

which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly-available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters

within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i) through (viii).

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) e-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV); or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415-1101, verification number is (301) 415-1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory

Commission, Washington, DC 20555-0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). A copy of the request for hearing and petition for leave to intervene should also be sent to Jeffrie J. Keenan, Esquire, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038, attorney for the licensee.

For further details with respect to this action, see the application for amendment dated January 18, 2007, which is available for public inspection at the Commission's PDR, located at One White Flint North, File Public Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly-available records will be accessible from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 19th day of January, 2007.

For the Nuclear Regulatory Commission.

**Richard B. Ennis,**

*Senior Project Manager, Plant Licensing Branch I-2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. E7-1087 Filed 1-24-07; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### NRC Enforcement Policy; Proposed Plan for Major Revision

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of proposed revision; solicitation of written comments.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is examining its Enforcement Policy (Enforcement Policy or Policy) and plans a major revision to clarify use of enforcement terminology and address enforcement issues in areas currently not covered in the Policy, including, for example, the agency's use of Alternative Dispute Resolution (ADR) in enforcement cases. The NRC requests comments on (1) what specific topics, if any, should be added or removed from the Policy; and (2) what topics currently addressed in the Policy, if any, require additional guidance. The NRC is soliciting written comments from

interested parties including public interest groups, states, members of the public and the regulated industry, i.e., both reactor and materials licensees, vendors, and contractors. This request is intended to assist the NRC in its review of the Enforcement Policy; NRC does not intend to modify its emphasis on compliance with NRC requirements.

**DATES:** The comment period expires March 26, 2007. This time period allows for the public to respond to the specific questions posed above in this notice as well as the opportunity to provide general comments on the revision of the Policy. 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:** Comments on this proposed revision submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including information such as social security numbers or other sensitive personal information in your submission. You may submit comments by any one of the following methods:

*Mail comments to:* Michael T. Lesar, Chief, Rulemaking, Directives, and Editing Branch, Division of Administrative Services, Office of Administration, Mail Stop: T6D59, U. S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

*E-mail comments to:* [nrcprep@nrc.gov](mailto:nrcprep@nrc.gov).  
*Hand deliver comments to:* 11555 Rockville Pike, Rockville, MD 20852, between the hours of 7:45 am and 4:15 pm, Federal workdays.

**FOR FURTHER INFORMATION CONTACT:** Maria E. Schwartz, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555; [mes@nrc.gov](mailto:mes@nrc.gov), (301) 415-1888.

**SUPPLEMENTARY BACKGROUND:**

**I. Background**

The NRC Enforcement Policy contains the enforcement policy and procedures that the U.S. Nuclear Regulatory Commission (NRC) uses to initiate and review enforcement actions in response to violations of NRC requirements. The primary purpose of the Enforcement Policy is to support the NRC's overall safety mission, i.e., to protect the public health and safety and the environment, and to assure the common defense and security. Because it is a policy statement and not a regulation, the Commission may deviate from this statement of policy as appropriate under the circumstances of a particular case.

The Enforcement Policy was first published in the **Federal Register** on October 7, 1980 (46 FR 66754), as an interim policy. The Commission published a final version of the Policy on March 9, 1982 (47 FR 9987). The Enforcement Policy has been modified on a number of occasions to address changing requirements and additional experience and on June 30, 1995 (60 FR 34381), a major revision of the Policy was published. The NRC maintains the Enforcement Policy on its Web site at <http://www.nrc.gov>; select What We Do, Enforcement, then Enforcement Policy.

The goal of the Policy is to support the NRC's safety mission by emphasizing the importance of compliance with regulatory requirements, and encouraging prompt identification, and prompt, comprehensive correction of violations. Revisions to the Policy have consistently reflected this commitment: For example, in 1998, the NRC changed its inspection procedures to address the Reactor Oversight Process (ROP) initiative. This has been reflected in the Policy's use of risk insights to assess the significance of violations whenever possible. While this may result in fewer Notices of Violation being issued (because of a greater emphasis on the use of non-cited violations), it has not reduced the agency's emphasis on the importance of compliance with NRC requirements. Another example involves the NRC's development of a pilot program in 2005 which focuses on the use of Alternative Dispute Resolution (ADR) for certain kinds of enforcement cases. The NRC enforcement staff has used ADR to resolve reactor, fuel facility, and materials enforcement cases. While the use of ADR in enforcement raises unique issues, it emphasizes creative, cooperative approaches to handling conflicts in lieu of adversarial procedures.

The NRC is again considering a major revision of its Enforcement Policy. As discussed above, since it was first published in 1980, sections of the Policy have been updated and additional sections have been included. Terms used under conventional enforcement are now associated with the significance determination process (SDP) performed under the ROP as well; therefore, the use of these terms must be clarified. In addition, there are areas that are not directly addressed in the Supplements of the Enforcement Policy, such as the enforcement issues associated with combined licenses for the proposed new reactors and the construction phase of proposed fuel facilities as well as recently promulgated requirements in

the safeguards and security area. These areas must be addressed either by adding them to the text of the existing Policy and Supplements or by revising the Policy and developing new Supplements. Finally, the format of the Enforcement Policy may need to be reorganized to reflect the changes that have been made to it.

**II. Proposed Plan**

The NRC envisions revising the Enforcement Policy so that the policy statement and Supplements addressing conventional enforcement would be followed by sections addressing the enforcement processes that differ in some way from conventional enforcement. For example, currently the discussion in the Policy addressing Predecisional Enforcement Conferences (PECs) contains information regarding attendance by a whistle blower. In fact, third party (whistle blower) invitations are unique to discrimination cases and could reasonably be addressed, along with all of the other unique discrimination issues, in a self-contained section addressing discrimination enforcement cases. Providing self-contained sections would make it easier to add (and potentially delete) them in the future, if necessary. Under this approach, the ROP would be the first "variation" on conventional enforcement. If the agency takes this approach, Sections IV through VII or VIII of the current Enforcement Policy could be combined in the conventional enforcement process which would be followed by the NRC's policy regarding the use of the ROP in enforcement, etc.

*The following draft Table of Contents would be consistent with the approach outlined above:*

**Preface**

**Background and Definitions**

- I. Introduction and Purpose.
- II. Statutory Authority and Procedural Framework.
- III. Responsibilities.
- IV. The Enforcement Process.
  - A. Assigning Severity Level (Remove section IV.5 which discusses ROP).
  - B. Severity Level vis-a-vis Activity Areas.
  - C. Predecisional Enforcement Conferences (Remove discussion involving discrimination cases).
  - D. Disposition of Violations (Remove section VI.A.1 and combine reactor non-cited violations (NCVs) with all other NCVs such that there is one discussion of NCVs. Put the reactor cases associated with ROP in the ROP section.)
    1. Wrongdoing.
    2. Inaccurate and Incomplete Information.
  - E. Formal Enforcement Sanctions.
    1. Notices of Violation.
    2. Civil Penalties.
    3. Orders.

- F. Administrative Enforcement Sanctions.
1. Demands for Information.
  2. Confirmatory Action Letters.
  3. Letters of Reprimand.
- G. Exercise of Enforcement Discretion.
1. Escalation of Enforcement Sanctions.
  2. Mitigation of Enforcement Sanctions.
  3. Notices of Enforcement Discretion (NOEDs) for Power Reactors and Gaseous Diffusion Plants.
4. The Use of Discretion During the Adoption of New Requirements.
- H. Public Disclosure of Enforcement Actions (existing Sections XII).
- I. Reopening Closed Enforcement Actions, (existing Section XIII).
- V. Enforcement and the Reactor Oversight Process (ROP): Operating Reactors.
- VI. Enforcement Actions Involving Individuals (Incorporate existing Section XI, "Referrals to the Department of Justice" into this Section.)
- VII. Discrimination.
- VIII. Alternative Dispute Resolution (ADR).
- IX. Follow up with any additional subject areas that may warrant a few paragraphs segregated from the main policy discussion, e.g., security/safeguards, the lost source policy, interim enforcement regarding certain fire protection issues.
- X. Supplements.
- A. Health Physics.
  - B. Reactors.
    1. Operating reactors.
    2. Part 50 Facility Construction.
    3. Part 52 Combined Licenses.
    4. Fitness for Duty.
  - C. Facility Security and Safeguards—
    1. Physical Protection of Plants and Materials.
    2. Facility Security Clearance and Safeguarding of National Security Information and Restricted Data.
  - D. Fuel Cycle and Materials Operations.
    1. Gaseous Diffusion Plants.
    2. Gas Centrifuge Uranium Recovery Facilities.
    3. Mixed Oxide (MOX) Fuel Fabrication Facility.
  - E. Materials Safeguards.
  - F. Emergency Preparedness.
  - G. Transportation.
  - H. Waste Disposal.
  - I. Miscellaneous Matters.

The Commission is aware that enforcement actions deliver regulatory messages. Based on this tenet, the goals of this revision are to ensure that the Enforcement Policy (1) continues to reflect the Commission's focus on safety, i.e., the need for licensees to identify and correct violations, to address root causes, and to be responsive to initial opportunities to identify and prevent violations; (2) appropriately addresses the various subject areas that the NRC regulates; and (3) provides a framework that supports consistent implementation, recognizing that each enforcement action is dependent on the specific circumstances of the case.

Dated at Rockville, MD this 17th day of January, 2007.

For the Nuclear Regulatory Commission.  
**Cynthia A. Carpenter,**  
*Director, Office of Enforcement.*  
 [FR Doc. E7-1088 Filed 1-24-07; 8:45 am]  
**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Nuclear Waste; Meeting on Planning and Procedures; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold a Planning and Procedures meeting on February 15, 2007, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland. The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACNW, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

*Thursday, February 15, 2007—8:30 a.m.—9:30 a.m.*

The Committee will discuss proposed ACNW activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Mr. Antonio F. Dias (Telephone: 301/415-6805) between 8:15 a.m. and 5 p.m. (ET) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 8:15 a.m. and 5 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes in the agenda.

Dated: January 18, 2007.  
**Antonio F. Dias,**  
*Acting Branch Chief, ACRS/ACNW.*  
 [FR Doc. E7-1086 Filed 1-24-07; 8:45 am]  
**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Sunshine Act Federal Register Notice

**AGENCY HOLDING THE MEETINGS:** Nuclear Regulatory Commission.

**DATE:** Week of January 29, 2007.

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

**STATUS:** Public and closed.

### ADDITIONAL MATTERS TO BE CONSIDERED

**Week of January 29, 2007**

*Tuesday, January 30, 2007*

1:30 p.m.

Discussion of Security Issues  
 (Closed—Ex. 1).

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\* 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: Michelle Schroll, (301) 415-1662.

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The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/what-we-do/policy-making/schedule.html>.

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify the NRC's Disability Program Coordinator, Deborah Chan, at 301-415-7041, TDD: 301-415-2100, or by e-mail at [DLC@nrc.gov](mailto:DLC@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

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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 the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). 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 [dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: January 22, 2007.  
**R. Michelle Schroll,**  
*Office of the Secretary.*  
 [FR Doc. 07-337 Filed 1-23-07; 12:53 pm]  
**BILLING CODE 7590-01-P**