

Wednesday, February 3

1:00 p.m.—Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Contact: John Larkins, 301-415-7360)

Week of February 8—Tentative

Monday, February 8

2:00 p.m.—Briefing on HLW Program Viability Assessment (Public Meeting)

Tuesday, February 9

9:30 a.m.—Briefing on Fire Protection Issues (Public Meeting)

11:00 a.m.—Affirmation Session (Public Meeting) (if needed)

Thursday, February 11

2:30 p.m.—Briefing on Y2K Issues (Public Meeting)

Week of February 15—Tentative

There are no meetings scheduled for the Week of February 15.

* 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 January 20, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Affirmation of Partial Granting of Petition for Rulemaking Submitted by the Nuclear Energy Institute (PRM-50-62)."

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: January 22, 1999.

William M. Hill, Jr.,

Secy, Tracking Officer, Office of the Secretary.
[FR Doc. 99-1869 Filed 1-22-99; 2:41 pm]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

Final Memorandum of Understanding Between the Nuclear Regulatory Commission and the Department of Energy

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice.

SUMMARY: This notice is to advise the public of the issuance of a Final Memorandum of Understanding (MOU) between the Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE). The purpose of the MOU is to continue the unique statutorily founded relationship and to update overall management policy that governs the relationship between NRC and DOE in the conduct of NRC-funded research programs at the DOE laboratories.

EFFECTIVE DATE: November 24, 1998.

ADDRESSES: Copies of all NRC documents are available for public inspection, and copying for a fee, in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. The NRC Public Document Room is open from 7:45 a.m. to 4:15 p.m., Monday through Friday (except Federal holidays). Telephone service is provided from 8:30 a.m. to 4:15 p.m. at 202-634-3273 or toll-free at 1-800-397-4209.

FOR FURTHER INFORMATION CONTACT: Mary Lynn Scott, Office of Administration, U.S. Nuclear Regulatory Commission, telephone 301-415-6179, e-mail: mls2@nrc.gov.

Dated at Rockville, Maryland, this 19th day of January 1999.

For the Nuclear Regulatory Commission.

Michael L. Springer,
Director, Office of Administration.

Memorandum of Understanding Between the Nuclear Regulatory Commission and the Department of Energy Governing Nuclear Regulatory Commission Funded Work Performed at the Department of Energy Laboratories

I. Introduction

Section 205(c) of the Energy Reorganization Act of 1974 authorizes NRC to utilize the research facilities and services of DOE and other federal agencies to assist NRC in the conduct of its regulatory mission. On February 24, 1978, the Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE) executed a Memorandum of Understanding (MOU) which established overall management policy for an interagency relationship in the conduct of NRC programs. This longstanding and productive relationship has allowed each agency to more effectively meet its mission

and objectives. This document supersedes the February 24, 1978 MOU.

II. Authority

The DOE is acting pursuant to authorities conferred in the Energy Organization Act, 42 U.S.C. § 7101 et seq. (42 U.S.C. § 7151), and the Atomic Energy Act of 1954, 42 U.S.C. § 2011 (42 U.S.C. §§ 2051, 2052, 2053). The NRC is acting pursuant to authority conferred in the Energy Reorganization Act of 1974, 42 U.S.C. § 5801 et seq. (42 U.S.C. § 5845 (b), (c), and (e)).

III. Purpose

The purpose of this MOU is to continue the unique statutorily founded relationship and to update overall management policy which governs the relationship between NRC and DOE in the conduct of NRC-funded research programs at the DOE laboratories. Specifically, this MOU provides for the following:

1. Priority. That NRC/DOE interagency activities will be conducted at DOE facilities based on a priority mutually agreeable to both agencies.

2. Independent Access. The NRC will have access to DOE's facilities as necessary to review and monitor project scope, schedule and funding.

3. Communication. That NRC and DOE will establish distinct lines of communication at various levels, as necessary, to ensure efficient and effective management of resources.

This MOU does not cover those activities and projects described in the January 15, 1997, MOU, entitled, "Memorandum of Understanding between the Department of Energy and the Nuclear Regulatory Commission for Cooperation and Support of Significant Projects and Activities." It is intended that each MOU coexist concurrently with each other. This MOU also does not cover any activities associated with external regulation of DOE facilities by NRC. This MOU shall not be used to obligate or commit funds or as the basis for transfer of funds between the agencies.

IV. Agreements Between Parties

A. Business Practices Associated with NRC Work Performed by DOE Laboratories

All NRC funded work performed at the DOE laboratories shall be administered in accordance with standard NRC and DOE policies and procedures as agreed to and implemented by each agency. The DOE policies governing work for others are set forth in DOE order 481.1, Work for Others (Non-Department of Energy Funded Work). The NRC policies for work placed at DOE laboratories are set forth in NRC Management Directive 11.7, NRC Procedures for Placement and Monitoring of Work with the U.S. Department of Energy (DOE).

When NRC initiates proposed changes in MD 11.7 that may affect NRC work at DOE laboratories, NRC shall promptly furnish DOE copies of the proposed changes and obtain DOE's review and comments prior to issuing such proposed changes in MD 11.7. When DOE initiates proposed changes in DOE Order 481.1 that may affect NRC work at DOE laboratories, DOE shall notify NRC of

those proposed changes and NRC shall promptly initiate conforming changes in MD 11.7 using the above procedures to the maximum practicable extent. Specifically, NRC Management Directive 11.7 ensures:

- that procedures for negotiating and managing agreements with DOE are consistent with sound business practices and contracting principles.
- the uniform application of an agency-wide standard of contract management of projects placed with DOE.
- that a framework exists for program management, control, administration, monitoring and closeout of projects placed with DOE.

B. NRC Dedicated Facilities

When an NRC dedicated facility is required for a project, NRC will plan, budget and fund feasibility and conceptual design studies, either through DOE or an NRC commercial contract. Upon the completion of the conceptual design stage for an NRC dedicated facility, the agencies will negotiate and execute an interagency agreement which identifies appropriate funding arrangements and procedures for detailed design and construction, related capital equipment, scope, schedule, and plans for future decommissioning or deactivation of the facility.

Upon completion of an NRC program at a dedicated facility, the NRC will make a determination as to the future need for that facility. If no further NRC need is established, and if DOE does not have need for the facility, it will be decommissioned or deactivated in accordance with the provisions of the interagency agreement for the project. The actual decommissioning work will be performed by DOE or its contractors.

C. Planning

1. *Long Range Planning.* NRC and DOE will cooperate to the extent necessary, on long range planning to ensure that all required research, technical assistance, facility and other associated expenses are properly budgeted by the respective agencies. When requested, either agency will assist the other in budget discussions with the Office of Management and Budget and the Congress in areas of mutual interest.

NRC, to the extent possible, will advise DOE of changes in program emphasis or agency budget changes which may have a significant impact on DOE Operations Offices and/or DOE laboratory employment levels. DOE will advise NRC of any plans that may have an adverse impact on NRC's projects and which could impair fulfillment of NRC's regulatory mission.

2. *Program Planning Agreements.* In order to accommodate the planning of research and development projects of mutual interest to NRC and DOE, the offices involved may enter into program planning agreements to establish a framework for cooperation and coordination of the technical activities of the two agencies in those areas of mutual interest. Such agreements may be used for advance coordination of major NRC research and development efforts involving the anticipated use of DOE laboratories. Program planning agreements shall be signed by the

responsible NRC office director or designee and the responsible DOE office director or operations office director or designee. Program planning agreements shall not be used to obligate funds.

D. Information Management

1. Each agency recognizes that it is responsible for the identification, protection, control and accounting of information or data used or otherwise furnished in connection with this MOU in accordance with its established procedures. This consists of classified, proprietary, procurement-sensitive and safeguards information. Also included is Unclassified Controlled Nuclear Information as described by Section 148 of the Atomic Energy Act of 1954, as amended.

2. In accordance with DOE procedures, DOE will be responsible for assuring that its contractors and subcontractors involved in NRC programs fully protect the types of information specified above.

3. Requests for foreign nationals for access to information or data furnished by NRC will be referred to NRC for disposition.

E. Organizational Conflicts of Interest

DOE recognizes that Section 170A of the Atomic Energy Act of 1954, as amended, requires that NRC be provided with disclosures on potential conflicts when NRC obtains technical, consulting, research and other supporting services. DOE further recognizes that the assignment of NRC work to DOE laboratories must satisfy NRC's conflicts standards.

Accordingly, when NRC enters into an agreement with a DOE laboratory to perform work for NRC, the laboratory shall review its current work, planned work and, where appropriate, past work for DOE and others to determine whether such work is in the same or similar area as the proposed NRC project. Should that review reveal current or planned work for DOE or others in the same or similar technical area as the proposed NRC work, the laboratory shall disclose such potentially conflicting work to NRC. NRC shall then determine whether a conflict would result and, if one does, determine, after consultation with the laboratory and DOE, the appropriate action NRC or DOE should take to avoid the conflict or, when appropriate under NRC procedures, waive the conflict.

F. International Affairs

The NRC will request, as necessary, participation of foreign nationals in the conduct of research work performed at DOE laboratories. All such requests shall be in writing and provide sufficient lead time for DOE Operations Office and headquarters review and approval. A copy of each request will be provided to the Office of International Science and Technical Corporation in DOE, and to the Office of International Programs in NRC or their successor offices.

V. Agency Interface

A. Establishment of Policy

The NRC Executive Director for Operations and the Under Secretary for DOE or designee will establish any additional required policy consistent with this MOU for the conduct of interagency interface, relationship and responsibilities.

B. Administrative Matters

Administrative matters, including policy interpretation, and related issues are the responsibility of the following individual offices designated by each agency:

NRC

Office of Administration

DOE

Office of Laboratory Policy

Office of Energy Research

Representatives of these designated offices will meet as necessary to discuss and resolve any problems or issues which may affect either agency's ability to carry out the provisions of this agreement. If these representatives are unable to agree on a resolution, the matter will be raised through each agency's management chain, as necessary.

C. Routine Activities

The routine activities performed in accordance with this MOU are the responsibility of the DOE Operations Office in coordination with the NRC program or regional office. Therefore, every attempt should be made to resolve operational problems at the field level. When possible, a problem should be identified in writing. If a problem cannot be resolved at the field level, the matter will be raised through each agency's management chain, as necessary and appropriate.

VI. General Provisions

A. NRC Field Office

1. NRC may establish field offices at DOE sites. The functions of an NRC field office are:

- assignment of NRC personnel to dedicated facilities as necessary
- monitor and review all NRC work at the site; and
- act as an interface between the NRC headquarters and the DOE Operations Office

B. Effective Date

This MOU shall become effective upon the latter date of signature of the NRC Chairman or the DOE Secretary or their designees. This MOU shall remain in effect until terminated by mutual agreement or by written notice of either party submitted six months in advance of termination.

C. Amendments to This MOU

This MOU may be modified or amended by written agreement between the NRC Chairman and the DOE Secretary, or their designees as appropriate.

For U.S. Nuclear Regulatory Commission.

Dated: October 15, 1998.

Shirley Ann Jackson,

Chairman.

For U.S. Department of Energy.

Dated: November 24, 1998.

Bill Richardson,

Secretary.

[FR Doc. 99-1701 Filed 1-25-99; 8:45 am]

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