

Attachment C

Studies Affecting Core Measures

Nonmonetary Determination Quality. The Department convened a nonmonetary determinations Federal/state team to study the measurement instrument used in the quality review. The team is exploring ways to refine the measurement instrument to ensure the most accurate review results. During the interim, states will continue the current system of tripartite reviews using the existing instrument, but the Department will immediately begin to display separation and nonseparation scores separately in published reports. Pending the conclusion of the study, states will address performance below the established performance goals in narratives in the State Quality Service Plan rather than in corrective action plans.

Overpayment Detection Measure. The Department proposes to include as a Core Measure the percent of estimated detectable, recoverable overpayments that the state establishes for recovery. The Benefit Accuracy Measurement data provide the overpayment estimate, while Benefit Payment Control data provide the amount of overpayments established for collection. For a recent period, six states reported establishing over 100% of estimated recoverable overpayments, while at the same time several other states' ratios were extremely low. The Department will examine the BAM methods, procedures and results in an attempt to explain the phenomenon of inverse ratios in some states, and over the coming year will explore possible adjustments to the measure.

Average Age of Pending Appeals. The Department proposes that the promptness measure for Higher Authority and Lower Authority Appeals be changed and regulations amended appropriately. To determine if cases are being decided with the greatest promptness that is administratively feasible, UI Performs would no longer use the elapsed time between filing the appeal and the date of the decision, but would instead use the average age of all cases pending in the state on a given date. The Department thinks the new measure will encourage states to decide cases more quickly overall and is currently conducting a six-state pilot of the proposed measure. State agencies and other commentators are asked to address how the new measure might drive operational changes in the states' higher and lower authority appeals systems and how those changes might affect services to claimants and employers.

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NATIONAL COUNCIL ON DISABILITY**Cultural Diversity Advisory Committee Meetings (Teleconference)**

TIMES AND DATES: 4 p.m. e.d.t., July 9, 2004.

PLACE: National Council on Disability, 1331 F Street, NW., Suite 850, Washington, DC.

AGENCY: National Council on Disability (NCD).

STATUS: All parts of this meeting will be open to the public. Those interested in participating in this meeting should contact the appropriate staff member listed below. Due to limited resources,

only a few telephone lines will be available for the call.

AGENDA: Roll call, announcements, reports, new business, adjournment.

CONTACT PERSON FOR MORE INFORMATION:

Geraldine (Gerrie) Drake Hawkins, Ph.D., Program Analyst, NCD, 1331 F Street, NW., Suite 850, Washington, DC 20004; 202-272-2004 (voice), 202-272-2074 (TTY), 202-272-2022 (fax), ghawkins@ncd.gov.

CULTURAL DIVERSITY ADVISORY COMMITTEE

MISSION: The purpose of NCD's Cultural Diversity Advisory Committee is to provide advice and recommendations to NCD on issues affecting people with disabilities from culturally diverse backgrounds. Specifically, the committee will help identify issues, expand outreach, infuse participation, and elevate the voices of underserved

and unserved segments of this nation's population that will help NCD develop Federal policy that will address the needs and advance the civil and human rights of people from diverse cultures.

Dated: June 9, 2004.

Ethel D. Briggs,

Executive Director.

[FR Doc. 04-13527 Filed 6-15-04; 8:45 am]

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NATIONAL TRANSPORTATION SAFETY BOARD**Agenda**

TIME AND PLACE: 9:30 a.m., Tuesday, June 22, 2004.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

STATUS: The two items are Open to the Public.

MATTERS TO BE CONSIDERED:

7643 Highway Accident Report—Motorcoach Run-off-the-Road and Rollover Accident, Victor, New York, June 23, 2002.

7564A Hazardous Materials Accident Report—Nurse Tank Failure With Release of Hazardous Materials near Calamus, Iowa, April 15, 2003.

NEWS MEDIA CONTACT: Telephone: (202) 314-6100.

Individuals requesting specific accommodations should contact Ms. Carolyn Dargan at (202) 314-6305 by Friday, June 18, 2004.

FOR FURTHER INFORMATION CONTACT: Vicky D'Onofrio, (202) 314-6410.

Dated: June 10, 2004.

Vicky D'Onofrio,

Federal Register Liaison Officer.

[FR Doc. 04-13629 Filed 6-10-04; 4:22 pm]

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NUCLEAR REGULATORY COMMISSION

[NUREG-1600]

NRC Enforcement Policy

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy statement: revision.

SUMMARY: The Nuclear Regulatory Commission (NRC) is revising its General Statement of Policy and Procedure for NRC Enforcement Actions (NUREG-1600) (Enforcement Policy or Policy) to include an interim enforcement policy regarding enforcement discretion for certain issues involving fire protection programs at operating nuclear power plants.

DATES: This revision is effective June 16, 2004. Comments on this revision to the Enforcement Policy may be submitted on or before July 16, 2004.

ADDRESSES: Submit written comments to: Michael T. Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop: T6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays. Copies of comments received may be examined at the NRC Public Document Room, Room O1F21, 11555 Rockville

Pike, Rockville, MD. You may also e-mail comments to nrccep@nrc.gov.

The NRC maintains the current Enforcement Policy on its Web site at <http://www.nrc.gov>, select What We Do, Enforcement, then Enforcement Policy.

FOR FURTHER INFORMATION CONTACT:

Joseph Birmingham, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, (301) 415-2829, e-mail (JLB4@nrc.gov) or Renée Pedersen, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001, (301) 415-2742, e-mail (RMP@nrc.gov).

SUPPLEMENTARY INFORMATION: In a separate action published in today's **Federal Register**, the NRC is revising its regulations in 10 CFR 50.48 governing fire protection at operating nuclear power plants. The revision adds a new paragraph (c) to § 50.48 that allows reactor licensees to voluntarily comply with the risk-informed, performance-based fire protection approaches in National Fire Protection Association (NFPA) Standard 805 NFPA 805), "Performance-based Standard For Fire Protection For Light Water Reactor Electric Generating Plants," 2001 Edition (with limited exceptions stated in the rule language), as an alternative to complying with § 50.48(b) or the requirements in their fire protection license conditions.

As part of the transition to 10 CFR 50.48(c), licensees will establish the fundamental fire protection program identified in NFPA 805. Licensees will perform a plant-wide assessment to identify fire areas and fire hazards and evaluate compliance with their existing fire protection licensing basis. This fire protection assessment is beyond the normal licensee review of their fire protection program.

During the assessment process, licensees may identify noncompliances with their existing fire protection licensing basis which must be evaluated to restore compliance with the existing plant requirements or to establish compliance with a performance-based approach under NFPA 805. These noncompliances would normally be identified by the licensee as part of the above fire protection assessment, entered into the licensee's corrective action program, and dispositioned for corrective action, including any compensatory measures. The NRC believes it is appropriate to provide incentives for licensees initiating efforts to identify and correct subtle violations that are not likely to be identified by routine efforts. Therefore, the NRC is issuing an interim policy that provides

enforcement discretion for certain fire protection noncompliances identified as part of the transition to 10 CFR 50.48(c).

For these noncompliances discussed above, the enforcement discretion period would begin upon receipt of a letter of intent from the licensee stating their intention to adopt the risk-informed, performance-based fire protection program under 10 CFR 50.48(c) and providing a schedule for the transition to 10 CFR 50.48(c). The enforcement discretion period would be in effect for up to two years under the letter of intent and, if the licensee submits a license amendment request to complete the transition to 10 CFR 50.48(c), will continue until the NRC approval of the license amendment request is completed.

If the licensee decides not to complete its transition to 10 CFR 50.48(c), the licensee must submit a letter stating their intention to retain their existing license basis and withdrawing their letter of intent. Enforcement discretion would be provided for those violations that were identified under the letter of intent to transition to NFPA 805 provided those violations are resolved under the existing licensing basis and meet the criteria included in this policy for these violations. Violations identified after the date of the withdrawal letter will be dispositioned in accordance with normal enforcement practices.

Additionally, licensees who plan to comply with 20 CFR 50.48(c) may have existing identified noncompliances which could reasonable be corrected under 20 CFR 50.48(c). For these noncompliances, the NRC is providing enforcement discretion for the implementation of corrective action so that those noncompliances may be corrected in accordance with the requirements of 10 CFR 50.48(c). Those noncompliances must be entered into the licensee's corrective action program, must not be associated with findings that the Reactor Oversight Process Significance Determination Process would evaluate as Red, or would not be categorized at Severity Level 1, and appropriate compensatory measures have been taken. To prevent undue delay in either restoring these existing noncompliances to 10 CFR 50.48(b) (and any other requirements in fire protection license conditions) or establishing compliance to 10 CFR 50.48(c), the letter of intent must be submitted within 6 months of the effective date of the final rule amending 10 CFR 50.48.

This interim enforcement discretion policy is consistent with the long-standing policy included in Section