

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the national Archives and Records Administration (NARA) announces a meeting of the Advisory Committee on the Records of Congress. The committee advises NARA on the full range of programs, policies, and plans for the Center for Legislative Archives in the Office of Special and Regional Archives.

**DATES:** December 4, 1995, from 9:00 a.m. to 10:30 a.m.

**ADDRESSES:** United States Capitol Building, LBJ Room (S-211).

**FOR FURTHER INFORMATION CONTACT:** Michael L. Gillette, Director, Center for Legislative Archives, (202) 501-5350.

**SUPPLEMENTARY INFORMATION:**

**AGENDA**

Updated Report on Five-Year Plan  
Task Force on Videotaped Floor Proceedings  
Task Force on Legislative Support Agencies  
(a) OTA Records  
(b) C.R.S. Records  
(c) GAO Pilot Appraisal Project

The meeting is open to the public.

Dated: October 31, 1995.

John W. Carlin,

*Archivist of the United States.*

[FR Doc. 95-27539 Filed 11-6-95; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION**

**Advisory Committee on Nuclear Waste; Notice of Meeting**

The Advisory Committee on Nuclear Waste (ACNW) will hold its 79th meeting on November 15 and 16, 1995, in Room T-2B3 at 11545 Rockville Pike, Rockville, Maryland. The entire meeting will be open to public attendance. The agenda for this meeting shall be as follows:

*Wednesday, November 15, 1995—8:30 A.M. until 6:00 P.M.*

*Thursday, November 16, 1995—8:30 A.M. until 6:00 P.M.*

During this meeting the Committee plans to consider the following:

**A. Key Technical Issues—**The Committee will discuss the development of Key Technical Issues (KTIs) with the NRC staff and how these issues will be used to solve licensing questions.

**B. Meeting with the Commission—**The Committee will meet with the Commissioners to discuss items of mutual interest.

**C. Reviewing NRC's Programmatic Approach to Low-Level Waste Management—**The Committee will continue to review alternatives to the future course of NRC's Low-Level Radioactive Waste Disposal

Program. Members of the NRC staff will participate, as well as representatives from other organizations.

**D. Preparation of ACNW Reports—**The Committee will discuss proposed reports, including comments on the NRC staff's low-level waste alternatives paper and the NRC staff's vertical slice approach and KTIs program.

**E. Meeting with the Director, NRC's Division of Waste Management, Office of Nuclear Materials Safety and Safeguards—**The Director will discuss items of current interest related to the Division of Waste Management programs.

**F. Committee Activities/Future Agenda—**The Committee will consider topics proposed for future consideration by the full Committee and Working Groups. The Committee will also discuss ACNW-related activities of individual members.

**G. Miscellaneous—**The Committee will discuss miscellaneous matters related to the conduct of Committee activities and organizational activities and complete discussion of matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the Federal Register on September 27, 1995 (60 FR 49924). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the Chief, Nuclear Waste Branch, Mr. Richard K. Major, as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Chief, Nuclear Waste Branch prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with Mr. Major if such rescheduling would result in major inconvenience.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Mr. Richard K.

Major, Chief, Nuclear Waste Branch (telephone 301/415-7366), between 8:00 A.M. and 5:00 P.M. EST.

ACNW meeting notices, meeting transcripts, and letter reports are now available on FedWorld from the "NRC MAIN MENU." Direct Dial Access number to FedWorld is (800) 303-9672; the local direct dial number is 703-321-3339.

The ACNW meeting dates for Calendar Year 1996 are provided below:

ACNW meeting No.	1996 ACNW meeting dates
81 .....	January 24-26, 1996.
82 .....	March 27-29, 1996.
83 .....	May 2-4 or May 15-17, 1996.
84 .....	June 26-28, 1996.
85 .....	August 21-23, 1996.
86 .....	September 25-27, 1996.
87 .....	October 22-23, 1996.
88 .....	December 10-12, 1996.

Dated: November 1, 1995.

Andrew L. Bates,

*Advisory Committee Management Officer.*

[FR Doc. 95-27510 Filed 11-6-95; 8:45 am]

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[IA 95-055]

**James L. Shelton; Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)**

I

James L. Shelton is President and Radiation Safety Officer (RSO) of TESTCO, Inc. (TESTCO or Licensee) located in Greensboro, North Carolina. TESTCO holds byproduct materials License No. 041-0894-1 issued by the State of North Carolina under an agreement with the Nuclear Regulatory Commission (NRC or Commission) or the Atomic Energy Commission pursuant to subsection 274b of the Atomic Energy Act, as amended. The license authorizes the possession and use of byproduct material for industrial radiography activities in accordance with the conditions specified therein. Mr. Shelton, in addition to being President and RSO, has served as a radiographer from June 1990 to the present.

II

On September 9, 1992, while conducting an inspection of another NRC licensee, an NRC inspector obtained information which indicated that TESTCO had performed radiographic activities in areas under NRC jurisdiction. A review of NRC records revealed that TESTCO did not possess an NRC specific license

pursuant to 10 CFR 30.3, nor had TESTCO notified the NRC of this activity by filing a NRC Form-241 as required by 10 CFR 150.20(b)(1).

The requirement that an Agreement State licensee must file Form-241 before conducting a licensed activity in a non-Agreement State allows NRC to be informed of the location and duration of the activity and permits NRC to inspect it as appropriate. Since August 9, 1991, NRC has required a fee for the initial filing of Form-241, as well as for subsequent revisions to the Form-241.

Between November 16, 1992 and April 25, 1995, an investigation was conducted by the NRC Office of Investigations (OI) to determine if the failure to make the required notification to the NRC was the result of deliberate misconduct. Based on the investigative findings, the NRC staff concludes that on numerous occasions between August 9, 1991, and August 31, 1994, TESTCO conducted radiography using iridium-192, a licensed material, in Virginia, a non-Agreement state (*i.e.*, a State under NRC jurisdiction), without a specific NRC license; and Mr. Shelton deliberately failed to assure that Form-241 was filed with the NRC as required by the general license granted to TESTCO pursuant to 10 CFR 150.20.

A transcribed predecisional enforcement conference between the NRC and Mr. Shelton, representing himself and TESTCO, was held on July 27, 1995. Mr. Shelton indicated during this conference that he had delegated the submission of the NRC Form-241's to his former wife, who was TESTCO's office manager.

The conclusion that Mr. Shelton deliberately failed to assure that the Form-241's were filed is based on the following facts when taken together: (1) Mr. Shelton acknowledged that he was aware of the requirement to file Form-241's; (2) a Form-241 was filed on February 11, 1991, for work conducted in the State of Virginia on February 13, and that form bears Mr. Shelton's signature rather than that of the office manager; (3) Mr. Shelton provided OI with copies of two other Form-241's that he claims to have filed in July 1990 and August 1991, which also bear his signature rather than that of the office manager; (4) no Form-241's were filed between August 9, 1991, the effective date of the rule change requiring a fee for the filing of Form-241, and August 31, 1994, when an NRC inspection of TESTCO focused on the Form-241 issue, and OI determined that TESTCO performed work in Virginia on numerous occasions during that time

period;<sup>1</sup> (5) according to sworn testimony from an individual interviewed by OI who was knowledgeable concerning TESTCO's licensed activities, Mr. Shelton stated that he would not make the notifications to the NRC if he had to pay a fee; and (6) Mr. Shelton admitted during the predecisional enforcement conference that, on a number of occasions, he became aware after the fact that his wife had failed to file Form-241, but he took no action as the TESTCO President and RSO to prevent recurrence.

As President and RSO, Mr. Shelton assigned and conducted the radiographic operations and he was responsible for complying with NRC requirements. When he determined that the Form-241's were not being filed with the NRC, he should have resumed the practice of filing the forms himself, discontinued operations in NRC jurisdiction, notified the NRC, or taken other action to assure compliance.

### III

Based on the above, the staff concludes that Mr. Shelton engaged in deliberate misconduct, a violation of 10 CFR 30.10, which caused the Licensee to be in violation of 10 CFR 30.3 and 10 CFR 150.20 for the failure to have a specific NRC license or else file Form-241 with the NRC as required by the general license granted pursuant to 10 CFR 150.20. As RSO and President of TESTCO, Mr. Shelton was responsible for radiation safety and compliance with NRC requirements, specifically in this case, the notification of the NRC through the submittal of the NRC Form-241. Failure of the licensee to notify the NRC denied the NRC the opportunity to inspect the activities and ensure that the health and safety of the public was being protected.

The NRC must be able to rely on the licensee and its employees to comply with NRC requirements. The deliberate violation of 10 CFR 30.3 and 10 CFR 150.20 by Mr. Shelton, as discussed above, raises serious doubts as to whether he can be relied upon to comply with NRC requirements.

Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the health and safety of the public will be protected if Mr. Shelton were permitted at this time to exercise control over, or engage in,

<sup>1</sup> Mr. Shelton provided OI with a copy of two Form-241's that he claims to have filed on August 23, 1991, and July 1, 1992. NRC has no record of receiving these Form-241's, and NRC fee records do not show any receipt of the fees that would have accompanied them.

NRC-licensed activities. Therefore, the public health, safety and interest require that Mr. Shelton be prohibited from controlling or engaging in NRC-licensed activities for a period of three years from the date of this Order.

### IV

Accordingly, pursuant to sections 81, 161b, 161i, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 30.10, and 10 CFR 150.20, it is hereby ordered, effective immediately, That:

A. For a period of three years from the date of this Order, Mr. James L. Shelton is prohibited from engaging in, or exercising any control over, NRC-licensed activities. NRC-licensed activities are those activities which are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20. This prohibition includes, but is not limited to: (1) Using licensed materials or conducting licensed activities in any capacity within the jurisdiction of the NRC; and (2) assigning, supervising, directing, assisting, or serving as radiation safety officer for, licensed activities conducted within the jurisdiction of the NRC.

B. Following the three year prohibition in Section IV.A. above, at least five days prior to the first time that Mr. Shelton engages in, or exercises control over, NRC-licensed activities, he shall notify the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. The notice shall include the name, address, and telephone number of the NRC or Agreement State licensee and the location where the licensed activities will be performed. The notice shall be accompanied by a statement that Mr. Shelton is committed to compliance with NRC requirements and the basis why the Commission should have confidence that he will now comply with applicable NRC requirements.

The Director, Office of Enforcement, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Shelton of good cause.

### V

In accordance with 10 CFR 2.202, James L. Shelton must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this

Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which James L. Shelton or other person adversely affected relies and the reasons why the Order should not have been issued. Any answer or request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attn: Chief, Docketing and Service Section, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region II, Suite 2900, 101 Marietta Street, NW, Atlanta, Georgia 30323, and to James L. Shelton, if the answer or hearing request is by a person other than James L. Shelton. If a person other than James L. Shelton requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by James L. Shelton or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), James L. Shelton, or any other person adversely affected by this Order, may, in addition to demanding a hearing, at the same time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the grounds that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Part IV of this

Order shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated at Rockville, Maryland this 31st day of October 1995.

For the Nuclear Regulatory Commission.  
Hugh L. Thompson, Jr.,  
*Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support.*

[FR Doc. 95-27511 Filed 11-6-95; 8:45 am]

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**[Docket Nos. 50-280 and 50-281]**

**Virginia Electric and Power Company (Surry Power Station Units 1 and 2); Exemption**

I

The Virginia Electric and Power Company (the licensee) is the holder of Facility Operating License Nos. DPR-32 and DPR-37, which authorize operation of the Surry Power Station, Units 1 and 2, respectively. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The facilities consist of two pressurized water reactors, Surry Power Station, Units 1 and 2, at the licensee's site located in Surry County, Virginia.

II

In its letter dated June 8, 1995, the licensee requested an exemption from the Commission's regulations. Title 10 of the Code of Federal Regulations, Part 50, Section 60 (10 CFR 50.60), "Acceptance Criteria for Fracture Prevention Measures for Light-water Nuclear Power Reactors for Normal Operation," states that all light-water nuclear power reactors must meet the fracture toughness and material surveillance program requirements for the reactor coolant pressure boundary as set forth in Appendices G and H to 10 CFR Part 50. Appendix G to 10 CFR Part 50 defines pressure/temperature (P/T) limits during any condition of normal operation, including anticipated operational occurrences and system hydrostatic tests to which the pressure boundary may be subjected over its service lifetime. It is specified in 10 CFR 50.60(b) that alternatives to the described requirements in Appendices G and H to 10 CFR Part 50 may be used when an exemption is granted by the Commission under 10 CFR 50.12.

To prevent low temperature overpressure transients that would produce pressure excursions exceeding

the Appendix G P/T limits while the reactor is operating at low temperatures, the licensee installed a low temperature overpressure (LTOP) system. The system includes pressure-relieving devices called Power-Operated Relief Valves (PORVs). The PORVs are set at a pressure low enough so that if an LTOP transient occurred, the mitigation system would prevent the pressure in the reactor vessel from exceeding the Appendix G P/T limits. To prevent the PORVs from lifting as a result of normal operating pressure surges (e.g., reactor coolant pump starting, and shifting operating charging pumps) with the reactor coolant system in a water solid condition, the operating pressure must be maintained below the PORV setpoint.

The licensee has requested the use of Code Case N-514, "Low Temperature Overpressure Protection," which allows exceedance of the Appendix G safety limits by 10%. Code Case N-514, the proposed alternate methodology, is consistent with guidelines developed by the American Society of Mechanical Engineers (ASME) Working Group on Operating Plant Criteria to define pressure limits during LTOP events that avoid certain unnecessary operational restrictions, provide adequate margins against failure of the reactor pressure vessel, and reduce the potential for unnecessary activation of pressure-relieving devices used for LTOP. Code Case N-514 has been approved by the ASME Code Committee. The content of this code case has been incorporated into Appendix G of Section XI of the ASME Code and published in the 1993 Addenda to Section XI. In order to utilize Code Case N-514 and to permit LTOP events to exceed the Appendix G safety limits, the licensee has requested an exemption to 10 CFR 50.60 in a letter dated June 8, 1995.

III

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. Special circumstances are present whenever, according to 10 CFR 50.12(a)(2)(ii), "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule \* \* \*".

The underlying purpose of 10 CFR 50.60, Appendix G, is to establish