Comments may be mailed or delivered to: Marta Erceg, Director, Legal Services, Office of Inspector General, 1735 N. Lynn Street, Arlington, Virginia 22209-2020.

**SUPPLEMENTARY INFORMATION:** This notice is in accordance with the Privacy Act requirement that agencies publish their amended systems of records in the **Federal Register** when there is a revision, change, or addition.

The new section 6(e)(7) of the Inspector General Act (effective in 2003) requires establishment of a peer review process to ensure that "adequate internal safeguards and management procedures continue to exist within [Offices of Inspector General]." The OIG has reviewed Postal Service system of records 300.010 and has determined that it must be revised to add a routine use in order to comply with the requirement that each Office of Inspector General subject itself to periodic peer reviews of its exercise of law enforcement powers.

The objectives of the peer review are to assess whether Office of Inspector General investigative programs have adequate internal safeguards and management procedures, foster high-quality investigations and investigative processes, ensure that the highest levels of professionalism are maintained, and promote consistency in investigative standards and practices within the Inspector General investigative community.

Under the review process, the exercise of the law enforcement powers by each Office of Inspector General shall be reviewed periodically by another Office of Inspector General or by a committee of Inspectors General. The added routine use will allow disclosure of information from OIG investigative files to members of the PCIE and to other Federal Offices of Inspector General, as necessary, for the purpose of conducting such qualitative assessment reviews of the OIG's investigative operations.

Accordingly, the Postal Service is adding the following routine use to the existing system of records:

#### USPS 300.010

##### SYSTEM NAME:

Office of Inspector General—  
Investigative File System, 300.010.

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##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

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Other routine uses are as follows:

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12. A record may be disclosed to other Federal Offices of Inspector General and/or to the President's Council on Integrity and Efficiency for purposes of conducting qualitative assessment reviews of internal safeguards and management procedures employed in