

attend the meeting, or to make a presentation before the Board, must notify the NMB staff, in writing, no later than 4 pm on Thursday, December 11, 2003.

**ADDRESSES:** The public meeting will be held in the Margaret A. Browning Hearing Room, (Room 11000), National Labor Relations Board, 1099 14th St. NW, Washington, DC 20570. Requests to attend the meetings must be in writing, and must be addressed to Mr. Roland Watkins, Director of Arbitration/NRAB Administrator, National Mediation Board, 1301 K Street, NW, Suite 250—East, Washington, DC 20005. Attn: NMB Docket No. 2003–01. Written requests may be sent electronically to the following e-mail address: [arb@nmb.gov](mailto:arb@nmb.gov).

**FOR FURTHER INFORMATION CONTACT:** Mr. Roland Watkins, Director of Arbitration/NRAB Administrator, National Mediation Board (telephone 202–692–5057).

**SUPPLEMENTARY INFORMATION:** The National Mediation Board will hold an open public meeting on Friday, December 19, 2003 from 1 p.m. until 5 p.m. The purpose of the public meeting will be to solicit the views of interested persons concerning the various topics and questions posed by the NMB in its ANPRM concerning the administration of National Railroad Adjustment Board (NRAB) functions and activities (68 FR 46983, Aug. 7, 2003).

Individuals desiring to attend the meeting must notify the NMB staff, in writing, at the above listed physical or e-mail address, by the deadline noted. If an individual desires to make a presentation to the Board at the meeting, he or she is required to submit a brief outline of the presentation when making the request. In addition, a full written statement must be submitted one week prior to the meeting (the deadline for this submission is Thursday, December 11, 2003 at 4 p.m.). In lieu of making an oral presentation, individuals may submit a written statement for the record.

To attend the meeting, all potential attendees must include in their request: (1) their full name and (2) organizational affiliation (if any). Attendees are also reminded to bring photo identification card with them to the public meeting in order to gain admittance to the building. Due to time and potential space limitations in the meeting room, the NMB will notify individuals of their attendance and/or speaking status (*i.e.*, preliminary time for their presentation) prior to the meeting. Time allocations for oral presentations will depend upon the number of individuals who desire to make presentations to the Board.

Individuals should be prepared to summarize their written statements at the meeting.

**Agenda:** The NMB, in particular, solicits presentations on the following questions that were posed in the ANPRM:

**Question One:** If the NMB promulgates procedures for the administrative processing of NRAB cases in which the parties request that the Government compensate the neutral (“referee”), what should be the criteria or guidelines for these procedures?

It has been suggested to the NMB, that a desirable goal is to have minor disputes resolved within one year of the filing of a Notice of Intent to File a Submission. At present, it is not uncommon for cases to remain unresolved for two years.

**Question Two:** If a stated goal of any new procedures to be adopted by the NMB is to have the cases decided by an arbitrator within one year from the date of the filing of the Notice of Intent, what steps do you recommend comprise this procedure? Do you believe that a one year goal is reasonable? If not, why not?

**Question Three:** If the parties do not agree to follow the procedures adopted by the NMB, should there be any adverse consequences? Should the parties have options with respects to these procedures? What would you recommend be the steps that comprise an efficient case resolution procedure?

**Question Four:** What should happen to those cases that are still pending after one year in which the parties have not placed the cases before a Public Law Board, pursuant to 45 U.S.C. 153, Second? If the cases are placed before a Public Law Board, should a time limit be imposed for the resolution of those cases?

At present, the NRAB has approximately 2,000 cases pending before it. Many of these cases arise out of the filing of multiple grievances by different parties for the same underlying set of facts.

**Question Five:** In order to ensure the most efficient use of limited Government resources, should the NMB, in agreeing to pay for the appointment of an arbitrator (“referee”) require the consolidation of similar cases dealing with similar issues? If, in your view, case consolidation is a viable option for improving the resolution of cases, what should be the standards adopted for consolidation? What should the NMB do if the parties refuse to consolidate cases, when in the NMB’s view, it would be appropriate to do otherwise?

**Question Six:** As the goal of this initiative is to improve the processing of disputes before the NRAB, are there any

other recommendations or suggestions that you would make to the NMB with regard to its statutory responsibilities for the administration of the NRAB?

**Roland Watkins,**

*National Railroad Adjustment Board  
Administrator.*

[FR Doc. 03–29496 Filed 11–25–03; 8:45 am]

**BILLING CODE 7550–01–P**

## NUCLEAR REGULATORY COMMISSION

### Draft Criteria for Determining Feasibility of Manual Actions To Achieve Post-Fire Safe Shutdown

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of opportunity for public comment.

**SUMMARY:** The U. S. Nuclear Regulatory Commission (NRC) is considering a revision to the fire protection regulations in 10 CFR part 50, appendix R, paragraph III.G.2 to allow the use of manual actions by nuclear power plant operators to achieve hot shutdown conditions in the event of fires in certain areas provided the actions are evaluated against specific criteria and determined to be acceptable. Currently, licensees who rely on operator manual actions which have not been reviewed and approved by the NRC are generally considered to be in non-compliance with NRC regulations. However, the NRC believes that manual actions relied upon by licensees are safe and effective when performed under appropriate conditions. Accordingly, until the fire protection regulations are revised, the NRC is planning to issue an interim enforcement policy to exercise enforcement discretion if licensees’ manual actions meet the NRC’s interim acceptance criteria. The NRC is seeking comments from interested parties on the adequacy and clarity of draft interim acceptance criteria which will be utilized by the interim enforcement discretion policy.

**DATES:** Comment period expires December 26, 2003.

**ADDRESSES:** Submit written comments to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Mail Stop T6–D59, Washington, DC 20555–0001. Comments may be submitted by e-mail to [nrcprep@nrc.gov](mailto:nrcprep@nrc.gov). Comments may be delivered to the NRC’s headquarters at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:**

Richard Dudley, Office of Nuclear Reactor Regulation, Washington DC 20555-0001, telephone (301) 415-1116, e-mail [rfd@nrc.gov](mailto:rfd@nrc.gov) or Ray Gallucci, telephone (301) 415-1255, e-mail [rhg@nrc.gov](mailto:rhg@nrc.gov).

**SUPPLEMENTARY INFORMATION:** Nuclear power plant fire protection regulations and associated guidelines prescribe fire protection features to ensure that at least one means of achieving and maintaining safe shutdown conditions will remain available during or after any postulated fire. The NRC has concluded that a fire protection regulatory compliance issue exists at many nuclear power plants. This situation involves fire protection of redundant safe shutdown trains when these trains are located within the same fire area. Regional inspections indicate that rather than using fire barriers or physical separation to maintain safe shutdown capability, many licensees rely on operator manual actions that have not been approved by the NRC. Operator manual actions refer to those actions taken by operators to manipulate components and equipment from outside the main control room to achieve and maintain post-fire safe shutdown. Operator manual actions are not permitted in 10 CFR part 50, appendix R, paragraph III.G.2, for plants licensed to operate before 1979 unless a specific exemption has been granted. For plants licensed to operate after 1979, there is uncertainty as to whether operator manual actions can be used without NRC approval as Appendix R is not required by regulation for those plants (although most plants committed to Appendix R-equivalent guidance in their fire protection programs). It is the NRC's understanding that most of the licensees who rely on unapproved operator manual actions have done so under the belief that the use of operator manual actions to achieve safe shutdown is acceptable, without NRC prior approval, as long as the reliance on operator manual actions does not adversely affect the ability of a plant to achieve and maintain safe shutdown. The industry also believes that most operator manual actions used by licensees for operation of a safe shutdown train during a fire do not involve any safety significant feasibility concerns and would likely be approved by the NRC if processed as an exemption or deviation request. The results from NRC fire protection inspections to date indicate that there is insufficient evidence that the generic use of these manual actions poses a safety concern. Thus the staff believes that use of unapproved manual actions

(for both pre- and post-1979 plants) is typically a compliance issue and is not a significant safety issue.

The Commission has decided to resolve this issue generically through rulemaking because rulemaking provides the most efficient and effective process to align regulatory requirements and safety objectives. In SECY-03-0100, dated June 17, 2003, the staff proposed and on September 12, 2003, the Commission approved developing an interim enforcement policy which would be in effect while the rulemaking was being undertaken to codify final acceptance criteria for operator manual actions. This policy would exercise discretion in that the NRC would refrain from taking enforcement action for those licensees who rely on operator manual actions, provided these licensees have demonstrated and documented the acceptability of their operator manual actions in accordance with interim acceptance criteria developed by the staff. The Commission approved the staff's recommendation to engage stakeholders in at least one public meeting to discuss the interim manual action acceptability criteria and how they would be used in interim enforcement policy. (See Commission Memorandum dated September 12, 2003, ADAMS Accession No. ML032550222).

The NRC staff has developed draft interim acceptance criteria for manual actions. These draft criteria are provided below. They are an extension of the "Inspection Criteria for Fire Protection Manual Actions" issued by the NRC in March 2003 in Inspection Procedure 7111.05. This inspection procedure is available on the NRC public Web site (<http://www.nrc.gov>). The NRC held a public meeting on November 12, 2003, at NRC headquarters in Rockville, Maryland to allow members of the public to comment on the preliminary draft criteria below. Additional written comments on these criteria may be submitted to the NRC during the 30 day comment period.

During the rulemaking process to codify the final acceptance criteria for manual actions, additional public notices will be issued and additional public comments will be solicited to further ensure that public stakeholder input is considered.

#### **Draft Interim Criteria for Determining the Acceptability of Manual Actions To Achieve Post-Fire Safe Shutdown**

Licensees who have relied on operator manual actions to comply with Paragraph III.G.2 of Appendix R may be allowed enforcement discretion if the area where the fire occurs has fire

detectors and an automatic fire suppression system installed in the fire area and if the manual actions relied upon are consistent with all of the following acceptance criteria<sup>1</sup>:

##### *1. Available Indications*

Diagnostic indication, if credited to support operator manual actions, shall be capable of:

- Confirming that the action is necessary;
- Being unaffected by the postulated fire;
- Providing a means for the operator to detect whether spurious operation of safety-related equipment has occurred; and
- Verifying that the operator manual action accomplished the intended objective.

##### *2. Environmental Considerations*

Environmental conditions encountered while accessing and performing operator manual actions shall be demonstrated to be consistent with the following human factor considerations for visibility and habitability:

- Emergency lighting shall be provided as required in Appendix R, Section III.J, or by the licensee's approved fire protection program, [e.g., lit with 8-hr battery-backed emergency lighting], and sufficient lighting shall be provided for paths to and from locations requiring any actions.
- Radiation shall not exceed 10 CFR Part 20, Section 20.1201, limits.
- Temperature and humidity conditions shall be evaluated to ensure that temperature and humidity do not adversely affect the capability to perform the operator manual action (See, e.g., NUREG/CR-5680, Vol. 2, "The Impact of Environmental Conditions on Human Performance") or the licensee shall provide an acceptable rationale for why temperature/humidity do not adversely affect performing the manual actions.
- Fire effects shall be evaluated to ensure that smoke and toxic gases from the fire do not adversely affect the capability to access the required equipment or to perform the operator manual action.

##### *3. Staffing and Training*

There shall be a sufficient number of plant operators, under all staffing levels, to perform all of the required actions in the times required for a given fire scenario. The use of operators to perform actions shall be independent

<sup>1</sup> The criteria are not listed in any particular order.

from any collateral fire brigade or control room duties they may need to perform as a result of the fire. Operators required to perform the manual actions shall be qualified and continuously available to perform the actions required to achieve and maintain safe shutdown. A training program on the use of operator manual actions and associated procedures during a postulated fire shall demonstrate that operators can successfully achieve these objectives.

#### 4. Communications

To achieve and maintain safe shutdown, adequate communications capability shall be demonstrated for operator manual actions that must be coordinated with other plant operations, with this communications capability continuously available.

#### 5. Special Equipment

Any special equipment required to support operator manual actions, including keys, self-contained breathing apparatus (SCBA), and personnel protective equipment, shall be readily available, easily accessible and demonstrated to be effective.

#### 6. Procedures

Procedural guidance on the use of required operator manual actions shall be readily available, easily accessible and demonstrated to be effective.

#### 7. Local Accessibility

All locations where operator manual actions are performed shall be assessed as accessible without hazards to personnel, with controls needed to assure availability of any special equipment, such as keys or ladders, being demonstrated.

#### 8. Demonstration

The capability to successfully accomplish required operator manual actions within the time allowable using the required procedures and equipment shall be demonstrated using the same personnel/crews who will be required to perform the actions during the fire; documentation of the demonstration shall be provided.

#### 9. Complexity and Number

The degree of complexity and total number of operator manual actions required to effect safe shutdown shall be limited such that their successful accomplishment under realistically severe conditions is assured for a given fire scenario. The need to perform operator manual actions in different locations shall be considered when sequential actions are required. Analyses of the postulated fire time line

shall demonstrate that there is sufficient time to travel to each action location and perform the action required to support the associated shutdown function(s) such that an unrecoverable condition does not occur.

#### 10. Equipment Pre-Conditions

Possible failure modes and damage that may occur to equipment used during a fire shall be considered to the extent that the equipment's subsequent use could be prevented, or at least made difficult. Credit for using equipment whose operability may have been adversely affected by the fire due to smoke, heat, water, combustion products or spurious actuation effects shall account for such possibilities (e.g., over-torquing an MOV due to a spurious signal, as discussed in Information Notice 92-18).

Dated at Rockville, Maryland, this 20th day of November, 2003.

For The Nuclear Regulatory Commission.

**Catherine Haney,**

*Program Director, Policy and Rulemaking Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.*

[FR Doc. 03-29560 Filed 11-25-03; 8:45 am]

**BILLING CODE 7590-01-P**

### NUCLEAR REGULATORY COMMISSION

#### Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission (NRC) has issued a revision of a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques used by the staff in its review of applications for permits and licenses, and data needed by the NRC staff in its review of applications for permits and licenses.

Revision 2 of Regulatory Guide 1.53, "Application of the Single-Failure Criterion to Safety Systems," provides guidance on methods acceptable to the NRC staff for satisfying the NRC's regulations with respect to the application of the single-failure criterion to the electrical power, instrumentation, and control portions of nuclear power plant safety systems. This Revision 2 supersedes the recently issued Revision 1, as an incorrect version of the guide was inadvertently issued as Revision 1.

Comments and suggestions in connection with items for inclusion in guides currently being developed or

improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington DC 20555. Questions on the content of this guide may be directed to Mr. S.K. Aggarwal, (301) 415-6005; e-mail [ska@nrc.gov](mailto:ska@nrc.gov).

Regulatory guides are available for inspection or downloading at the NRC's Web site at <http://www.nrc.gov> under Regulatory Guides and in NRC's Electronic Reading Room (ADAMS System) at the same site. Single copies of regulatory guides may be obtained free of charge by writing the Reproduction and Distribution Services Section, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by fax to (301) 415-2289, or by e-mail to [distribution@nrc.gov](mailto:distribution@nrc.gov). Issued guides may also be purchased from the National Technical Information Service (NTIS) on a standing order basis. Details on this service may be obtained by writing NTIS at 5285 Port Royal Road, Springfield, VA 22161; telephone 1-800-553-6847; <http://www.ntis.gov>. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them. (5 U.S.C. 552(a))

Dated at Rockville, MD, this 17th day of November, 2003.

For The Nuclear Regulatory Commission.

**Ashok C. Thadani,**

*Director, Office of Nuclear Regulatory Research.*

[FR Doc. 03-29558 Filed 11-25-03; 8:45 am]

**BILLING CODE 7590-01-P**

### NUCLEAR REGULATORY COMMISSION

#### Availability and Solicitation of Public Comments on Interagency Steering Committee on Radiation Standards' Reports on Radioactivity in Sewage Sludge and Ash

**AGENCIES:** U.S. Nuclear Regulatory Commission and U.S. Environmental Protection Agency.

**ACTION:** Announce the issuance of three reports concerning radioactivity in sewage sludge and ash, and request public comments.

**SUMMARY:** This Federal Register notice announces the availability of three reports, prepared by the Sewage Sludge Subcommittee of the Interagency Steering Committee on Radiation Standards (ISCORS), addressing radioactivity in sewage sludge and ash. The first report, "ISCORS Assessment of