

Connecticut Avenue, NW., Suite 200,
Washington, DC 20006.

Program Authority: 20 U.S.C. 1213c.

Dated: March 12, 1999.

Andrew J. Hartman,

Executive Director, NIFL.

[FR Doc. 99-6590 Filed 3-17-99; 8:45 am]

BILLING CODE 6055-01-M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory
Commission (NRC).

ACTION: Notice of pending NRC action to
submit an information collection
request to OMB and solicitation of
public comment.

SUMMARY: The NRC is preparing a
submittal to OMB for review of
continued approval of information
collections under the provisions of the
Paperwork Reduction Act of 1995 (44
U.S.C. Chapter 35).

Information pertaining to the
requirement to be submitted:

1. The title of the information
collection:

10 CFR Part 74—Material Control and
Accounting of Special Nuclear Material
NUREG 1065, Rev. 2—Acceptable
Standard Format and Content for the
Fundamental Nuclear Material Control
(FNMC) Plan Required for Low
Enriched Uranium Facilities

NUREG/CR 5734—Recommendations
to the NRC on Acceptable Standard
Format and Content for the
Fundamental Nuclear Material Control
(FNMC) Plan Required for Low-
Enriched Uranium Enrichment
Facilities

NUREG 1280, Rev. 1—Standard
Format and Content Acceptance Criteria
for the Material Control and Accounting
(MC&A) Reform Amendment

2. Current OMB approval number:
3150-0123.

3. How often the collection is
required: Submission of the
fundamental nuclear material control
plan is a one-time requirement which
has been completed by all current
licensees. Specified inventory and
material status reports are required
annually or semiannually. Other reports
are submitted as events occur.

4. Who is required or asked to report:
Persons licensed under 10 CFR Parts 70
or 72 who possess and use certain forms
and quantities of special nuclear
material.

5. The number of annual responses:
24

6. The number of hours needed
annually to complete the requirement or
request: The total number of hours
needed annually to complete the
reporting and recordkeeping
requirements is 5,323 (223 hours for
reporting and 5,100 hours for
recordkeeping).

7. Abstract: 10 CFR Part 74 establishes
requirements for material control and
accounting of special nuclear material,
and specific performance-based
regulations for licensees authorized to
possess and use strategic special nuclear
material, or to possess and use, or
produce, special nuclear material of low
strategic significance. The information
is used by the NRC to make licensing
and regulatory determinations
concerning material control and
accounting of special nuclear material
and to satisfy obligations of the United
States to the International Atomic
Energy Agency (IAEA). Submission or
retention of the information is
mandatory for persons subject to the
requirements.

Submit, by May 17, 1999, comments
that address the following questions:

1. Is the proposed collection of
information necessary for the NRC to
properly perform its functions? Does the
information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the
quality, utility, and clarity of the
information to be collected?

4. How can the burden of the
information collection be minimized,
including the use of automated
collection techniques or other forms of
information technology?

A copy of the draft supporting
statement may be viewed free of charge
at the NRC Public Document Room,
2120 L Street, NW (lower level),
Washington, DC. OMB clearance
requests are available at the NRC
worldwide web site ([http://
www.nrc.gov/NRC/NEWS/OMB/
index.html](http://www.nrc.gov/NRC/NEWS/OMB/index.html)). The document will be
available on the NRC home page site for
60 days after the signature date of this
notice.

Comments and questions about the
information collection requirements
may be directed to the NRC Clearance
Officer, Brenda Jo. Shelton, U.S. Nuclear
Regulatory Commission, T-6 F33,
Washington, DC, 20555-0001, or by
telephone at 301-415-7233, or by
Internet electronic mail at
BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 11th day
of March, 1999.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

*NRC Clearance Officer, Office of the Chief
Information Officer.*

[FR Doc. 99-6586 Filed 3-17-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-275 and 50-323]

Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2); Issuance of Director's Decision Under 2.206

Notice is hereby given that the
director, Office of Nuclear Reactor
Regulation has issued a director's
decision with regard to a petition dated
November 24, 1998, filed by Mr. David
Lochbaum on behalf of the Union of
Concerned Scientists, hereafter referred
to as the "petitioner." The petition
pertains to the Diablo Canyon Nuclear
Power Plant (DCNPP), Units 1 and 2.

The petition requests that the
Commission modify the operating
licenses for Diablo Canyon Nuclear
Power Plant to require the plant's
owners to have an independent
contractor evaluate the facility's safety
culture. The petition also requests that
the independent contractor monitor the
safety culture until the United States
Nuclear Regulatory Commission (NRC)
concurs that a safety conscious work
environment has been established and
maintained. The petition also requests
an informal hearing to examine the
concerns raised by the petition.

The director of the Office of Nuclear
Reactor Regulation has determined that
the request should be denied for the
reasons stated in the "Director's
Decision Under 10 CFR 2.206" (DD-99-
05), the complete text of which follows
this notice and which is available for
public inspection at the Commission's
Public Document Room, Gelman
Building, 2120 L Street, NW.,
Washington, DC 20555-0001, and at the
local Public Document Room located at
2 California Polytechnic State
University, Robert E. Kennedy Library,
Government Documents and Maps
Department, San Luis Obispo, California
93407.

Dated at Rockville, Maryland, this 12th day
of March, 1999.

For the Nuclear Regulatory Commission.

Roy P. Zimmerman,

Acting Director, Office of Nuclear Reactor Regulation.

**Director's Decision Under 10 CFR
§ 2.206**

I. Introduction

By letter dated November 24, 1998, David A. Lochbaum (petitioner) requested that the Nuclear Regulatory Commission (NRC) take action with regard to Diablo Canyon Nuclear Power Plant (DCNPP) regarding his concerns about the work environment. Specifically, the petitioner stated that the work environment at DCNPP was not conducive to an employee raising safety issues freely without fear of retaliation. The petitioner requested that the NRC modify the operating licenses for DCNPP Units 1 and 2 to require that the plant's owner have an independent contractor evaluate the facility's safety culture. The petitioner further requested that the independent contractor monitor the safety culture until the NRC concurs that a safety-conscious work environment has been established and maintained. The petitioner also requested that an informal hearing be held near DCNPP to present new information on the safety culture at Diablo Canyon. On December 30, 1997, the NRC staff acknowledged receipt of the request for a petition pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206) and informed the petitioner that his request to modify the license would be granted formal petition status. This reply also explained that the petitioner's request for an informal public hearing would not be granted because the request did not satisfy the requirements as stated in NRC Management Directive 8.11 regarding granting of an informal public hearing and because a public meeting was planned to discuss the results of DCNPP's safety culture survey at which the public would be able to make statements. Notice of the receipt of the petition indicating that a final decision with respect to the requested action would be forthcoming within a reasonable time was published in the **Federal Register** on January 6, 1999 (64 FR 917).

My decision in this matter follows.

II. Discussion

Request To Modify Operating Licenses for DCNPP Units 1 and 2 to Have an Independent Contractor Evaluate the Facility's Safety Culture and Monitor the Safety Culture Until the NRC Concurs That a Safety-Conscious Work Environment Has Been Established and Maintained.

The licensee, in August 1998, retained Synergy Consulting Services (Synergy) to perform a comprehensive assessment of the DCNPP safety culture. The licensee commissioned Synergy in response to its own concerns regarding the safety culture at DCNPP to determine whether a "chilling" effect exists or had been created by actions that had been taken at DCNPP including removal of a control room operator from licensed duties. Synergy distributed its survey at DCNPP in October and November 1998. Nearly one thousand employees and contractors responded. This represented 62 percent of the workforce. The survey document consisted of 37 multiple-choice questions with 204 subparts. There were also 45 employees interviewed as part of the survey. The survey was commissioned to re-baseline the organizational culture, including the environment for addressing employee concerns. The survey also covered an assessment of "facilitative leadership" principles and the effectiveness of certain recent organizational changes.

The results of the survey were presented in a public meeting held on January 15, 1999, at the Embassy Suites Hotel in San Luis Obispo, California. Synergy rated the safety culture at DCNPP as "adequate to good" and discussed the full scope of its findings at the meeting. Synergy concluded that DCNPP personnel are very willing to identify potential nuclear safety issues or concerns, but that deliberate actions are required to further improve the safety culture. Synergy ranked DCNPP at the 51st percentile with respect to the safety culture. The Synergy survey indicated that the Nuclear Generation organization ranked the lowest at the 38th percentile. The survey indicated that DCNPP can improve the work environment by generally treating all employees with more dignity and greater trust and respect, and by having managers deal in a straightforward, honest, and truthful manner. These perceptions are related to employee comfort level in voicing general opinions and ideas and the way in which the management has dealt with employees and their issues and concerns. Synergy also made several recommendations on ways to improve

the safety culture at DCNPP. Some of these improvements dealt with trust of the management at DCNPP, effective management of change at DCNPP, employee concerns regarding the future of DCNPP, management and supervisory practices, and the employee concerns program. The licensee made a presentation on the corrective actions that have taken place and the plan for future corrective actions to address the recommendations made by Synergy.

Following the licensee's presentation at the January 15, 1999, public meeting, the NRC opened the meeting for public statements. A copy of the meeting summary, licensee presentation slides, executive summary from the Synergy survey, and a set of complete meeting minutes was sent to the petitioner. The regional office is reviewing the entire meeting transcript and will identify issues for follow up as appropriate.

Regarding the petitioner's request that the independent contractor monitor the safety culture until the NRC concurs that a safety-conscious work environment has been established and maintained, it is not typical NRC practice to become involved in the manner that was suggested by the petitioner unless there is a set of egregious circumstances related to a site's safety culture as would be evidenced by complaints that were investigated and determined to be valid by the NRC. In the particular case of Diablo Canyon, the licensee has proactively taken actions to address safety culture issues, thereby avoiding degradation of the safety culture environment to a level where NRC involvement would be needed. In addition, the licensee stated that it would perform another survey in December 2001 to determine the effects of the changes. The NRC will monitor these corrective actions as part of the routine inspection process. Also, the NRC does respond to individuals with such concerns and maintains an allegation process, inspection staff, and Office of Investigations staff to follow up on issues as necessary. In this particular instance at DCNPP, the NRC has expended and will continue to expend resources to address concerns related to the work environment.

As evidenced in the above discussion, the petitioner's request to modify the licenses at DCNPP, Units 1 and 2 to require that the licensee enter into contract with an independent contractor to evaluate the safety culture at DCNPP and for the NRC to concur that a safety-conscious work environment has been established and maintained has, in effect, been accomplished. As a result, the action requested in the petitioner's

request is not necessary and no proceeding will be instituted in whole or in part, with respect to the request.

III. Conclusion

The NRC has determined, for the reasons given in the preceding discussion, that the intent of the petition has been met. It is also concluded that a follow-up survey by DCNPP to measure the success of corrective actions is scheduled to be performed in 2001 and should track progress. Additionally, NRC resources will continue to be applied as appropriate to address work environment concerns.

As provided for in 10 CFR 2.206(c), a copy of this decision will be filed with the Secretary of the Commission for the Commission's review. This decision will constitute the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes review of the decision at that time.

Dated at Rockville, Maryland this 12th day of March, 1999.

For the Nuclear Regulatory Commission.

Roy P. Zimmerman,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 99-6587 Filed 3-17-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

State of Ohio: NRC Staff Assessment of a Proposed Agreement Between the Nuclear Regulatory Commission and the State of Ohio

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of a proposed Agreement with the State of Ohio.

SUMMARY: By letter dated June 22, 1998, former Governor George V. Voinovich of Ohio requested that the U. S. Nuclear Regulatory Commission (NRC) enter into an Agreement with the State as authorized by Section 274 of the Atomic Energy Act of 1954, as amended (Act). Under the proposed Agreement, the Commission would give up, and Ohio would take over, portions of the Commission's regulatory authority exercised within the State. As required by the Act, NRC is publishing the proposed Agreement for public comment. NRC is also publishing the summary of an assessment by the NRC staff of the Ohio regulatory program. Comments are requested on the proposed Agreement, especially its effect on public health and safety.

Comments are also requested on the NRC staff assessment, the adequacy of the Ohio program staff, and the State's commitments concerning the program staff, as discussed in this notice.

The proposed Agreement would release (exempt) persons who possess or use certain radioactive materials in Ohio from portions of the Commission's regulatory authority. The Act requires that NRC publish those exemptions. Notice is hereby given that the pertinent exemptions have been previously published in the **Federal Register** and are codified in the Commission's regulations as 10 CFR Part 150.

DATES: The comment period expires April 19, 1999. Comments received after this date will be considered if it is practical to do so, but the Commission cannot assure consideration of comments received after the expiration date.

ADDRESSES: Written comments may be submitted to Mr. David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Washington, DC 20555-0001. Copies of comments received by NRC may be examined at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. Copies of the proposed Agreement, copies of the request for an Agreement by the Governor of Ohio including all information and documentation submitted in support of the request, and copies of the full text of the NRC staff assessment are also available for public inspection in the NRC's Public Document Room.

FOR FURTHER INFORMATION CONTACT: Richard L. Blanton, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone (301) 415-2322 or e-mail rlb@nrc.gov.

SUPPLEMENTARY INFORMATION: Since Section 274 of the Act was added in 1959, the Commission has entered into Agreements with 30 States. The Agreement States currently regulate approximately 16,000 agreement material licenses, while NRC regulates approximately 5800 licenses. Under the proposed Agreement, approximately 550 NRC licenses will transfer to Ohio. NRC periodically reviews the performance of the Agreement States to assure compliance with the provisions of Section 274.

Section 274e requires that the terms of the proposed Agreement be published in the **Federal Register** for public comment once each week for four consecutive weeks. This notice is being published in fulfillment of the requirement.

I. Background

(a) Section 274d of the Act provides the mechanism for a State to assume regulatory authority, from the NRC, over certain radioactive materials¹ and activities that involve use of the materials. In a letter dated June 22, 1998, Governor Voinovich certified that the State of Ohio has a program for the control of radiation hazards that is adequate to protect public health and safety within Ohio for the materials and activities specified in the proposed Agreement, and that the State desires to assume regulatory responsibility for these materials and activities. Included with the letter was the text of the proposed Agreement, which is shown in Appendix A to this notice.

The radioactive materials and activities (which together are usually referred to as the "categories of materials") which the State of Ohio requests authority over are: (1) The possession and use of byproduct materials as defined in Section 11e.(1) of the Act; (2) the generation, possession, use, and disposal of byproduct materials as defined in Section 11e.(2) of the Act; (3) the possession and use of source materials; (4) the possession and use of special nuclear materials in quantities not sufficient to form a critical mass; (5) the regulation of the land disposal of byproduct materials as defined in Section 11e.(1) of the Act, source, or special nuclear waste materials received from other persons; and (6) the evaluation of radiation safety information on sealed sources or devices containing byproduct materials as defined in Section 11e.(1) of the Act, source, or special nuclear materials and the registration of the sealed sources or devices for distribution, as provided for in regulations or orders of the Commission.

(b) The proposed Agreement contains articles that:

- Specify the materials and activities over which authority is transferred;
- Specify the activities over which the Commission will retain regulatory authority;
- Continue the authority of the Commission to safeguard nuclear materials and restricted data;
- Commit the State of Ohio and NRC to exchange information as necessary to

¹ The radioactive materials, sometimes referred to as "agreement materials," are: (a) byproduct materials as defined in Section 11e.(1) of the Act; (b) byproduct materials as defined in Section 11e.(2) of the Act; (c) source materials as defined in Section 11z. of the Act; and (d) special nuclear materials as defined in Section 11aa. of the Act, restricted to quantities not sufficient to form a critical mass.