

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 ACNW Executive Director, Dr. John T. Larkins, 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 ACNW Executive Director 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 the ACNW Executive Director 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 the ACNW Executive Director, Dr. John T. Larkins (telephone 301/415-7360), between 7:30 a.m. and 4:15 p.m. EDT.

Dated: April 26, 1995.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 95-10724 Filed 5-1-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Company; Pilgrim Nuclear Power Station; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by letter dated March 10, 1995, Mary Elizabeth Lampert and 62 other persons request that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to the Pilgrim Nuclear Power Station operated by the Boston Edison Company (the licensee).

Petitioners request that during the March 25, 1995, refueling outage and In-Vessel Visual Inspection conducted by the licensee, certain technical concerns be addressed, and that before Pilgrim goes back on-line, appropriate repairs be made or corrective action be taken, and that the NRC discuss the status of such repairs and corrective actions with the

public in Plymouth, Massachusetts. Petitioners also request that the NRC terminate its policy of issuing Notices of Enforcement Discretion (NOED) and commence enforcing NRC regulations again. Finally, Petitioners request that the letter be treated as a Petition pursuant to 10 CFR 2.206.

As the bases for their requests, Petitioners identify three groups of technical concerns: (1) Age-related deterioration of 25 safety related reactor internals; (2) parts and components "known to be a problem at Pilgrim," including the core shroud, water level indicators, QA for fuel pool cooling system during loss-of-coolant accident/loss-of-coolant protection, coolant protection, motor-operated valves, containment integrity, drywell liner corrosion vulnerability, station blackout vulnerability, and Rosemount transmitters; and (3) parts and components "potentially a problem at Pilgrim," including potential fuel rod corrosion and substandard and/or counterfeit parts. Additionally, Petitioners contend that allowing a reactor to operate under an NOED cannot pose less risk to the public health and safety than keeping the reactor shut down until NRC regulations are met.

The Petition is being evaluated pursuant to 10 CFR 2.206 of the Commission's regulations. The Petition has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by Section 2.206, appropriate action will be taken on this Petition within a reasonable time.

A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, DC 20001.

Dated at Rockville, Maryland, this 19th day of April 1995.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 95-10732 Filed 5-1-95; 8:45 am]

BILLING CODE 7590-01-M

Appointments to Performance Review Boards for Senior Executive Service

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Appointment to Performance Review Boards for Senior Executive Service.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has announced the following appointments to the NRC Performance Review Boards.

The following individuals are appointed as members of the NRC Performance Review Board (PRB) responsible for making recommendations to the appointing and awarding authorities on performance appraisal ratings and performance awards for Senior Executives:

New Appointees:

Lawrence J. Chandler, Assistant General Counsel, Office of the General Counsel

Richard L. Bangart, Director, Office of State Programs

Leonard J. Callan, Regional Administrator, Region IV

Ronald M. Scroggins, Deputy Chief Financial Officer/Controller, Office of the Controller

Ashok Thadani, Associate Director for Technical Assessment, Office of Nuclear Reactor Regulation

In addition to the above new appointments, the following members are continuing on the PRB:

Stephen G. Burns, Associate General Counsel, Office of the General Counsel

John C. Hoyle, Secretary of the

Commission, Office of the Secretary
James L. Blaha, Assistant for Operations, Office of the Executive Director for Operations

Frank J. Miraglia, Deputy Director, Office of Nuclear Reactor Regulation

Bill M. Morris, Director, Division of Regulatory Applications, Office of Nuclear Regulatory Research

Elizabeth Q. Ten Eyck, Deputy Director, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards

The following individuals will continue as members of the NRC PRB Panel that was established to review appraisals and make recommendations to the appointing and awarding authorities for NRC PRB members:

Hugh L. Thompson, Jr., Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support, Office of the Executive Director for Operations

Karen D. Cyr, General Counsel, Office of the General Counsel

James L. Milhoan, Deputy Executive Director for Nuclear Reactor Operations, Regulatory Operations, and Research, Office of the Executive Director for Operations

All appointments are made pursuant to Section 4314 of Chapter 43 of Title 5 of the United States Code.

EFFECTIVE DATE: May 2, 1995.

FOR FURTHER INFORMATION CONTACT: James F. McDermott, Secretary, Executive Resources Board, U.S.

Nuclear Regulatory Commission,
Washington, DC 20555, (301) 415-7516.

Dated at Rockville, Maryland, this 25th day
of April 1995.

For the Nuclear Regulatory Commission.

James F. McDermott,

Secretary, Executive Resources Board.

[FR Doc. 95-10728 Filed 5-1-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-410]

**Niagara Mohawk Power Corp. (Nine
Mile Point Nuclear Station Unit 2);
Exemption**

I

Niagara Mohawk Power Corporation (NMPC or the licensee) is the holder of Facility Operating License No. NPF-69, which authorizes operation of Nine Mile Point Nuclear Station Unit 2 (the facility/NMP2), at a steady-state reactor power level not in excess of 3323 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Oswego County, New York. The license provides among other things, that it is subject to all rules, regulations, and Orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

II

Section III.D.1.(a) of Appendix J to 10 CFR Part 50 requires the performance of three Type A containment integrated leakage rate tests (ILRTs), at approximately equal intervals during each 10-year service period of the primary containment. The third test of each set shall be conducted when the plant is shutdown for the 10-year inservice inspection of the primary containment.

III

By letter dated March 9, 1995, NMPC requested temporary relief for NMP2 from the requirement to perform a set of three Type A tests at approximately equal intervals during each 10-year service period of the primary containment. The requested exemption would permit a one-time interval extension of the second Type A test by approximately 18 months (from the April 1995 refueling outage, to the late 1996 refueling outage).

The licensee's request cites the special circumstances of 10 CFR 50.12, paragraph (a)(2)(ii), as the basis for the exemption. The existing Type B and C testing programs are not being modified by this request and will continue to effectively detect containment leakage caused by the degradation of active

containment isolation components as well as containment penetrations. The licensee has analyzed the results of the previous Type A tests performed at NMP2. Two Type A tests (including the preoperational test) have been conducted from 1986 to date with no failures. Therefore, application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule.

IV

Section III.D.1.(a) of Appendix J to 10 CFR Part 50 states that a set of three Type A leakage rate tests shall be performed at approximately equal intervals during each 10-year service period.

The licensee proposes an exemption to this section which would provide a one-time interval extension for the second Type A test by approximately 18 months. The Commission has determined, for the reasons discussed below, that pursuant to 10 CFR 50.12(a)(1) this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption; namely, that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of the requirement to perform Type A containment leak rate tests at approximately equal intervals during the 10-year service period, is to ensure that any potential leakage pathways through the containment boundary are identified within a time span that prevents significant degradation from continuing or becoming unknown. The NRC staff has reviewed the basis and supporting information provided by the licensee in the exemption request. The NRC staff has noted that the licensee has a good record of ensuring a leak-tight containment. All Type A tests have passed with significant margin and the licensee has noted that the results of the Type A testing have been confirmatory of the Type B and C tests which will continue to be performed. The licensee stated in its submittal that a visual internal and external inspection of the mechanical and structural integrity of the containment shell is completed during every refueling outage. The NRC staff considers these inspections provide an important added level of confidence

in the continued integrity of the containment boundary.

The NRC staff has also made use of the information in a draft staff report, NUREG-1493, which provides the technical justification for the present Appendix J rulemaking effort which also includes a 10-year test interval for Type A tests. The integrated leakage rate test, or Type A test, measures overall containment leakage. However, operating experience with all types of containments used in this country demonstrates that essentially all containment leakage can be detected by local leakage rate tests (Type B and C). According to results given in NUREG-1493, out of 180 ILRT reports covering 110 individual reactors and approximately 770 years of operating history, only 5 ILRT failures were found which local leakage rate testing could not detect. This is 3 percent of all failures. This study agrees well with previous NRC staff studies which show that Type B and C testing can detect a very large percentage of containment leaks. The NMP2 experience has also been consistent with these results as previously noted.

The Nuclear Management and Resources Council (NUMARC), now the Nuclear Energy Institute (NEI), collected and provided the NRC staff with summaries of data to assist in the Appendix J rulemaking effort. NUMARC collected results of 144 ILRTs from 33 units; 23 ILRTs exceeded 1.0L_a. Of these, only nine were not due to Type B or C leakage penalties. The NEI data also added another perspective. The NEI data show that in about one-third of the cases exceeding allowable leakage, the as-found leakage was less than 2L_a; in one case the leakage was found to be approximately 2L_a; in one case the as-found leakage was less than 3L_a; one case approached 10L_a; and in one case the leakage was found to be approximately 21L_a. For about half of the failed ILRTs the as-found leakage was not quantified. These data show that, for those ILRTs for which the leakage was quantified, the leakage values are small in comparison to the leakage value at which the risk to the public starts to increase over the value of risk corresponding to L_a (approximately 200L_a, as discussed in NUREG-1493). Therefore, based on these considerations, it is unlikely that an extension of one cycle for the performance of the Appendix J, Type A test at NMP2 would result in significant degradation of the overall containment integrity. As a result, the application of the regulation in these particular circumstances is not necessary to