NUCLEAR REGULATORY COMMISSION

Qualified Candidates for the Advisory Committee on Reactor Safeguards

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for resumé.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is seeking qualified candidates to fill prospective vacancies on its Advisory Committee on Reactor Safeguards (ACRS).

ADDRESSES: Submit resume to: Ms. Jude Himmelberg, Office of Human Resources, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

FOR APPLICATION MATERIALS, CALL: 1–800–952–9678. Please refer to Announcement Number 98–00001.

SUPPLEMENTARY INFORMATION: Congress established the ACRS to provide the NRC with independent expert advice on matters related to regulatory policy and the safety of existing and proposed nuclear power plants. The Committee work currently emphasizes safety issues associated with the operation of 106 commercial nuclear power plants in the United States; the pursuit of a risk-informed, and ultimately, as appropriate, performance-based regulatory approach; digital instrumentation and control systems; and technical and policy issues related to standard plant designs.

The ACRS membership includes individuals from national laboratories, academia, and industry who possess specific technical expertise along with a broad perspective in addressing safety concerns. Committee members are selected from a variety of engineering and scientific disciplines, such as nuclear power plant operations, nuclear engineering, mechanical engineering, electrical engineering, chemical engineering, metallurgical engineering, structural engineering, materials science, and instrumentation and process control systems. At this time, candidates are specifically being sought who have 15–20 years of specific experience, including graduate level education, in the areas of nuclear power plant operations and probabilistic risk assessment.

Criteria used to evaluate candidates include education and experience, demonstrated skills in nuclear safety matters, and the ability to solve problems. Additionally, the Commission considers the need for specific expertise in relationship to current and future tasks. Consistent with the requirements of the Federal Advisory Committee Act, the Commission seeks candidates with varying views so that the membership on the Committee will be fairly balanced in terms of the points of view represented and functions to be performed by the Committee.

Because conflict-of-interest regulations restrict the participation of members actively involved in the regulated aspects of the nuclear industry, the degree and nature of any such involvement will be weighed. Each qualified candidate's financial interests must be reconciled with applicable Federal and NRC rules and regulations prior to final appointment. This might require divestiture of securities issued by nuclear industry entities, or discontinuance of industry-funded research contracts or grants.

Copies of a resume describing the educational and professional background of the candidate, including any special accomplishments, professional references, current address and telephone number should be provided. All qualified candidates will receive careful consideration. Appointment will be made without regard to such factors as race, color, religion, national origin, sex, age, or disabilities. Candidates must be citizens of the United States and be able to devote approximately 50–100 days per year to Committee business. Applications will be accepted until March 13, 1998.

Dated: February 2, 1998.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 98–2992 Filed 2–5–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Safety-Conscious Work Environment; Withdrawal of Proposal

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice.

SUMMARY: The Nuclear Regulatory Commission (NRC) has considered several strategies in addressing the need for its licensees to establish and maintain a safety-conscious work environment. The NRC described these strategies and requested public comment in a document published on February 26, 1997 (62 FR 8785). The Commission evaluated the public comments submitted in response to its request and is withdrawing the proposal outlined in the February 26, 1997, document.

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

SUPPLEMENTARY INFORMATION: The NRC published in the **Federal Register**, (62 FR 8785; February 26, 1997), a request for public comment on the implementation of a standardized approach to ensuring that licensees establish and maintain a safety-conscious work environment [1] with clearly defined attributes; the establishment of certain potential indicators that may be monitored and, when considered collectively, may provide evidence of an emerging adverse trend; and the establishment of certain remedial actions that the Commission may require when it determines that a particular licensee has failed to establish and maintain a safety-conscious work environment. In its discussion of the feasibility of using a standardized approach to this issue, the NRC described the attributes of a safety-conscious work environment; criteria to be considered as possible indicators that a licensee's safety-conscious work environment may be deteriorating; and standard options for dealing with situations where these criteria are not met. The NRC included draft language that could be used in a future rulemaking, new policy statement, or amendment to the NRC's Enforcement Policy.

The Notice requested public comments on various strategies for establishing and maintaining a safety-conscious work environment including where warranted the use of a holding period.[2] The NRC also sought comments on an alternate strategy in which all licensees would be required to institute

[1] The Commission's May 1996 Policy Statement on the ''Freedom of Employees in the Nuclear Industry to Raise Safety Concerns Without Fear of Retaliation'' (61 FR 24336; May 14, 1996), defined a ''safety-conscious work environment'' as a work environment in which employees are encouraged to raise safety concerns and where concerns are promptly reviewed, given the proper priority based on their potential safety significance, and appropriately resolved with timely feedback to the originator of the concerns and to other employees.

[2] In general, a holding period as described in the February 26, 1997, document would provide that, when an employee asserts that he or she has been discriminated against for engaging in protected activity, the licensee will maintain that employee's pay and benefits until the licensee has investigated the complaint, reconsidered the facts, negotiated with the employee, and informed the employee of a final decision on the matter. The holding period would continue for an additional two weeks to permit the employee to file a complaint under Section 211 of the Energy Reorganization Act of 1974, as amended (ERA), with the Department of Labor (DOL), and, should the employee file, the holding period would continue until the DOL has made a finding based upon its investigation.

a holding period policy and periodic site surveys, rather than only those licensees who performed poorly in this area. The NRC received a total of 31 comments in response to its request.

Generally stated, the Nuclear Energy Institute (NEI),[3] as well as the Union of Concerned Scientists (UCS), while supporting the importance of establishing and maintaining a safety-conscious work environment at nuclear facilities, opposed proceeding with establishing a standardized approach for licensees who had failed to establish and maintain a safety-conscious work environment. Almost all commenters agreed that existing requirements and regulatory options available to the Commission are sufficient to meet expectations in this area and that new requirements and policies were not needed.

Briefly summarized, the NEI comments noted that: (1) the NRC's current processes effectively focus licensee attention on the need to maintain a safety-conscious work environment; (2) the standardized approach proposal is an ''unjustified radical departure from existing policy and may result in adverse safety consequences''; (3) the proposed indicators would result in a subjective evaluation by the NRC; and (4) the standard options, especially mandating a holding period, constitute inappropriate regulatory action and are likely to be found legally insupportable. Among other things, NEI maintained that mandating such a holding period is an action outside the jurisdiction of the NRC and is an inappropriate regulatory action based upon its direct intrusion on management's ability to address its own workforce issues. NEI urged the Commission to let stand the May 1996 Policy Statement as an affirmation of its focus on a safety-conscious work environment without implementing the strategies outlined in the February 26 request for comment.

The Department of Nuclear Safety, State of Illinois, did not support a formal rule. In its view, less formal guidance or a policy directive seemed more appropriate.

UCS, in comments dated April 25, 1997, also opposed the NRC's proposed standardized approach for a safety-conscious work environment. UCS stated that it believes that the May 1996 Policy Statement, as well as rigorous and consistent enforcement of existing regulations, is sufficient to achieve the NRC's objectives.

[3] The majority of the commenters supported the Nuclear Energy Institute's (NEI) comments.

One commenter (International Brotherhood of Electrical Workers, Local 97) supported the NRC's proposal as presented in the February 26, 1997, document, stating that it did not believe that the current regulations were adequate. In addition, one commenter (Cheney & Associates) indicated that, while the mechanisms prescribed might work to some extent, they were not fundamentally different from past strategies which failed because neither the government nor the responsible corporation respected the strategy. Cheney proposed its own solution to the problem, which was to reinforce the strategy by such methods as certifying the competence of all workers in nuclear environments to identify safety problems in areas under their responsibilities; imposing sanctions for failure to identify a safety problem; and imposing criminal sanctions for failure to report an identified problem.

After considering all the submitted comments and further evaluating the proposal to standardize the NRC approach to a safety-conscious work environment, the Commission agrees with the commenters that the standardized approach set forth in the request for comment is not warranted. There needs to be flexibility in considering appropriate regulatory action to address each situation on a case by case basis. These appropriate actions include options such as Orders, Civil Penalties, Demands for Information, additional inspections and investigations, Chilling Effect Letters, and Management Meetings.

The Commission also agrees that sufficient requirements and policies are in place. The May 1996 Policy Statement clearly provides the Commission's expectations on achieving safety-conscious work environments. This Policy Statement and its basis in NUREG–1499, ''Reassessment of the NRC's Program for Protecting Allegers Against Retaliation,'' provides insights and guidance on steps that can be taken by licensees. The Commission's regulations prohibiting discrimination, *e.g.*, 10 CFR 50.7, provide the basis for enforcement action where discrimination occurs. When a licensee fails to achieve a safety-conscious environment, there may be violations of other NRC requirements such as 10 CFR Part 50, Appendix B, Criterion XVI. The Commission also has the necessary authority to issue orders to licensees and orders against individuals involved in discrimination to address regulatory issues associated with safety-conscious work environments. Therefore, a rulemaking, initiation of an additional policy statement, or an amendment of the NRC's Enforcement Policy to address the safety-conscious work environment is unwarranted at this time.

However, the Commission concludes that NRC should consider the emergence of adverse trends in licensees' abilities to maintain a safety-conscious work environment. Appropriate early intervention may result in a significant contribution to safety as a reluctance on the part of nuclear employees to raise safety concerns is detrimental to nuclear safety. Giving consideration to potential indicators of a deteriorating work environment may alert the NRC of emerging problems in a licensee's safety-conscious work environment that warrants NRC involvement to encourage licensee management to address the environment for raising concerns. The Commission recognizes that there are no singular indicators to judge that a safety-conscious work environment is deteriorating at a licensed facility.[4] Evaluating the safety consciousness of a licensee's work environment will require careful judgments. The effort to identify emerging trends at a licensed facility, while difficult, would be less than the regulatory effort required in responding to a licensed facility where the safety-conscious work environment has already deteriorated.[5]

As to the holding period concept, in light of the potential legal issues, the potential for abuse by employees, as well as the comments received on the establishment of a formal holding period as an option to address a deteriorated safety-conscious work environment, the Commission believes that the holding period option should not be required by the NRC. Nevertheless, a holding period is clearly an option that licensees should consider

[4] Many of the commenters appear to have interpreted the contemplated use of ''indicators'' to mean fixed indicators demonstrating a deteriorating safety-conscious work environment. This was not NRC's intent. It was recognized that any one piece of data can be ambiguously interpreted, and focusing on individual data to the exclusion of other information can be misleading. The request for comment explained that these indicators in isolation may not be indicative of an actual overall deterioration of a safety-conscious work environment, particularly if not accompanied by overall problems in operational or safety performance. While each of the indicators described in the request for comment may individually be ambiguous, an evaluation of the totality of indications may indicate a deteriorating safety-conscious work environment.

[5] As stated in the request for comment, when the perception of retaliation for raising safety concerns is widespread, a licensee may find it exceedingly difficult to obtain cooperation from their employees in identifying and eliminating problems adversely affecting the safety-conscious work environment; to reverse this perception of this retaliation; and to regain the trust and confidence of their workforce.

to reduce chilling effects arising out of issues of discrimination pending investigations. Thus, the Commission continues to support the voluntary use of a holding period as described in the May 1996 Policy Statement.

Consistent with this discussion, the February 26, 1997, document is being withdrawn.

Dated at Rockville, Maryland, this 30th day of January 1998.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Acting Secretary of the Commission.

[FR Doc. 98–2993 Filed 2–5–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Event Reporting Guidelines; Availability of Report

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The NRC is announcing the availability of a report, NUREG–1022, Revision 1, ''Event Reporting Guidelines, 10 CFR 50.72 and 50.73.''

ADDRESSES: NUREG-series documents are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. NUREG-series documents may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20402–9328.

FOR FURTHER INFORMATION CONTACT: Dennis Allison, Office for Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone (301) 415–6835, e-mail dpa@NRC.gov

SUPPLEMENTARY INFORMATION: The purpose of this report is to help ensure that events are reported as required by improving the guidelines for implementing 10 CFR 50.72, ''Immediate notification requirements for operating nuclear power reactors,'' and 10 CFR 50.73, ''Licensee event report system,'' including consolidation of the guidelines into a single reference document. NUREG–1022, Revision 1 supersedes NUREG–1022 and its Supplements 1 and 2.

Previous Draft and Comment

The availability of the second draft report for public comment was announced on February 7, 1994 (59 FR 5614). The comment period expired April 5, 1994. Eighteen comment letters were received, representing comments from fourteen nuclear power plant licensees (utilities), three organizations of utilities, and one individual. A list is provided below. All the comment letters provided specific recommendations for changes to the report. Seven letters indicated general support, at least to the extent of indicating that a document which satisfies the mutual goals of the NRC and its licensees was within reach. Two letters appeared to indicate general disapproval. The resolution of comments is summarized below. This summary addresses the principal comments (i.e., those that are not minor, editorial, or supportive in nature).

Comment: Two comment letters appeared to express general disapproval. One commentor indicated that, although there were some significant improvements over the existing reporting guidance, significant issues remained in the report that would very likely result in an increase in reporting burden with little or no gain in safety. Four specific examples were cited: (1) The voluntary reporting guidance in the Foreword, Sections 2.5 and 3.3.2, (2) an example of relief valve testing in Section 2.7, (3) the need to report as ''outside the design basis'' when a system is found to lack suitable redundancy as discussed in Section 3.2.4, and (4) an example of inadvertent opening of a high pressure to low pressure isolation valve in Section 3.2.4. Another commentor indicated that the guidance would expand the reporting requirements of 10 CFR 50.73 without appropriate rulemaking or backfit analysis. The comment emphasized two particular items: (1) The need to report non-redundant emergency assessment equipment out of service after 8 hours as discussed in Section 3.2.7 and (2) the guidance and rationale related to voluntary reporting in Section 5.1.5.

Response: The NRC staff has considered the guidance and the comments and modified the guidance where appropriate. After these modifications the NRC staff concludes that the guidance properly interprets the requirements of the current rules and is, therefore, appropriate.

With regard to burden, the staff has reviewed the guidance which is new or different in a meaningful way from previously published generic guidance (i.e., NUREG–1022 and its Supplements 1 and 2 and generic correspondence such as generic letters and information notices). Such new or different guidance is marked by redlining in Revision 1. In most cases the new or different guidance is expected to result in the same number of reported events, or fewer reported events. Where there is an expected increase in the number of reported events, the number is small. On balance, the net effect is expected to be a modest reduction in the number of reported events.

Responses to the specific issues cited above are included in the discussions below.

Comment: Several comment letters objected to guidance in the Foreword and Sections 2.5 and 3.3.2 which requested voluntary reporting in certain circumstances for events that result in actuation of the systems listed in Table 2. The comments indicated that discussion of voluntary reporting in NUREG–1022 was not appropriate and would lead to enforcement problems.

Response: The Foreword has been deleted. Sections 2.5 and 3.3.2 have been revised and no longer call for voluntary reporting. They indicate that the reporting criterion is based on the premise that engineered safety features (ESFs) are provided to mitigate the consequences of a significant event, and the NRC staff considers the systems listed in Table 2 to be a reasonable interpretation of what constitutes systems provided to mitigate the consequences of a significant event.

Comment: Several comment letters objected to the discussion of relief valve testing in Section 2.7. The comments included the following: (1) The entire discussion should be deleted, (2) the discussion characterized relief valves with set points outside of technical specification (T.S.) limits as being inoperable although they were still capable of performing their safety functions, and (3) the example should simply be characterized as a condition or operation prohibited by the plant's T.S.

Response: The discussion of relief valve testing has been deleted from Section 2.7. The specific example of multiple relief valves with set points outside of T.S. limits has been moved to Section 3.2.2 and characterized as a condition or operation prohibited by the plant's T.S.

Comment: Some comment letters recommended that the definition of ''discovery date'' in Section 2.11, which starts the 30-day reportability clock for licensee event reports (LERs), be revised to allow for appropriate management and/or engineering review. One suggested definition, for example, was ''The discovery date is when someone in the plant recognizes that a reportable event has occurred or it is determined that an existing condition is reportable.''

Response: The NRC staff continues to conclude that the current guidance, which has been in use since 1984, is appropriate. Allowing additional time