

Dated: November 1, 1995.
 William F. Townsend,
Deputy Associate Administrator for Mission to Planet Earth.
 [FR Doc. 95-27449 Filed 11-3-95; 8:45 am]
 BILLING CODE 7510-01-M

[Notice 95-098]

Notice of Prospective Patent License

SUMMARY: NASA hereby gives notice that Estee Lauder Companies of Melville, New York 11747, has requested a partially exclusive license to practice the invention protected by U.S. Patent No. 4,902,769, entitled "Low Dielectric Fluorinated Poly (Phenylene Ether Ketone) film and coating," which was issued on February 20, 1990, to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Mr. George F. Helfrich, Patent Counsel, Langley Research Center.

DATES: Responses to this Notice must be received by January 5, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. George F. Helfrich, Patent Counsel, NSAS Langley Research Center, Mail Code 212, Hampton, VA 23681-0001; telephone (804) 864-3521.

Dated: October 27, 1995.
 Edward A. Frankle,
General Counsel.
 [FR Doc. 95-27448 Filed 11-3-95; 8:45 am]
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NUCLEAR REGULATORY COMMISSION

Communications Between the NRC and Licensees; Policy Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy statement.

SUMMARY: This policy statement presents the Nuclear Regulatory Commission (NRC) policy that informs both the nuclear industry and the NRC staff of the Commission's expectations regarding communications, including the reporting of perceived inappropriate regulatory actions by the NRC staff. The Commission encourages and expects open communications at all levels between its employees and those it regulates. Licensees should feel unconstrained in communicating with the NRC. Additionally, the NRC will not tolerate inappropriate regulatory actions by the NRC staff, nor will it tolerate retaliation or the threat of retaliation

against those licensees who communicate concerns to the agency.

EFFECTIVE DATE: November 6, 1995.

FOR FURTHER INFORMATION CONTACT: Cynthia A. Carpenter, Office of the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC. 20555, telephone: (301) 415-1733.

SUPPLEMENTARY INFORMATION:

Background

COMSECY-95-008, dated February 21, 1995, forwarded to the Commission a draft NRC policy that would inform both the nuclear industry and the NRC staff of the Commission's expectations regarding communications, including the reporting of perceived inappropriate regulatory actions by the NRC staff. COMSECY-95-008 also forwarded a proposed procedure for handling such concerns within the Office of the Executive Director for Operations (OEDO) if reported by a senior power reactor manager (licensee official).

In a Staff Requirements Memorandum dated March 21, 1995, the Commission directed the NRC staff to discuss the concepts in COMSECY-95-008 with the Agency Labor-Management Partnership (ALMP) and to meet with the Nuclear Energy Institute (NEI) to discuss communication issues. In addition, the Commission provided items for further NRC staff consideration in its evaluation of the proposed policy and guidance documents.

The NRC staff discussed the proposed NRC policy and the draft procedure for handling perceived inappropriate regulatory actions during the Regional Labor-Management Partnership Subcommittee (Partnership) meeting on March 29, 1995, and at the ALMP meeting on April 21, 1995. There was consensus within the Partnership that the procedure was necessary. The Partnership also provided several suggested wording changes to clarify the procedure.

On May 11, 1995, the NRC staff met with NEI representatives regarding the NRC staff's actions in response to the Towers Perrin Nuclear Regulatory Review Study and to discuss communications between the NRC and the nuclear industry. NEI believed that the NRC's initiatives would enhance the effectiveness of communications between NRC and the nuclear industry and encourage the NRC staff to communicate this policy and procedure to the industry.

SECY-95-149, dated June 8, 1995, forwarded to the Commission the revised NRC policy that would inform both the nuclear industry and the NRC

staff of the Commission's expectations regarding communications, including the reporting of perceived inappropriate regulatory actions by the NRC staff. As recommended by the Commission, the procedure was expanded to address the broad range of communications between the NRC and licensees. The NRC staff clarified the definition of inappropriate regulatory actions, including changes recommended by the Partnership. The procedural steps were also reordered as recommended by the Commission.

In a Staff Requirements Memorandum dated June 28, 1995, the Commission did not object to issuance of the policy regarding communications between the NRC and industry.

Statement of Policy

In 1991, the Commission established the "NRC Principles of Good Regulation," a copy of which is presented as Appendix A to this document. The Commission believes that good regulation must be transacted publicly and candidly and that open communications must be maintained with Congress, other Government agencies, licensees, and the public.

The Commission encourages and expects open communications at all levels between its employees and those it regulates. Licensees should feel unconstrained in communicating with the NRC. The Commission also expects the NRC staff to exercise initiative in maintaining open lines of communication and to ensure that its regulatory activities are appropriate and consistent. The Commission recognizes that honest, well-intentioned differences in opinions between the NRC staff and the licensee will occasionally occur. Therefore, the Commission encourages open communications to foster an environment where such differences receive constructive and prompt resolution.

Open communication also extends to the reporting of perceived inappropriate regulatory actions by the NRC staff when dealing with licensees. The Commission encourages licensees to provide specific information regarding such concerns.

The NRC will not tolerate inappropriate regulatory actions¹ by the

¹ Inappropriate regulatory actions include activities that exceed the agency's regulatory authority, involve improper application of agency requirements, or adversely affect the agency's regulatory functions. Examples of inappropriate regulatory actions include, but are not limited to, unjustified inconsistent application of regulations and guidance by NRC staff or management that significantly affect licensee activities and inappropriate action on the part of NRC staff and management that disrupts effective communications with the licensee.

NRC staff, nor will it tolerate retaliation or the threat of retaliation against those licensees who communicate concerns to the agency. NRC staff whose actions are found to be contrary to this policy could be subject to disciplinary actions in accordance with the NRC Management Directive 10.99, "Discipline, Adverse Actions and Separations" (formerly Manual Chapter 4171), or in accordance with the Collective Bargaining Agreement Between the U.S. Nuclear Regulatory Commission and National Treasury Employees Union.

Dated at Rockville, Maryland, this 31st day of October 1995.

For the Nuclear Regulatory Commission.
John C. Hoyle,
Secretary of the Commission.

Appendix A to This Document—NRC Principles of Good Regulation

NRC Principles of Good Regulation

Independent. Nothing but the highest possible standards of ethical performance and professionalism should influence regulation. However, independence does not imply isolation. All available facts and opinions must be sought openly from licensees and other interested members of the public. The many and possibly conflicting public interests involved must be considered. Final decisions must be based on objective, unbiased assessments of all information, and must be documented with reasons explicitly stated.

Open. Nuclear regulation is the public's business, and it must be transacted publicly and candidly. The public must be informed about and have the opportunity to participate in the regulatory processes as required by law. Open channels of communication must be maintained with Congress, other government agencies, licensees, and the public, as well as with the international nuclear community.

Efficient. The American taxpayer, the rate-paying consumer, and licensees are all entitled to the best possible management and administration of regulatory activities. The highest technical and managerial competence is required, and must be a constant agency goal. NRC must establish means to evaluate and continually upgrade its regulatory capabilities. Regulatory activities should be consistent with the degree of risk reduction they achieve. Where several effective alternatives are available, the option which minimizes the use of resources should be adopted. Regulatory decisions should be made without undue delay.

Clear. Regulations should be coherent, logical, and practical. There should be a clear nexus between regulations and agency goals and objectives where explicitly or implicitly stated. Agency positions should be readily understood and easily applied.

Reliable. Regulations should be based on the best available knowledge from research and operational experience. Systems interactions, technological uncertainties, and the diversity of licensees and regulatory activities must all be taken into account so that risks are maintained at an acceptably

low level. Once established, regulation should be perceived to be reliable and not unjustifiably in a state of transition. Regulatory actions should always be fully consistent with written regulations and should be promptly, fairly, and decisively administered so as to lend stability to the nuclear operational and planning processes.

[FR Doc. 95-27411 Filed 11-3-95; 8:45 am]
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Knowledge and Abilities Catalog Revision; Notice of Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability.

SUMMARY: NUREG-1122, "Knowledge and Abilities Catalog for Nuclear Power Plant Operators: Pressurized Water Reactors," and NUREG-1123, "Knowledge and Abilities Catalog for Nuclear Power Plant Operators: Boiling Water Reactors," were developed in 1985 to assist operator licensing examiners in the development of content valid written and operating examinations to administer to reactor plant operators and senior operators.

The Knowledge and Abilities (K/A) catalogs have been revised to resolve inconsistencies between the two catalogs and inconsistencies in content within the K/A catalogs. The revision also incorporates evolutionary changes in the operator licensing program and revised definition of operator's tasks within facility licensee's organizations. NRC will fully integrate NUREG-1122, Revision 1 and NUREG-1123, Revision 1 into the operator licensing program with the next revision of the Examiner Standards (NUREG-1021, Revision 8) in the fall of 1996.

Copies of NUREG-1122, Revision 1 and NUREG-1123, Revision 1 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. A copy is also available for inspection and/or copying for a fee in the NRC Public Document Room. Copies of NUREG-1122, Revision 1 and NUREG 1123, Revision 1 are available on the Tech Specs Plus BBS, the data line number is 1-800-679-5784. The files are also available in the NRC-PDR library at FedWorld through November 30, 1995. FedWorld is accessible via internet (<http://www.fedworld.gov>) as well as pc/modem (1-800-303-9672). The filenames are: NREG1122.ZIP and NREG1123.ZIP. Both files are compressed using PKzip.

FOR FURTHER INFORMATION CONTACT: Frank Collins, Mail Stop 010-D22, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, telephone (301) 415-3173.

Dated at Rockville, Maryland, this 30th day of October, 1995.

For the Nuclear Regulatory Commission.
Stuart A. Richards,
Chief, Operator Licensing Branch, Division of Reactor Controls and Human Factors, Office of Nuclear Reactor Regulation.

[FR Doc. 95-27412 Filed 11-3-95; 8:45 am]
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[Docket No. 50-366]

Georgia Power Company, et al. (Edwin I. Hatch Nuclear Plant, Unit 2); Exemption

I.

Georgia Power Company, et al. (GPC or the licensee), is the holder of Facility Operating License No. NPF-5, which authorizes operation of the Hatch Nuclear Plant, Unit 2. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now and hereafter in effect. The facility consists of one boiling water reactor located in Appling County, Georgia.

II.

Section 50.54(o) of 10 CFR Part 50 requires that primary reactor containments for water cooled power reactors be subject to the requirements of Appendix J to 10 CFR Part 50. Appendix J contains the leakage test requirements, schedules, and acceptance criteria for tests of the leak tight integrity of the primary reactor containment and systems and components that penetrate the containment. Sections II.H.4 and III.C.2 of Appendix J to 10 CFR Part 50 require leak rate testing of the Main Steam Isolation Valves (MSIVs) at the calculated peak containment pressure related to the design-basis accident, and Sections III.A.5, III.B.3, and III.C.3 require that the measured leak rates be included in the combined leak rate test results.

By letter dated June 20, 1995, the licensee requested an exemption from the Commission's regulations. The subject exemption is from the requirements of 10 CFR Part 50, Appendix J, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors," Sections III.A.5(b)(1), III.A.5(b)(2), III.B.3, and III.C.3 to exclude the MSIV leakage from