

the Byron Station Technical Specifications (TSs), the design of the fuel storage racks providing geometric spacing of fuel assemblies in their storage locations, and administrative controls imposed on fuel handling procedures. TSs requirements specify reactivity limits for the fuel storage racks and minimum spacing between the fuel assemblies in the storage racks.

Appendix A of 10 CFR Part 50, "General Design Criteria for Nuclear Power Plants," (GDC) Criterion 62, requires that criticality in the fuel storage and handling system shall be prevented by physical systems or processes, preferably by use of geometrically-safe configurations. This is met at Byron Station, as identified in the Updated Final Safety Analysis Report (UFSAR). Byron Station UFSAR Section 9.1.1.1, New Fuel Storage—Design Basis, states that, "* * * the new fuel storage racks are designed such that the effective multiplication factor does not exceed 0.95 with fuel of a maximum enrichment of 5.00 wt% u-235 in place, assuming the stored assemblies are completely submerged in unborated water at a conservative water temperature and with no credit for neutron poison in the fuel assembly." NUREG-0876, "Safety Evaluation Report Related to the Operation of Byron Station, Units 1 and 2," dated February 1982, determined that the design of the Byron new fuel storage racks satisfied the requirements of GDC 62.

The proposed exemption would not result in any significant radiological impacts. The proposed exemption would not affect radiological plant effluents nor cause any significant occupational exposures since the TSs, design controls (including geometric spacing of fuel assembly storage spaces), and administrative controls preclude inadvertent criticality. The amount of radioactive waste would not be changed by the proposed exemption.

The proposed exemption does not result in any significant nonradiological environmental impacts. The proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant non-radiological environmental impacts associated the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded that there is no measurable environmental impact associated with the proposed action, any alternatives

with equal or greater environmental impact need not be evaluated. As an alternative to the proposed exemption, the staff considered denial of the requested exemption. Denial of the request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative are similar.

Alternative Use of Resources

The action does not involve the use of any resources not previously considered in the "Final Environmental Statement Related to the Operation of Byron Station, Units 1 and 2" dated April 1982.

Agencies and Persons Consulted

In accordance with its stated policy, on February 24, 1999, the staff consulted with the Illinois State official, Mr. Frank Niziolek, Head, Reactor Safety Section, Division of Engineering, Illinois Department of Nuclear Safety, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated October 16, 1997, which is available for public inspection at the Commission's Public Document Room, which is located at the Gelman Building, 2120 L Street, NW., Washington, D.C., and at the local public document room located at the Byron Public Library District, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010.

Dated at Rockville, Maryland, this 3rd day of March 1999.

For the Nuclear Regulatory Commission.

Stuart A. Richards,

Director, Project Directorate III-2, Division of Licensing Project Management Office of Nuclear Reactor Regulation.

[FR Doc. 99-5749 Filed 3-8-99; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of March 8, 15, 22, and 29, 1999.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

MATTERS TO BE CONSIDERED:

Week of March 8

Wednesday, March 10

11:00 a.m. Affirmation Session (Public Meeting)
a: North Atlantic Energy Service Corp., et al. (Seabrook Station Unit 1) Docket No. 40-443, Draft Commission Memorandum and Order Addressing Intervention Petitions and Hearing Requests of New England Power Company (NEPCO) and United Illuminating Co. (tentative)

Week of March 15—Tentative

Tuesday, March 16

1:00 p.m. Briefing on Status of DOE High Level Waste Viability Assessment (Public Meeting)
(Contact: Mike Bell, 301-415-7252)

Wednesday, March 17

9:00 a.m. Meeting with Advisory Committee on Nuclear Waste and Nuclear Waste Technical Review Board (Public Meeting) (Contact: John Larkins, 301-415-7360)
11:30 a.m. Affirmation Session (Public Meeting) (If needed)
1:30 p.m. Briefing on Part 40 Decommissioning Issues (Public Meeting) (Contact: Seymour Weiss, 301-415-2170)

Thursday, March 18

10:00 a.m. Briefing on Safeguards Performance Assessment and Design Basis Threat (Closed—ex. 1)
2:00 p.m. Briefing by Executive Branch (Closed—ex. 1)

Friday, March 19

9:00 a.m. Briefing on Status of External Regulation of DOE Facilities (Public Meeting) (Contact: Charlie Haughney, 301-415-7198)

Week of March 22—Tentative

Thursday, March 25

1:00 p.m. Briefing on Part 35 Rulemaking (Public Meeting)
(Contact: Patricia Holahan, 301-415-8125)

Friday, March 26

9:00 a.m. Briefing on Proposed Reactor Oversight Process Improvements & Enforcement (Public Meeting)
(Contact: William Dean, 301-415-2240)

12:30 p.m. Affirmation Session (Public Meeting) (If needed)

Week of March 29—Tentative

There are no meetings scheduled for the Week of March 29.

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.

* * * * *

ADDITIONAL INFORMATION: By a vote of 5-0 on March 2, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Affirmation of Kansas Gas & Electric Corp., et al., (Wolf Creek Generating Station, Unit 1), Docket No. 50-482, Draft Commission Memorandum and Order Addressing Intervention Petition and Hearing Request of the Kansas Electric Power Cooperative" (PUBLIC MEETING) be held on March 2, and on less than one week's notice to the public.

* * * * *

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 or dkw@nrc.gov.

Dated: March 4, 1999.

William M. Hill, Jr.,
SECY Tracking Officer, Office of the Secretary.

[FR Doc. 99-5858 Filed 3-5-99; 11:58 am]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

[NUREG-1600, REV. 1]

Policy and Procedure for NRC Enforcement Actions; Interim Enforcement Policy for Generally Licensed Devices Containing Byproduct Material (10 CFR 31.5)

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy statement.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, Rev. 1, by adding Appendix D to the policy. This amendment describes the interim enforcement policy that the NRC will follow to exercise enforcement discretion for certain violations of requirements in 10 CFR Part 31 for generally licensed devices containing byproduct material. It addresses violations that persons licensed pursuant to 10 CFR 31.5 identify and correct now, as well as during the initial cycle of the notice and response program contemplated by the proposed new requirements published in the **Federal Register** on December 2, 1998 (63 FR 66492), entitled "Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information".

DATES: This action is effective March 9, 1999. Comments on this interim enforcement policy should be submitted by April 8, 1999 and will be considered by the NRC prior to the next revision of the Enforcement Policy.

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. Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm, Federal workdays. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street, NW, (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, (301) 415-2741.

SUPPLEMENTARY INFORMATION:

Background

In a separate action published in the **Federal Register** on December 2, 1998 (63 FR 66492), the NRC is proposing to amend its regulations in 10 CFR Part 31 to provide for more frequent and timely contact between the NRC and users of certain industrial devices containing byproduct material that are licensed pursuant to the general license provisions of 10 CFR 31.5. The NRC is proposing this rule after concluding that there is a lack of awareness of NRC regulatory requirements on the part of the user of the general license (general licensee). In addition, there is evidence

of inadequate handling of and accounting for generally licensed devices. Under the proposed rule, if finalized, the NRC intends to send notices to certain classes of persons licensed pursuant to the general license provisions of 10 CFR 31.5. These notices would require recipients to provide information to the NRC, as requested, concerning products that they have received under the general license.

For further information regarding these proposed new requirements, the reader is referred to the Statements of Consideration that accompany the proposed rule. As noted therein, the NRC anticipates that general licensees may discover violations of NRC regulatory requirements as a result of the proposed new requirement to respond to notices and provide information as requested. For example, general licensees who have not had contact with the NRC for many years may have failed to test for leakage of radioactive material from the generally licensed device, maintain the labels affixed to the device, or comply with the instructions and precautions in the labels. Additionally, general licensees may discover violations when copies of the proposed rule are mailed to them. For example, a general licensee that has changed its address of business may have abandoned or improperly transferred a generally licensed device during the process of moving. Under the current NRC Enforcement Policy published in NUREG-1600, Rev. 1., such violations normally would result in enforcement action.

Scope

This interim enforcement policy addresses violations that persons licensed pursuant to 10 CFR 31.5 discover and report before, as well as during, the initial cycle of the notice and response program contemplated by the proposed rule described above. It will remain in effect through at least July 1, 2000, by which time it is expected that one complete cycle of the notice and response program will be completed. However, any delays in completing the first cycle of notice and response will be taken into account, and the effective time period of this interim enforcement policy will be lengthened accordingly.

Under this interim enforcement policy, enforcement action normally will not be taken for violations of 10 CFR 31.5 if they are identified by the general licensee, and reported to the NRC if reporting is required, provided that the general licensee takes appropriate corrective action to address the specific violations and prevent