

on NRC web site at "www.nrc.gov/NRC/COMMISSION/SECYS/index.html". Download the *zipped version* to obtain all attachments.)

The schedule for commission meetings is subject to change on short notice. To verify the status of meetings call (Recording)—(301) 415-1292.

**CONTACT PERSON FOR MORE INFORMATION:** Bill Hill (301) 415-1661.

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/SECY/smj/schedule.htm>

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301-415-1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to [wmh@nrc.gov](mailto:wmh@nrc.gov) or [dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: September 10, 1999.

**William M. Hill, Jr.,**

*SECY Tracking Officer, Office of the Secretary.*

[FR Doc. 99-24169 Filed 9-13-99; 1:12 pm]

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## NUCLEAR REGULATORY COMMISSION

### Memorandum of Understanding Between the Nuclear Regulatory Commission and the National Science Foundation

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Memorandum of Understanding Between the Nuclear Regulatory Commission and the National Science Foundation.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) and the National Science Foundation (NSF) have entered into a Memorandum of Understanding (MOU) to ensure the protection of the public health and safety and the environment from the hazards of radioactive materials that may be used in Antarctica pursuant to the Antarctic Treaty, the Protocol on Environmental Protection to the Antarctic Treaty, and the Antarctic Conservation Act. The MOU is intended to clarify the responsibilities of the NSF and the NRC with respect to the safe use of radioactive materials in Antarctica to avoid any duplication of effort and ensure efficient management of those materials. The text of the MOU between

the Nuclear Regulatory Commission and the National Science Foundation follows.

**FOR FURTHER INFORMATION CONTACT:** Trip Rothschild, Office of the General Counsel, telephone (301) 415-1611, e-mail [tbr@nrc.gov](mailto:tbr@nrc.gov).

Dated at Rockville, Maryland, this 9th day of September 1999.

For the Nuclear Regulatory Commission.

**David L. Meyer,**

*Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.*

### Memorandum of Understanding Between the National Science Foundation and the Nuclear Regulatory Commission Concerning the Management of Radioactive Material in Antarctica

#### I. Introduction

This Memorandum of Understanding (MOU) describes the responsibilities of the National Science Foundation (NSF) and the U.S. Nuclear Regulatory Commission (NRC) in ensuring the protection of the public health and safety and the environment from the hazards of radioactive materials that may be used in Antarctica pursuant to the Antarctic Treaty, the Protocol on Environmental Protection to the Antarctic Treaty, and the Antarctic Conservation Act.

#### II. Purpose and Scope

The purpose of this MOU is to clarify the responsibilities of the NSF and the NRC with respect to the safe use of radioactive materials in Antarctica in order to avoid any duplication of effort and ensure efficient management of those materials. Radioactive materials within the scope of this MOU mean byproduct, source, and special nuclear materials as defined in Sections 11e., 11z., and 11aa. of the Atomic Energy Act of 1954 ("AEA"), as amended, and the NRC's regulations thereunder. Antarctica is defined as that area of the world south of 60° South latitude, as described in the International Antarctic Treaty (1959) and the Antarctic Conservation Act (16 U.S.C. 2401 et seq.)

#### III. Authority and Regulatory Program

##### A. NSF

Presidential Memorandum #6646, dated February 2, 1982, designates NSF as the executive Federal manager for the United States Antarctic Program, assigning the entire management responsibility to the NSF. The Antarctic Conservation Act (ACA) of 1978, as amended (16 U.S.C. 2401 et seq.) implements the Antarctic Treaty and the

Protocol on Environmental Protection to the Antarctic Treaty and recognizes NSF as the lead civilian agency with responsibility for overseeing United States scientific activities in Antarctica. These include activities involving the use of source, byproduct, and special nuclear material. Under the ACA, NSF is directed to issue regulations as are necessary and appropriate to implement the Treaty, the Protocol and the ACA, including its waste management and disposal requirements. NSF requires U.S. citizens to obtain an NSF permit for the use of certain materials in Antarctica, including radioactive materials, in accordance with NSF's implementing regulations at 45 CFR Part 671. Within its regulatory framework, the NSF has adopted as policy the radiation protection standards for byproduct, source, and special nuclear material set forth in the NRC regulations at 10 CFR Part 20 and the Department of Transportation regulations for packaging and transport of such radioactive materials; and it ensures that the disposal of radioactive waste generated in Antarctica (but returned to the U.S. for disposal) is consistent with NRC, EPA and Agreement State requirements. NSF's "authorized user" review/approval process includes protocol review, certification of training, utilization of appropriate standard operating procedures/facilities, waste management procedures, and periodic surveys and inventory control of radioactive material. The NSF will continue to ensure that any use of source, byproduct, and special nuclear materials within the NSF's jurisdiction in Antarctica requires the NSF's authorization through the issuance of permits or other approvals.

##### B. NRC

Under the Atomic Energy Act of 1954 (AEA) as amended, the NRC is responsible for regulating the use of byproduct, source, and special nuclear material within the United States and its territories, consistent with its mission to ensure adequate protection of the public health and safety, to promote the common defense and security, and to protect the environment. This MOU reflects the understanding of both parties that the NRC will not exercise any authority under the AEA to regulate the use of byproduct, source, or special nuclear material in Antarctica and recognizes the NSF's regulatory oversight, as described in 45 CFR Part 671 and Foundation policies. The NRC or its Agreement States, as appropriate, will resume regulatory authority over any byproduct, source, or special nuclear material that is regulated by the

NSF in Antarctica if and when such material re-enters the United States or its territories.

#### IV. Agency Responsibilities

The following are the offices responsible for this agreement:

For the National Science Foundation:  
Director, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230

For the Nuclear Regulatory Commission:  
Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Each agency shall designate the agency organizational unit responsible for the coordination and management of activities covered by this MOU. Each agency shall designate the individual(s) who will serve as the respective coordination officer(s) or point(s) of contact (POC). The coordination officers or POCs will coordinate and facilitate actions required by their respective agencies.

#### V. Elements of Coordination

Both agencies agree to exchange information with respect to relevant programs and lessons learned, resources permitting. The purpose of these exchanges is to provide expert technical assistance to both agencies. The NSF may send designated individuals to NRC-sponsored training, on a space-available basis, so that NSF staff is familiar with the NRC programs and its regulatory interpretations. As appropriate and necessary, the NSF may consult with the NRC for guidance regarding the interpretation or application of the NRC's regulations.

#### VI. Other Laws and Matters

Nothing in this MOU shall be deemed to restrict, modify, or otherwise limit the application or enforcement of any laws of the United States with respect to matters specified herein, nor shall anything in the MOU be construed as modifying the existing authority of either agency.

#### VII. Effective Date, Modification, and Termination of MOU

This MOU will take effect when it has been signed and dated by the authorized representatives of the NSF and the NRC. It may be modified by mutual written consent, or terminated by either agency upon 60 days advance written notice to the other agency.

Approved and accepted for the National Science Foundation  
Date: August 30, 1999.

By:  
Karl A. Erb  
*Director, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230, Tel: (703) 306-1030*

By:  
William A. Bryant  
*Contracting Officer, Division of Contracts, Policy and Oversight, Office of Budget, Finance and Award Management, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230*

Approved and accepted for the Nuclear Regulatory Commission  
By:

Carl J. Paperiello  
*Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Tel: (301) 415-7357*

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#### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-213].

#### Connecticut Yankee Atomic Power Co.; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision concerning a petition dated March 11, 1997, filed by Rosemary Bassilakis pursuant to Title 10 of the Code of Federal Regulations, § 2.206 (10 CFR 2.206), on behalf of the Citizens Awareness Network and the Nuclear Information Resource Service (Petitioners). The petition requested that the NRC (1) commence enforcement action against the Connecticut Yankee Atomic Power Company (CY) by means of a large civil penalty to assure compliance with safety-based radiological control routines; (2) modify CY's license for the Haddam Neck Plant, pursuant to 10 CFR 2.202, to prohibit any decommissioning activity, which would include decontamination or dismantling, until CY manages to conduct routine maintenance at the facility without the occurrence of any contamination events for at least 6 months; and (3) place the Haddam Neck Plant on the NRC Watch List.

The Director, Office of Nuclear Reactor Regulation, determined that a decision on the first request listed above should be deferred and that the second and third requests should be denied for the reasons stated in Partial Director's Decision DD-97-19, issued on September 3, 1997. Subsequently, the Director has determined that the first

request listed above should be granted in part and denied in part for the reasons stated in the "Director's Decision Under 10 CFR 2.206" (DD-99-11) the complete text of which follows this notice and is available for public inspection and copying at the Commission's Public Document Room, the Gelman Building, 2210 L Street, NW, Washington, DC, and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, Connecticut.

A copy of the decision will be filed with the Secretary of the Commission for the Commission's review. As provided by 10 CFR 2.206(c), this decision will constitute the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, institutes a review of the decision within that time.

Dated at Rockville, Maryland, this 9th day of September 1999.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**  
*Director, Office of Nuclear Reactor Regulation.*

#### Director's Decision Under 10 CFR 2.206 Completion of Previously Issued Partial Director's Decision

##### I. Introduction

On March 11, 1997, Rosemary Bassilakis submitted a petition pursuant to Title 10 of the Code of Federal Regulations, Section 2.206 (10 CFR 2.206), on behalf of the Citizens Awareness Network and the Nuclear Information Resource Service (Petitioners) requesting that the NRC (1) commence enforcement action against the Connecticut Yankee Atomic Power Company (CY, or licensee) by means of a large civil penalty to assure compliance with safety-based radiological control routines; (2) modify CY's license for the Haddam Neck Plant, pursuant to 10 CFR 2.202, to prohibit any decommissioning activity, which would include decontamination or dismantling, until CY manages to conduct routine maintenance at the facility without any occurrence of contamination events for at least 6 months; and (3) place the Haddam Neck Plant on the NRC Watch List. The Petitioners stated that their particular concern was the inability of CY management to maintain proper radiological controls at the Haddam Neck Plant.

In support of their requests, the Petitioners noted three radiological deficiencies that occurred at the Haddam Neck Plant. The first occurred on various dates in 1996 and involved inadequate calibration of various