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[[Page 4071]]

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

NRC Policy Statements; Withdrawal

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy statements; Withdrawal.

SUMMARY: The Nuclear Regulatory Commission (NRC) is withdrawing a number of its Policy Statements which have been superseded by subsequent NRC rulemaking actions. The action taken by the NRC does not change reporting requirements on licensees or reduce the protection of the public health and safety in any way.

EFFECTIVE DATE: This action is effective January 20, 1995.

FOR FURTHER INFORMATION CONTACT: A.J. DiPalo, Office of the Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6191.

SUPPLEMENTARY INFORMATION:

Background

Based on a comprehensive review of its regulations and regulatory guidance, the NRC has decided to withdraw a number of its Policy Statements that have been superseded by subsequent NRC rulemaking actions. This action does not change reporting requirements on licensees or reduce the protection of the public health and safety in any way.

The following Policy Statements have been superseded and are being withdrawn:

1. Nuclear Power Plant Access Authorization Program

The NRC published a proposed Policy Statement, ``Nuclear Power Plant Access Authorization Program,' on March 9, 1988 (53 FR 7534). This Policy Statement was never published as a final Policy Statement, however it advocated that each licensee who operates a nuclear power plant establish an access authorization program which would ensure that individuals who require unescorted access to protected areas or vital areas of their facilities are trustworthy, reliable, emotionally stable, and would not subvert radiological security. Based on an evaluation of the public comments on the proposed Policy Statement, the NRC determined that, although many licensees had access authorization programs that conformed to the ``Industry Guidelines,' not all licensees had such programs in place, and of those that did, not all

fully incorporated the ``Industry Guidelines'' into their Physical Security Plan.

Subsequently, the NRC published a final rule, ``Access Authorization Program for Nuclear Power Plants,'' (10 CFR 73.56) on April 25, 1991 (56 FR 18997), that would have superseded the above Policy Statement had it been published as a final Policy Statement. This final rule fulfilled the objectives of the proposed Policy Statement by requiring that all licensees authorized to operate a nuclear power plant have a required Access Authorization Program incorporated into their Physical Security Plan.

2. Training and Qualification of Nuclear Power Plant Personnel

In Section 306 of the Nuclear Waste Policy Act of 1982 (NWSA), Public Law 97-425, the NRC was directed to promulgate regulations, or other appropriate Commission regulatory guidance for the training and qualifications of civilian nuclear power plant operators, supervisors, technicians, and other operating personnel. The NRC published a Policy Statement, ``Training and Qualification of Nuclear Power Plant Personnel,'' March 20, 1985 (50 FR 11147), to fulfill its responsibility under the Act. The Policy Statement was amended on November 18, 1988 (53 FR 46603). On April 17, 1990, the U.S. Court of Appeals for the District of Columbia Circuit concluded that the Commission's Policy Statement did not meet the intent of the Congressional directive to promulgate regulations or other appropriate regulatory guidance. The Commission requested a rehearing of the decision by the full Court, which was denied on June 19, 1990. In response to the Court's decision, the NRC published a final rule, ``Training and Qualification of Nuclear Power Plant Personnel,'' (10 CFR 50.120) on April 26, 1993 (58 FR 21904). The final rule fulfilled the objectives of the Policy Statement by establishing requirements and essential elements of the process to determine training and qualification requirements for all appropriate nuclear power reactor personnel.

3. Fitness-For-Duty of Nuclear Power Plant Personnel

The NRC published a Policy Statement, ``Fitness-For-Duty of Nuclear Power Plant Personnel,'' on August 4, 1986 (51 FR 27921). The purpose of this Policy Statement was to encourage the industry to develop and implement its own initiatives, or to adopt those initiatives of the Edison Electric Institute, to assure that all nuclear power plant personnel with access to vital areas at operating plants are fit for duty. The Commission deferred rulemaking in this area for a period of 18 months to evaluate licensee implementation of these initiatives.

However, based on a dramatic increase in the number of drug use and abuse events since 1985, the NRC published a final rule, ``Fitness-for-Duty-Program,'' (10 CFR Part 26) on June 7, 1989 (54 FR 24468). This rule fulfilled the objectives of the Policy Statement by requiring that licensees authorized to construct and operate nuclear power plants implement a Fitness-for-Duty Program intended to create an environment which is free of drugs and the effects of these substances.

4. Maintenance of Nuclear Power Plants

On December 8, 1989 (54 FR 50611), the NRC published a Policy Statement, ``Maintenance of Nuclear Power Plants,'' with the purpose of encouraging licensees to enhance safety by improving plant maintenance. The NRC monitored the industry for 18 months and found that common maintenance related weaknesses continued to persist in some plants. Thus, the NRC published a final rule, ``Monitoring the Effectiveness of Maintenance at Nuclear Power Plants,'' (10 CFR 50.65) on July 10, 1991 (56 FR 31306). This final rule which supersedes the above Policy Statement, will become effective July 10, 1996. Implementation of the

rule was postponed until that time to provide licensees of the nuclear power plants the opportunity to plan and monitor their maintenance activities in accordance with the requirements of the 1996 rule. Currently all nuclear power plants have active maintenance programs in place. Thus NRC does not anticipate that this course of action will have any adverse impact on public health and safety. The final rule fulfilled the objectives of the Policy Statement by establishing requirements for monitoring and evaluation of plant maintenance activities.

5. Information Flow

On July 20, 1982 (47 FR 31482), the NRC published a Policy Statement, ``Information Flow,'' with the intent to remind licensees of their responsibility to provide the Commission with timely, accurate, and sufficiently complete information during an incident or significant event.

Subsequent to issuance for publication of the 1982 Policy Statement, the Commission published two regulations for reporting of events involving commercial nuclear power plants: ``Immediate Notification Requirements for Operating Nuclear Power Reactors,'' 10 CFR 50.72, August [[Page 4072]] 29, 1983, (48 FR 39046); and ``Licensee Event Report System,'' (10 CFR 50.73), July 26, 1983, (48 FR 33858). The former specifically addresses reporting requirements during the course of an event. The Commission also published a regulation (10 CFR 50.9, December 31, 1987 (523 FR 49372)), requiring that information provided to the Commission be complete and accurate in all material respects, and that licensees notify the Commission of information having significant implication for public health and safety or common defense and security. In addition, the Commission published similar regulations regarding reporting of nuclear material events (e.g., 10 CFR 30.50 and 10 CFR 30.9 and 10 CFR 72.74 and 10 CFR 72.11). Timely, accurate and complete information continues to be of great importance to the Commission. Rules have been promulgated which fulfill the objectives of the Policy Statement in ensuring timeliness, accuracy, and completeness of the reported information.

6. Planning Basis For Emergency Responses to Nuclear Power Reactor Accidents

On October 23, 1979 (44 FR 61123), the NRC published a Policy Statement, ``Planning Basis for Emergency Responses to Nuclear Power Plant Accidents,'' to endorse the guidance developed by a joint task force of the NRC and Environmental Protection Agency (EPA) on radiological emergency response plans to be developed by off-site agencies.

After reviewing public comments on the policy statement, information obtained from workshops held on the subject and reports from a Presidential Commission, the NRC published a final rule, ``Emergency Planning,'' (10 CFR Parts 50 and 70) on August 19, 1980 (45 FR 55402). The final rule fulfilled the objectives of the Policy Statement by upgrading the NRC's emergency planning regulations to assure that adequate protective measures can and will be taken in the event of a radiological emergency.

Dated at Rockville, Maryland, this 6th day of January 1995.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

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