

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 2 and 51

RIN 3150-AF43

#### Deletion of Outdated References and Minor Change

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to delete all references to Appendix C, of 10 CFR Part 2. Appendix C "General Statement of Policy and Procedures for Enforcement Actions," was removed from the Code of Federal Regulations because it is a Policy Statement, not a regulation, and the enforcement policy was published as a Policy Statement on June 30, 1995. This proposed rule also provides that the NRC may use discretion when determining whether to require a written explanation or statement in reply to a notice of violation. When the NRC believes that the licensee or other person who receives the notice of violation has already adequately addressed all the issues contained in that notice, at the discretion of the NRC, further written responses may not be required.

**DATES:** Comments on the proposed rule must be received on or before September 23, 1996.

**ADDRESSES:** Mail written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, 20555-0001. ATTN: Docketing and Service Branch.

Hand deliver comments to: 11555 Rockville Pike, Rockville, MD, between 7:30 am and 4:15 pm Federal workdays.

For information on submitting comments electronically, see the discussion under Electronic Access in the Supplementary Information Section.

Copies of comments received may be examined or copies for a fee, at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** M.L. Au, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-6181. E-Mail: INTERNET:MLA@NRC.GOV.

**SUPPLEMENTARY INFORMATION:** For additional information see the Direct Final Rule published in the rules section of this Federal Register.

#### Procedural Background

Because NRC considers this action noncontroversial and routine, we are

publishing this proposed rule concurrently as a Direct Final Rule in the final rule section of this Federal Register. The Direct Final Rule will become effective on October 21, 1996. However, if the NRC receives significant adverse comments on the Direct Final Rule by September 23, 1996, then the NRC will publish a document that withdraws the Direct Final Rule. If the Direct Final Rule is withdrawn, the NRC will address in a Final Rule the comments received in response to this proposed rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action in the event the Direct Final Rule is withdrawn.

#### Electronic Access

Comments may be submitted electronically, in either ASCII text or WordPerfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board (BBS) on FedWorld. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet.

If using a personal computer and modem, the NRC rulemaking subsystem on FedWorld can be accessed directly by dialing the toll free number 1-800-303-9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT-100 terminal emulation, the NRC NUREGs and RegGuides for Comment subsystem can then be accessed by selecting the "Rules Menu" option from the "NRC Main Menu." For further information about options available for NRC at FedWorld, consult the "Help/Information Center" from the "NRC Main Menu." Users will find the "FedWorld Online User's Guides" particularly helpful. Many NRC subsystems and data bases also have a "Help/Information Center" option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct dial phone number for the main FedWorld BBS, 703-321-3339, or by using Telnet via Internet: fedworld.gov. If using 703-321-3339 to contact FedWorld, the NRC subsystem will be accessed from the main FedWorld menu by selecting the "Regulatory, Government Administration and State Systems," then selecting "Regulatory Information Mall." At that point, a menu will be displayed that has an option "U.S. Nuclear Regulatory Commission" that will take you to the NRC Online main menu. The NRC Online area also can be

accessed directly by typing "/go nrc" at a FedWorld command line. If you access NRC from FedWorld's main menu, you may return to FedWorld by selecting the "Return to FedWorld" option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, you will have full access to all NRC systems but you will not have access to the main FedWorld system.

If you contact FedWorld using Telnet, you will see the NRC area and menus, including the Rules menu. Although you will be able to download documents and leave messages, you will not be able to write comments or upload files (comments). If you contact FedWorld using FTP, all files can be accessed and downloaded but uploads are not allowed; all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is included. There is a 15-minute limit for FTP access.

Although FedWorld can be accessed through the World Wide Web, like FTP, that mode only provides access for downloading files and does not display the NRC Rules Menu.

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, NRC, Washington, DC 20555, telephone (301) 415-5780; e-mail AXD3@nrc.gov.

#### List of Subjects

##### 10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalties, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

##### 10 CFR Part 51

Administrative practice and procedure, Environmental impact statement, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

For 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 proposing the amendments to 10 CFR parts 2 and 51 that are set forth in the direct final rule published elsewhere in this issue.

Dated at Rockville, Maryland, this 8th day of August, 1996.

For the Nuclear Regulatory Commission.

James M. Taylor,

*Executive Director for Operations.*

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**BILLING CODE 7590-01-P**