

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION****[Notice (00-041)]****NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Microgravity Research Advisory Subcommittee; Meeting****AGENCY:** National Aeronautics and Space Administration.**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Microgravity Research Advisory Subcommittee.

**DATES:** Wednesday, May 17, 2000, from 9 a.m. to 5 p.m.

**ADDRESSES:** Johnson Space Center, Building 9 NW, Room 2170, Houston, TX 77058.

**FOR FURTHER INFORMATION CONTACT:** Mr. Steve Davison, Code UG, National Aeronautics and Space Administration, Washington, DC 20546, 202-358-0647.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Status of MRAS Recommendations
- Microgravity Program Report
- ISS Program Status Report
- DWG Activities Reports
- NRC Biotechnology Report & Developments in Biotechnology
- NRC Microgravity Research in Support of Human Exploration Report
- Plans for OLMSA Initiatives
- Interaction Between Microgravity Research and Space Product Development

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: April 24, 2000.

**Matthew M. Crouch,**  
*Advisory Committee Management Officer,  
National Aeronautics and Space  
Administration.*

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**NUCLEAR REGULATORY COMMISSION****[Docket No. 50-344]****In the Matter of Portland General Electric Company (Trojan Nuclear Plant); Exemption****I.**

Portland General Electric Company is the holder of Facility Operating License No. NPF-1, which authorizes the licensee to possess the Trojan Nuclear Plant (TNP). The license states, in part, that the facility is subject to all the rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect. The facility was originally licensed as a pressurized water reactor located at the licensee's site in Columbia County, Oregon. The facility is permanently shut down and defueled and the licensee is no longer authorized to operate or place fuel in the reactor.

**II.**

Section 50.54(q) of Title 10 of the Code of Federal Regulations states in part that "A licensee authorized to possess and operate a nuclear power reactor shall follow and maintain in effect emergency plans which meet the standards in § 50.47(b) and the requirements in appendix E of this part."

Section 50.47 of Title 10 of the Code of Federal Regulations, "Emergency plans," states in part in paragraph (b) that "The onsite and, except as provided in paragraph (d) of this section, offsite emergency response plans for nuclear power reactors must meet the following standards:" and then sets forth 16 emergency planning requirements.

Appendix E to Part 50 of Title 10 of the Code of Federal Regulations, "Emergency Planning and Preparedness for Production and Utilization Facilities," states, in part:

Each applicant for an operating license is required by § 50.34(b) to include in the final safety analysis report plans for coping with emergencies\* \* \*. The applicant's emergency plans shall contain, but not necessarily be limited to, information needed to demonstrate compliance with the elements set forth below, *i.e.*, organization for coping with radiation emergencies, assessment action, activation of emergency organization, notification procedures, emergency facilities and equipment, training, maintaining emergency preparedness, and recovery. In addition, the emergency response plans submitted by an applicant for a nuclear power reactor operating license shall contain information needed to demonstrate compliance with the standards described in § 50.47(b), and they will be evaluated against those standards. The nuclear power reactor

operating license applicant shall also provide an analysis of the time required to evacuate and for taking other protective actions for various sectors and distances within the plume exposure pathway EPZ [Emergency Planning Zone] for transient and permanent populations.

By letter dated August 27, 1998, as supplemented by letter dated July 1, 1999, the licensee requested an exemption from the emergency planning requirements of 10 CFR 50.54(q), 10 CFR 50.47(b), and Appendix E to 10 CFR part 50. Sections 50.54(q) and 50.47(b), and Appendix E to 10 CFR part 50 provide emergency planning requirements to protect the health and safety of the public in the event of an accident at a licensed power reactor site. The exemption from the emergency planning requirements for the Trojan Nuclear Plant will be effective after the spent fuel has been removed from the reactor site and relocated to the new independent spent fuel storage installation (ISFSI), which is not part of the reactor site. The new ISFSI has been licensed under 10 CFR part 72 for storage facilities not associated with a reactor site and possesses an approved emergency plan as required by 10 CFR 72.32.

**III.**

Pursuant to 10 CFR 50.12, "Specific exemptions," the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of 10 CFR part 50, which are (1) authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) present special circumstances. Section 50.12(a)(2) identifies special circumstances as being present whenever application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule; compliance would result in undue hardship or costs that are significantly in excess of those incurred by others similarly situated; or circumstances exist that were not considered when the regulation was adopted for which it would be in the public interest to grant an exemption.

The movement of the spent nuclear fuel from the Trojan Plant to the ISFSI and removal of the reactor vessel and internals from the site removes the available radiological source terms for credible accident scenarios. The sources remaining in the Trojan plant area are comparable to those in the possession of many source and byproduct licensees

and for whose sites emergency plans are not required to protect the public health and safety. The continued application of 10 CFR part 50 emergency plan requirements would require the licensee to expend significantly more funds for emergency preparedness than other licensees possessing similar source terms at a single site. Accordingly, special circumstances, as defined by 10 CFR 50.12(a)(2)(iii), are present.

Section 72.32 establishes emergency planning requirements for spent nuclear fuel stored under a specific license issued pursuant to 10 CFR part 72. The Trojan ISFSI has an emergency plan, approved by the NRC on March 31, 1999, to protect the public health and safety in the event of an accident. The Commission has determined that the existing 10 CFR Part 50 requirements need to be maintained at the Trojan Nuclear Plant until the spent fuel located in the spent fuel pool is physically relocated from the defueled site to the new security area at the ISFSI. Upon meeting this criterion, the NRC finds the exemption from the emergency planning requirements for a power reactor site acceptable since new assurance objectives and general performance requirements will be in place by the emergency planning requirements in 10 CFR 72.32.

#### IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants Portland General Electric Company an exemption from the requirements of 10 CFR 50.54(q), 10 CFR 50.47(b), and Appendix E to 10 CFR part 50 at the Trojan Nuclear Plant, effective upon completion of the relocation of all the spent nuclear fuel from the spent fuel pool to the ISFSI.

Pursuant to 10 CFR 51.32, the Commission has determined that this exemption will not have a significant effect on the quality of the human environment (64 FR 46423).

This exemption is effective upon completion of the transfer of the spent nuclear fuel at the Trojan Nuclear Plant to the Trojan independent spent fuel storage installation.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 25th day of April 2000.

**John A. Zwolinski,**

*Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

**[NUREG-1600]**

### Revision of the NRC Enforcement Policy

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Policy Statement: revision.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is publishing a complete revision of its General Statement of Policy and Procedure for NRC Enforcement Actions (NUREG-1600) (Enforcement Policy or Policy). This is the fourth complete revision of the Enforcement Policy since it was first published as a NUREG document on June 30, 1995 (60 FR 34381). The NRC publishes the policy statement as a NUREG to foster its widespread dissemination. This revision: incorporates the Interim Enforcement Policy that was used during the NRC Power Reactor Oversight Process Pilot Plant Study into the main body of the Enforcement Policy as permanent guidance; adds an interim Enforcement Policy for exercising enforcement discretion for inaccurate or incomplete performance indicator data for nuclear power plants; changes examples of violations for operating reactors regarding changes, tests, and experiments; adds examples of violations for inaccurate or incomplete performance indicator data; changes examples of violations involving the failure to secure, or maintain surveillance over, licensed material; and edits existing guidance to assure clarity of existing policy and consistency with the intent of the Interim Enforcement Policy. The intent of this Policy revision is to continue to move towards a more risk-informed and performance-based approach.

**DATES:** This action is effective on May 1, 2000. Comments on this revision should be submitted on or before May 31, 2000 and will be considered by the NRC before the next Enforcement Policy revision.

**ADDRESSES:** Submit written comments to: David L. Meyer, Chief, Rules and Directives Branch, Division of

Administrative Services, Office of Administration, Mail Stop: T6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays. Copies of comments received may be examined at the NRC Public Document Room 2120 L Street, NW. (Lower Level), Washington, DC.

The NRC's Office of Enforcement maintains the current policy statement on its homepage on the Internet at [www.nrc.gov/OE/](http://www.nrc.gov/OE/).

**FOR FURTHER INFORMATION CONTACT:** Bill Borchardt, Director, Office of Enforcement, (301) 415-2741, or Renee Pedersen, Senior Enforcement Specialist, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, (301) 415-2741.

**SUPPLEMENTARY INFORMATION:** The NRC Enforcement Policy was first issued as a formal policy statement on September 4, 1980. Since that time, the Enforcement Policy has been revised on a number of occasions. Most recently (November 9, 1999; 64 FR 61142), the Policy was completely republished. That revision modified the method for assessing the significance of violations that included eliminating the term "regulatory significance" and with it the practice of escalating the severity level of a violation based on aggregation or repetitiveness. The NRC is constantly refining and improving its policy and processes to ensure that enforcement actions are appropriate and contribute to safety.

On August 9, 1999 (64 FR 43229), the NRC published an Interim Enforcement Policy that was used during the NRC Power Reactor Oversight Process Pilot Plant Study. The interim policy was developed as an integral part of the revised Reactor Oversight Process (RROP) and was designed to complement the structured performance assessment process by focusing on individual violations. Under the new process, the Agency Action Matrix dictates the Commission's response to declining performance whether caused by violations or other concerns. The intent of the new process is to implement a unified agency approach for determining and responding to performance issues of a licensee that—

1. Maintains a focus on safety and compliance;
2. Is more consistent with predictable results;
3. Is more effective and efficient;
4. Is easily understandable; and
5. Decreases unnecessary regulatory burden.