

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 70 and 74

RIN: 3150 - AD47

Centralization of Material Control and Accounting Licensing
and Inspection Activities for Nonreactor Facilities

AGENCY: Nuclear Regulatory Commission

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to reflect a management action to centralize material control and accounting (MC&A) licensing and inspection activities in NRC Headquarters, Rockville, Maryland, for nonreactor facilities. Effective February 21, 1990, for affected facilities located in Region II, MC&A licensing reviews required by 10 CFR 70.32(c) and inspections will be performed by the Domestic Safeguards and Regional Oversight Branch, Division of Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards. This action is necessary because the small number of affected facilities in Region II cannot support within Region II the full spectrum of knowledge, skills, and disciplines needed to conduct MC&A inspections. (The centralization of these functions for Regions I, III, and V became effective on February 15, 1989. Region IV has no affected facilities.)

EFFECTIVE DATE: February 21, 1990.

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12:00

FOR FURTHER INFORMATION CONTACT: Dr. Stanley L. Dolins, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 492-3745 or Ms. Rocio Castaneira, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 492-0392.

SUPPLEMENTARY INFORMATION:

Background

On December 22, 1988, The Executive Director for Operations approved, with the concurrence of the Chairman, a phased centralization in NRC Headquarters, Rockville, Maryland, of MC&A activities for nonreactor facilities. Affected are those nonreactor facilities required to maintain an MC&A program. Nationwide, there are, at the present time, 16 nonreactor facilities required to maintain MC&A programs and subject to MC&A inspections. Transfer of these licensing and inspection functions from Regions I, III, and V to the Domestic Safeguards and Regional Oversight Branch, Division of Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards was effective on February 15, 1989. To complete the phased centralization, transfer of these licensing and inspection functions from Region II was to take place through attrition or over a period of 2 years, whichever came first. Region IV has no affected facilities. Subsequently, Region II has requested that we proceed with the final phase of this centralization and transfer the MC&A functions currently in Region II to headquarters earlier on instead of waiting for the 2-year period to expire. The Office of Nuclear Material Safety and Safeguards has agreed to the transfer and established February 21, 1990, as the effective

date. The centralization for these functions is needed because the relatively small annual workload requirements for the NRC in Region II cannot continue to support within Region II a full spectrum of the knowledge, skills, and disciplines needed to perform MC&A inspections. Completion of the final phase of this centralization in NRC headquarters will ensure the continued maintenance of a viable and adequate nationwide MC&A inspection program for nonreactor facilities.

These revisions, necessitated by the completion of this phased centralization, are administrative in nature. They change the NRC recipient office point of contact for licensee reports from Region II to NRC headquarters and conform the regulation to track the responsibilities now assigned to the Director, Office of Nuclear Material Safety and Safeguards.

Because these are amendments dealing with a minor matter of agency management and personnel, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). These amendments are effective upon publication in the Federal Register. Good cause exists to dispense with the usual 30-day delay in the effective date because the amendments are of a minor administrative nature dealing with the completion of the phased centralization to headquarters of licensing and inspection activities formerly conducted in the NRC Region II office.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental

impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget with approval numbers 3150-0009 and 3150-0123.

Backfit Analysis

This backfit rule, 10 CFR 50.109, does not apply to the facilities subject to this final rulemaking. Therefore, no backfit analysis has been prepared.

List of Subjects in 10 CFR Parts 70 and 74

Part 70: Criminal penalties, Hazardous materials transportation, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

Part 74: Accounting, Criminal penalties, Hazardous materials transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR Parts 70 and 74.

Part 70 - Domestic Licensing of Special Nuclear Material

1. The authority citation for Part 70 continues to read in part as follows:

AUTHORITY: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201 88 Stat 1242, as amended (42 U.S.C. 5841).

2. In § 70.32, the introductory text of paragraph (c)(2) is revised and paragraph (c)(3) is removed to read as follows:

§ 70.32 Conditions of licenses.

* * * * *

(c) * * *

(2) The licensee shall maintain records of changes to the material control and accounting program made without prior Commission approval for a period of 5 years from the date of the change. Licensees located in all five Regions as indicated in Appendix A of Part 73 of this chapter, shall furnish to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, a report containing a description of each change within:

* * * * *

3. In § 70.55, paragraph (c)(3) is revised to read as follows:
§ 70.55 Inspections.

* * * * *

(c) * * *

(3) The licensee shall afford any NRC resident inspector assigned to that site or other NRC inspectors identified by the Director, Office of Nuclear Material Safety and Safeguards, as likely to inspect the facility, immediate unfettered access, equivalent to access provided regular plant employees, following proper identification and compliance with applicable access control measures for security, radiological protection, and personal safety.

PART 74 - Material Control and Accounting of Special Nuclear Material

4. The authority citation for Part 74 continues to read in part as follows:

AUTHORITY: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

5. In § 74.13, the introductory text of paragraph (b) is revised to read as follows:

§ 74.13 Material status reports.

* * * * *

(b) Each licensee subject to the requirements of § 70.51(e) of this chapter shall submit a report, in accordance with paragraph (b)(1) or (b)(2) of this section, to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555 within 30 calendar days after the start of each ending physical inventory required by § 70.51(e)(3).

* * * * *

6. In § 74.17, paragraphs (a) and (b) are revised to read as follows:
§ 74.17 Special nuclear material physical inventory summary report.

(a) Each licensee subject to the requirements of § 74.31 shall submit a completed Special Nuclear Material Physical Inventory Summary Report on NRC

Form 327 not later than 60 calendar days from the start of the physical inventory required by § 74.31(c)(5) of this chapter. The licensee shall report the inventory results by plant and total facility to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555.

(b) Each licensee subject to the requirements of § 70.51(e) of this chapter shall submit a completed Special Nuclear Material Physical Inventory Summary Report on NRC Form 327 not later than 30 calendar days from the start of the physical inventory required by § 70.51(e)(3) of this chapter. The licensee shall report the inventory results by plant and total facility to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

* * * * *

7. In § 74.57, the introductory text of paragraph (c) and paragraph (f)(2) are revised to read as follows:

§ 74.57 Alarm resolution.

* * * * *

(c) Each licensee shall notify the Domestic Safeguards and Regional Oversight Branch of the Division of Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards by telephone on (301) 492-3379 of any MC&A alarm that remains unresolved beyond the time period specified for its resolution in the licensee's fundamental nuclear material control plan. Notification must occur within 24 hours except when a holiday or weekend intervenes in which case the notification must occur on the next scheduled workday. The licensee may consider an alarm to be resolved if:

* * * * *

(f) * * *

(2) Within 24 hours, the licensee shall notify the Domestic Safeguards and Regional Oversight Branch of the Division of Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards by telephone on (301) 492-3379 that an MC&A alarm resolution procedure has been initiated.

8. In § 74.59, paragraph (f)(1)(iii) is revised to read as follows:

§ 74.59 Quality assurance and accounting requirements.

* * * * *

(f) * * *

(1) * * *

(iii) Investigate and report to the Domestic Licensing and Regional Oversight Branch of the Division of Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards any difference that exceeds three times the standard deviation determined from the sequential analysis;

* * * * *

9. In § 74.81, paragraph (c)(3) is revised to read as follows:

§ 74.81 Inspections.

* * * * *

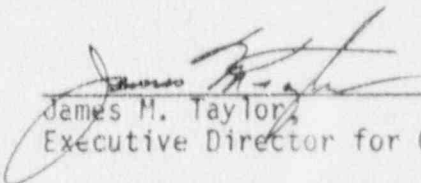
(c) * * *

(3) The licensee shall afford any NRC resident inspector assigned to their site, or other NRC inspectors identified by the Director of the Office of Nuclear Material Safety and Safeguards as likely to inspect the facility, immediate unfettered access, equivalent to access provided regular plant

employees, following proper identification and compliance with applicable access control measures for security, radiological protection, and personal safety.

Dated at Rockville, Maryland this 8th day of February, 1990.

For the Nuclear Regulatory Commission.



James M. Taylor,
Executive Director for Operations

provided regular plant employees, following proper identification and compliance with applicable access control measures for security, radiological protection, and personal safety.

Dated at Rockville, Maryland this 8th day of Feb, 1990.

For the Nuclear Regulatory Commission.

Original Signed By:
James M. Taylor

James M. Taylor,
Executive Director for Operations

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PDR

Done at Washington, DC, on:

1990.

Leslie M. Crawford,

Administrator, Food Safety and Inspection Service.

(FR Doc. 90-3913 Filed 2-20-90; 9:45 am)

BILLING CODE 3410-01-01

NUCLEAR REGULATORY
COMMISSION

10 CFR Parts 70 and 74

RIN 3150-AD47

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Accounting Licensing and Inspection
Activities for Nonreactor FacilitiesAGENCY: Nuclear Regulatory
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EFFECTIVE DATE: February 21, 1990.

FOR FURTHER INFORMATION CONTACT: Dr. Stanley L. Dolins, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-3745 or Ms. Rocio Castanera, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-0362.

SUPPLEMENTARY INFORMATION

Background

On December 22, 1988, the Executive Director for Operations approved, with

the concurrence of the Chairman, a phased centralization in NRC Headquarters, Rockville, Maryland, of MC&A activities for nonreactor facilities. Affected are those nonreactor facilities required to maintain an MC&A program. Nationwide, there are, at the present time, 16 nonreactor facilities required to maintain MC&A programs and subject to MC&A inspections. Transfer of these licensing and inspection functions from Regions I, III, and V to the Domestic Safeguards and Regional Oversight Branch, Division of Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards was effective on February 15, 1989. To complete the phased centralization, transfer of these licensing and inspection functions from Region II was to take place through attrition or over a period of 2 years, whichever came first. Region IV has no affected facilities. Subsequently, Region II has requested that we proceed with the final phase of this centralization and transfer the MC&A functions currently in Region II to headquarters earlier on instead of waiting for the 2-year period to expire. The Office of Nuclear Material Safety and Safeguards has agreed to the transfer and established February 21, 1990, as the effective date. The centralization for these functions is needed because the relatively small annual workload requirements for the NRC in Region II cannot continue to support within Region II a full spectrum of the knowledge, skills, and disciplines needed to perform MC&A inspections. Completion of the final phase of this centralization in NRC headquarters will ensure the continued maintenance of a viable and adequate nationwide MC&A inspection program for nonreactor facilities.

These revisions, necessitated by the completion of this phased centralization, are administrative in nature. They change the NRC recipient office point of contact for licensee reports from Region II to NRC headquarters and conform the regulation to track the responsibilities now assigned to the Director, Office of Nuclear Material Safety and Safeguards.

Because these are amendments dealing with a minor matter of agency management and personnel, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). These amendments are effective upon publication in the Federal Register. Good cause exists to dispense with the usual 30-day delay in the effective date because the amendments are of a minor administrative nature dealing with the completion of the phased centralization

to headquarters of licensing and inspection activities formerly conducted in the NRC Region II office.

Environmental Impact: Categorical
Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget with approval numbers 3150-0000 and 3150-0123.

Backfit Analysis

This backfit rule, 10 CFR 50.109, does not apply to the facilities subject to this final rulemaking. Therefore, no backfit analysis has been prepared.

List of Subjects

10 CFR Part 70

Criminal penalties, Hazardous materials transportation, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 74

Accounting, Criminal penalties, Hazardous materials transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 70 and 74.

PART 70—DOMESTIC LICENSING OF
SPECIAL NUCLEAR MATERIAL

1. The authority citation for part 70 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 946, as amended (42 U.S.C. 2201); sec. 201, 68 Stat. 1242, as amended (42 U.S.C. 5841).

2. In § 70.32, the introductory text of paragraph (c)(2) is revised and paragraph (c)(3) is removed to read as follows:

§ 70.32 Conditions of licenses.

(c) * * *

(2) The licensee shall maintain records of changes to the material control and accounting program made without prior Commission approval for a period of 5 years from the date of the change. Licensees located in all five Regions as indicated in appendix A of part 73 of this chapter, shall furnish to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, a report containing a description of each change within:

3. In § 70.55, paragraph (c)(3) is revised to read as follows:

§ 70.55 Inspections.

(c) * * *

(3) The licensee shall afford any NRC resident inspector assigned to that site or other NRC inspectors identified by the Director, Office of Nuclear Material Safety and Safeguards, as likely to inspect the facility, immediate unfettered access, equivalent to access provided regular plant employees, following proper identification and compliance with applicable access control measures for security, radiological protection, and personal safety.

PART 74—MATERIAL CONTROL AND ACCOUNTING OF SPECIAL NUCLEAR MATERIAL

4. The authority citation for part 74 continues to read in part as follows:

Authority: Sec. 161, 88 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

5. In § 74.13, the introductory text of paragraph (b) is revised to read as follows:

§ 74.13 Material status reports.

(b) Each licensee subject to the requirements of § 70.51(e) of this chapter shall submit a report, in accordance with paragraph (b)(1) or (b)(2) of this section, to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555 within 30

calendar days after the start of each ending physical inventory required by § 70.51(e)(3) of this chapter.

6. In § 74.17, paragraphs (a) and (b) are revised to read as follows:

§ 74.17 Special nuclear material physical inventory summary report.

(a) Each licensee subject to the requirements of § 74.31 shall submit a completed Special Nuclear Material Physical Inventory Summary Report on NRC Form 327 not later than 90 calendar days from the start of the physical inventory required by § 74.31(c)(5). The licensee shall report the inventory results by plant and total facility to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(b) Each licensee subject to the requirements of § 70.51(e) of this chapter shall submit a completed Special Nuclear Material Physical Inventory Summary Report on NRC Form 327 not later than 30 calendar days from the start of the physical inventory required by § 70.51(e)(3) of this chapter. The licensee shall report the inventory results by plant and total facility to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

7. In § 74.57, the introductory text of paragraph (c) and paragraph (f)(2) are revised to read as follows:

§ 74.57 Alarm resolution.

(c) Each licensee shall notify the Domestic Safeguards and Regional Oversight Branch of the Division of Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards by telephone on (301) 492-3379 of any MC&A alarm that remains unresolved beyond the time period specified for its resolution in the licensee's fundamental nuclear material control plan. Notification must occur within 24 hours except when a holiday or weekend intervenes in which case the notification must occur on the next scheduled workday. The licensee may consider an alarm to be resolved if:

(f) * * *

(2) Within 24 hours, the licensee shall notify the Domestic Safeguards and Regional Oversight Branch of the Division of Safeguards and

Transportation, Office of Nuclear Material Safety and Safeguards by telephone on (301) 492-3379 that an MC&A alarm resolution procedure has been initiated.

8. In § 74.59, paragraph (f)(1)(iii) is revised to read as follows:

§ 74.59 Quality assurance and accounting requirements

(f) * * *

(1) * * *

(iii) Investigate and report to the Domestic Licensing and Regional Oversight Branch of the Division of Safeguards and Transportation, Office of Nuclear Material Safety and Safeguards and determine that exceeds three times the standard deviation determined from the sequential analysis;

9. In § 74.81, paragraph (c)(3) is revised to read as follows:

§ 74.81 Inspections.

(c) * * *

(3) The licensee shall afford any NRC resident inspector assigned to their site, or other NRC inspectors identified by the Director of the Office of Nuclear Material Safety and Safeguards as likely to inspect the facility, immediate unfettered access, equivalent to access provided regular plant employees, following proper identification and compliance with applicable access control measures for security, radiological protection, and personal safety.

Dated at Rockville, Maryland this 8th day of February, 1990.

For the Nuclear Regulatory Commission,
James M. Taylor,
Executive Director for Operations
[FR Doc. 90-3864 Filed 2-20-90; 8:45 am]
BILLING CODE 7520-01-81

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

(Docket No. 89-NM-117-AD; Amendment 39-6515)

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.