

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 70

#### Public Meeting on Draft Proposed Revisions to Domestic Licensing of Special Nuclear Material

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Announcement of meeting.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) will hold a public meeting to review and solicit views from fuel cycle licensees on NRC's draft proposed revisions to its regulations on Domestic Licensing of Special Nuclear Material. This document is necessary to inform the public that the meeting is open to the public as observers.

**DATES:** The meeting will be held on May 2, 1995, from 9:00 am to 5:00 pm. Submit comments on the draft proposed rule by May 2, 1995. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** The meeting will be held at the U.S. Nuclear Regulatory Commission Auditorium, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland. (Note: The NRC is accessible to the White Flint Metro Station; visitor parking around the NRC building is limited.)

Written comments may be provided at this meeting or submitted prior to the meeting to Joan Higdon (See **FOR FURTHER INFORMATION CONTACT**).

The draft proposed rule is available for review prior to this scheduled meeting. To provide a thorough understanding of the impact of the proposed rule changes, copies of the newly developed draft Standard Review Plan (SRP) and draft Standard Format and Content Guide (SF&CG) are available for review. These copies can be obtained from the NRC's Public Document Room, 2120 L Street NW, Washington, D.C. 20037; Phone: 202-

634-3273; FAX: 301-634-3343. Affected parties are encouraged to review the draft rule and be prepared to provide their comments on revisions of Part 70 to the NRC at this public meeting. The NRC will accept and consider written comments from any interested parties if the comments are received no later than May 2, 1995. Written comments can be provided at this meeting or submitted prior to the meeting to Joan Higdon, Mail Stop T-8-A-33, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; FAX: 301-415-5390; INTERNET: JXH1@NRC.GOV.

**FOR FURTHER INFORMATION CONTACT:** Joan Higdon, Mail Stop T-8-A-33, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Phone: 301-415-8082; FAX: 301-415-5390; INTERNET: JZH1@NRC.GOV.

**SUPPLEMENTARY INFORMATION:** The NRC is currently reviewing its regulations on Domestic Licensing of Special Nuclear Material (10 CFR Part 70). This review is the result of the findings and recommendations of the agency's Materials Regulatory Review Task Force and the Regulatory Impact Survey for Fuel Cycle and Materials Licensees. The purpose of the task force and the survey team was to evaluate the agency's licensing and oversight programs for fuel cycle and major materials plants, identify weaknesses, and recommend improvements. The task force's review and findings are contained in NUREG-1324, "Proposed Method for Regulating Major Materials Licensees," dated February 1992.

In conjunction with the task force's findings and the Commission's directive to establish a firm regulatory base for fuel cycle facility licensing and inspection activities and for determining the adequacy of licensee performance, the Division of Fuel Cycle Safety and Safeguards has initiated major revisions to 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material." In concert with this rule development activity, staff is also developing a Standard Review Plan (SRP) and a Standard Format and Content Guide (SF&CG). The SRP will provide a standardized approach for staff in reviewing license applications for authorization to possess and process special nuclear material, and it will also assist licensees in understanding staff's approach and bases for reviewing

license applications. The SF&CG will provide guidance to applicants and licensees regarding the type and depth of information in license applications that are necessary for regulatory decisions.

In considering these Part 70 revisions, the Commission has directed the staff to reconsider the current plan to revise 10 CFR Part 70 in its entirety and, among other things, discuss these proposed changes with affected fuel cycle licensees to determine their views towards revisions of Part 70. In addition, the Commission has directed that the staff consider and evaluate alternative approaches from those already included in the draft rule.

Accordingly, this public meeting will focus on NRC's proposed changes to Part 70 and the views of the fuel cycle licensees on the proposed changes. The agenda for this meeting will begin with NRC staff presentation of the draft rule, which will include the basis for the proposed rule changes and the specific provisions in the draft rule that will affect the fuel cycle licensees. This presentation will be followed by an information exchange with affected licensees regarding their views towards the proposed rule changes and licensees' suggestions for alternative approaches to this major rulemaking activity. At the conclusion of this interchange, if time permits, other participants will have an opportunity to present their views on these agenda items. For efficient conduct of the meeting, participation will be limited to the following affected fuel cycle licensees and license applicant or from their official designated representatives: ABB Combustion Engineering, Nuclear Operations  
American Ecology Corporation  
Babcock & Wilcox, Naval Nuclear Fuel Division and Commercial Nuclear Fuel Plant  
Chem-Nuclear Systems, Inc.  
Department of Army  
Department of Commerce  
Eastman Kodak  
Florida Institute of Technology  
General Atomics  
General Electric Company (Vallecitos Nuclear Center)  
General Electric Company (Wilmington, N.C.)  
Idaho State University  
IRT Corporation  
Louisiana Energy Services (license applicant)

Massachusetts Institute of Technology  
Nuclear Fuel Services, Inc.  
Pennsylvania State University  
Purdue University  
Seattle University  
Siemens Power Corporation  
University of Florida  
University of Texas  
Westinghouse Electric Corporation

Attendees are requested to notify Ms. Joan Higdon at 301-415-8082 of their planned attendance to ensure adequate meeting room space and if any special requirements are needed (e.g., for the hearing-impaired).

Dated at Rockville, Maryland, this 5th day of April, 1995.

For the Nuclear Regulatory Commission.

**Robert F. Burnett,**

*Director, Division of Fuel Cycle Safety and Safeguards.*

[FR Doc. 95-8703 Filed 4-7-95; 8:45 am]

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## NATIONAL CREDIT UNION ADMINISTRATION

### 12 CFR Part 792

#### Addition of Specific Exemptions Under the Privacy Act

**AGENCY:** National Credit Union Administration.

**ACTION:** Proposed rule.

**SUMMARY:** The National Credit Union Administration (NCUA) is proposing to amend its regulations pertaining to exemptions of the NCUA's Privacy Act Systems of Records. These amendments are necessary to reflect the addition of the (j)(2) and (k)(2) exemptions of the Privacy Act to the NCUA regulations that describe exempt systems of records, and to clearly link the "Office of Inspector General (OIG) Investigative Records—NCUA," system NCUA-20, to these Privacy Act exemptions.

**DATES:** Comments must be postmarked or posted to the NCUA Electronic Bulletin Board by May 10, 1995. Comments postmarked or posted by Electronic Bulletin Board after this date will be considered if it is practical to do so, but the NCUA is able to assure consideration only for comments that are received on or before this date.

**ADDRESSES:** Send comments to Becky Baker, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314, or post comments to the NCUA Electronic Bulletin Board at 800 876-1684 or 703 518-6480. Comments received may be examined at the Office of Inspector General, 5th floor, NCUA Building, 1775 Duke Street, Alexandria, VA.

**FOR FURTHER INFORMATION CONTACT:** Alexandra B. Keith, Counsel to the Inspector General, Office of Inspector General, National Credit Union Administration, 5th floor, 1775 Duke Street, Alexandria, VA, 22314, Telephone: 703-518-6352.

**SUPPLEMENTARY INFORMATION:** In 1989, in response to the Inspector General Act Amendments, P.L. 100-504, the National Credit Union Administration Board established a statutorily designated Inspector General (IG), to whom the functions of the former NCUA Office of Internal Auditor, were transferred. The functions of NCUA's Office of Inspector General (OIG) include: (1) The detection and prevention of waste, fraud, and abuse and (2) the promotion of economy and efficiency in NCUA programs and operations. As one of its principal functions, the OIG performs investigations into alleged violations of criminal law in connection with NCUA's programs and operations, pursuant to the IG Act of 1978, as amended. In conjunction with these functions, OIG reports suspected violations of criminal and civil law to the U.S. Attorney General.

Section (j)(2) of the Privacy Act (5 U.S.C. 552a (j)(2)) permits the head of an agency to promulgate rules to exempt a system of records from certain requirements if the system is maintained by an agency component or sub component whose principal function pertains to the enforcement of criminal laws and if the system of records is compiled for a criminal law enforcement purpose. Accordingly, to the extent it includes this kind of records, the OIG Investigative Records system of records is exempt from the following sections of 552a of Title 5 U.S.C.: (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g), as well as from the corresponding regulatory subsections.

Section (k)(2) (Title 5 USC 552a(k)(2)) permits exemption from certain requirements if the system consists of investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2); Provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual except to the extent that the disclosure of such material would reveal the identity of a source who furnished

information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source should be held in confidence. Accordingly, to the extent that it includes this kind of records, this system of records is also exempt under Section (k)(2) from the following sections of 552a of Title 5 U.S.C.: (c)(3);(d); (e)(1); (e)(4)(G), (H), and (I); and (f), as well as from the corresponding regulatory subsections. This proposed rule, amending 12 CFR 792.34, would make NCUA's regulations consistent with those of the majority of agencies with statutory IG's.

Elsewhere in today's **Federal Register** there is a Notice describing this system of records.

Exemptions from the particular subsections are justified for the following reasons:

Section 552a(c)(3) of title 5 U.S.C. requires an agency to make the accounting of each disclosure of records available to the individual named in the record at his/her request. This accounting must state the date, nature and purpose of each disclosure of a record and the name and address of the recipient. Accounting for each disclosure could alert the subject of an investigation to the existence and nature of the investigation and reveal investigative or prosecutive interest by other agencies, especially in a joint investigation situation. This could seriously impede or compromise an investigation and case preparation by prematurely revealing its existence and nature; compromise or interfere with witnesses reluctant to cooperate with the investigators; lead to suppression, alteration, fabrication or destruction or evidence; and endanger the physical safety of confidential sources, witnesses, law enforcement personnel and their families.

Section 552a(c)(4) of title 5 U.S.C. requires an agency to inform outside parties of amendments to and notation of disputes about information in a system in accordance with subsection (d) of the Privacy Act. Because this system of records is exempted from the amendment provisions of subsection (d) of the Privacy Act by this rule, this section is not properly applicable.

Sections 552a(d) and (f) of title 5 U.S.C. require an agency to provide access to records, make corrections, and amendments to records, and notify individuals of the existence of records upon their request. Providing individuals with the access to records of an investigation and the right to contest the contents of those records and force