

from inadvertent operation from either the control room, the motor control center, or the valve itself be considered capable of being mispositioned (referred to as position-changeable MOVs) and be included in licensee MOV programs. When determining the maximum differential pressure or flow for position-changeable MOVs, the licensees were asked to consider "the fact that the MOV must be able to recover from mispositioning \* \* \*"

Supplement 1 to GL 89-10 limited the prevention of inadvertent MOV operation within the context of the generic letter to the potential for MOV mispositioning from the control room.

The Boiling Water Reactor Owners Group (BWROG) submitted a backfit appeal on the recommendations for position-changeable valves. The staff, with the assistance of Brookhaven National Laboratory (BNL), reviewed and evaluated the issues concerning the mispositioning of valves from the control room and determined that the recommendations in GL 89-10 should be changed for BWRs. The BNL study, which used probabilistic risk assessment (PRA) techniques, and the NRC staff evaluation and conclusions were transmitted in a letter from the NRC to the BWROG dated February 12, 1992. The conclusions were communicated to industry and the public at large via Supplement 4 to GL 89-10, also dated February 12, 1992. Supplement 4 indicated that the NRC would perform a similar review for PWRs and stated that GL 89-10 might be revised, if warranted, to clarify the NRC position regarding consideration of MOV mispositioning within the scope of GL 89-10 for PWRs.

#### *Description of Circumstances*

By letter dated July 21, 1992, the Westinghouse Owners Group (WOG) asked the NRC staff to notify PWR licensees that the provisions of GL 89-10 for valve mispositioning are not applicable to PWRs, based on arguments similar to those made by the BWROG.

#### *Discussion*

Under contract to the NRC staff, BNL performed a study similar to the one performed for BWRs of the safety significance of inadvertent operation of MOVs in safety-related piping systems of three PWRs. Consistent with Supplement 1 to GL 89-10, the scope of the study was limited to MOVs in safety-related systems that could be mispositioned from the control room. However, because the available PRA models do not include active mispositioning of MOVs or the physical phenomena that could inhibit

repositioning, BNL's study of available plant models was limited in its ability to address this issue. Given this limited scope, BNL concluded that the risk insights from the mispositioning of unlocked MOVs were similar for both PWRs and BWRs. Although PWRs tend to have a higher core damage frequency (CDF) than BWRs, which would suggest that the net increase in CDF from mispositioning of MOVs would be higher for PWRs than for BWRs, PWRs typically have a lower conditional containment failure probability, which would tend to balance the overall risk to the public.

The NRC is removing the recommendation that MOV mispositioning be considered by PWR licensees in responding to GL 89-10, as was done for BWR licensees in Supplement 4, in light of the following:

- Corrective actions have been taken by licensees subsequent to the Davis-Besse event (i.e., detailed control room design reviews, independent valve position verification programs, and operator training improvements).
- Corrective actions are being applied to many of the most important valves under the other provisions of GL 89-10.
- Other operational events are absent (other than Davis-Besse) in which mispositioning MOVs from the control room actually set up conditions that prevented repositioning.
- The results of the BNL study for PWRs.

Implementation of this relaxation by licensees is voluntary.

#### *Staff Position*

The staff no longer considers the recommendations for inadvertent operation of MOVs from the control room to be within the scope of GL 89-10 for PWRs. However, the staff believes that consideration of valve mispositioning benefits safety.

Modifying the provisions in GL 89-10 for valve mispositioning does not affect the GL 89-10 recommendations for licensees to review safety analyses, emergency procedures, and other plant documentation to determine the design-basis<sup>1</sup> fluid conditions under which all MOVs in safety-related piping systems may be called upon to function. This position also does not supersede the NRC generic recommendations or regulations on valve mispositioning that pertain to such other issues as interfacing-systems loss-of-coolant

<sup>1</sup> Design-basis conditions are those conditions during both normal operation and abnormal events that are within the design basis of the plant.

accidents (ISLOCAs) or fire protection (10 CFR Part 50, Appendix R).

#### *Backfit Discussion*

This letter represents a relaxation of recommendations set forth in GL 89-10 and prior supplements. Implementation of this relaxation is voluntary and this generic letter supplement requests neither actions nor information from licensees. Therefore, this generic letter supplement is not considered a backfit and the staff has not performed a backfit analysis.

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

For the Nuclear Regulatory Commission.

**Brian K. Grimes,**

*Director, Division of Project Support, Office of Nuclear Reactor Regulation.*

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#### **Privacy Act of 1974; Revisions to System of Records**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed revision of an existing system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Nuclear Regulatory Commission (NRC) is issuing public notice of our intent to modify the system of records maintained by the Office of the Inspector General (OIG), NRC-18, currently titled "Office of the Inspector General Index File and Associated Records—NRC." The proposed modifications will rename the system "Office of the Inspector General (OIG) Investigative Records—NRC," permit disclosures to consumer reporting agencies, and add two other Privacy Act exemptions. The routine uses for the system are being revised and other technical and editorial revisions to the system notice are being made to make it more accurate.

**EFFECTIVE DATE:** The revised system of records will become effective without further notice on September 5, 1995, unless comments received on or before that date cause a contrary decision. If, based on NRC's review of comments received, changes are made, NRC will publish a new final notice. NRC will not withhold records under the (j)(2) or (k)(5) exemptions until adoption of the final rule amending 10 CFR 9.95 to add these exemptions to this system of records.

**ADDRESSES:** Send comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission,

Washington, DC 20555-0001, Attention: Docketing and Services Branch. Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:45 am and 4:15 pm Federal workdays. Copies of comments may be examined at the NRC Public Document Room at 2120 L Street, NW., Lower Level, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Jona L. Souder, Freedom of Information/Local Public Document Room Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-7170.

**SUPPLEMENTARY INFORMATION:** NRC is republishing System of Records NRC-18, currently titled "Office of the Inspector General Index File and Associated Records—NRC," to rename the system; revise all current routine uses to more clearly describe the disclosures for OIG's investigative system of records; add new routine use g. permitting disclosures to other agencies, including the Department of Justice, to obtain advice on OIG matters; add new routine use h. permitting disclosures to the National Archives and Records Administration and the General Services Administration for records management inspections; authorize disclosures to consumer reporting agencies under 5 U.S.C. 552a(b)(12); add the (j)(2) and (k)(5) exemptions; and update other information in the previously published notice of this system of records.

NRC is renaming NRC-18 "Office of the Inspector General (OIG) Investigative Records—NRC" to cover only investigative records of the OIG. Audit records that were previously included in this system have been deleted from NRC-18 because they are not retrieved by personal identifier.

Other information in the system is being updated to reflect changes in the way information is retrieved and safeguarded, and to more accurately describe the categories of individuals covered and the categories of records being maintained.

The NRC is exempting NRC-18 from certain provisions of the Privacy Act under 5 U.S.C. 552a(j)(2) to the extent that the system contains investigatory material pertaining to the enforcement of criminal laws or compiled for criminal law enforcement purposes. The OIG is an agency component that performs as one of its principal functions activities pertaining to the enforcement of criminal laws.

NRC-18 is also being exempted from certain provisions of the Privacy Act

under 5 U.S.C. 552a(k)(5) to the extent that the system contains investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information.

In a separate notice published in the proposed rule section of today's issue of the **Federal Register**, the NRC is giving public notice of a proposed rule to amend 10 CFR 9.95 to exempt this system of records from certain provisions of 5 U.S.C. 552a under subsections (j)(2) and (k)(5).

A report on the proposed revisions to this system of records, required by 5 U.S.C. 552a(r), as implemented by Office of Management and Budget (OMB) Circular No. A-130, has been sent to the Chairman, Committee on Government Reform and Oversight, U.S. House of Representatives; the Chairman, Committee on Governmental Affairs, U.S. Senate; and OMB.

Accordingly, the NRC proposes to amend NRC-18 as follows:

#### **NRC-18**

##### **SYSTEM NAME:**

Office of the Inspector General (OIG) Investigative Records—NRC.

##### **SYSTEM LOCATION:**

Office of the Inspector General, NRC, 11545 Rockville Pike, Rockville, Maryland.

##### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals and entities referred to in complaints or actual investigative cases, reports, accompanying documents, and correspondence prepared by, compiled by, or referred to the OIG.

##### **CATEGORIES OF RECORDS IN THE SYSTEM:**

The system comprises four parts: (1) An automated Text Management System containing reports of investigations and inspections closed since 1989 and brief descriptions of investigative cases open and pending in the OIG since 1989 that have not yet resulted, but will result, in investigative or inspection reports; (2) paper files of all OIG and predecessor Office of Inspector and Auditor (OIA) reports, correspondence, cases, matters, memoranda, materials, legal papers, evidence, exhibits, data, and work papers pertaining to all closed and pending investigations and inspections; (3) paper index card files of OIG and OIA cases closed from 1970 through 1989; and (4) an automated Allegations Tracking System that includes allegations referred to the OIG since 1985, whether or not the allegation progressed to an investigation or

inspection, and dates that the investigation or inspection, if any, was opened and closed.

##### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Inspector General Act of 1978, as amended, 5 U.S.C. App. 3; 42 U.S.C. 2035(c), 2201(c), and 5841(f) (1988).

##### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to the disclosures permitted under subsection (b) of the Privacy Act, OIG may disclose information contained in a record in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

a. To any Federal, State, local, tribal, or foreign agency, or other public authority responsible for enforcing, investigating, or prosecuting violations of administrative, civil, or criminal law or regulation if that information is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility of the receiving entity when records from this system of records, either by themselves or in combination with any other information, indicate a violation or potential violation of law, whether administrative, civil, criminal, or regulatory in nature.

b. To public or private sources to the extent necessary to obtain information from those sources relevant to an OIG investigation, audit, inspection, or other inquiry.

c. To a Federal, State, local, tribal, or foreign agency, or a public authority or professional organization if necessary to obtain information relevant to a decision by NRC or the requesting organization concerning the retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit, or other personnel action related to the record subject.

d. To a court, adjudicative body before which NRC is authorized to appear, Federal agency, individual or entity designated by NRC or otherwise empowered to resolve disputes, counsel or other representative, or witness or potential witness when it is relevant and necessary to the litigation if any of the parties listed below is involved in the litigation or has an interest in the litigation:

1. NRC, or any component of NRC;
2. Any employee of NRC where the NRC or the Department of Justice has agreed to represent the employee; or

3. The United States, where NRC determines that the litigation is likely to affect the NRC or any of its components.

e. To a private firm or other entity with which OIG or NRC contemplates it will contract or with which it has contracted for the purpose of performing any functions or analyses that facilitate or are relevant to an investigation, audit, inspection, inquiry, or other activity related to this system of records. The contractor, private firm, or entity needing access to the records to perform the activity shall be required to maintain Privacy Act safeguards with respect to information. A contractor, private firm, or entity operating a system of records under 5 U.S.C. 552a(m) shall be required to comply with the Privacy Act.

f. To another agency to the extent necessary for obtaining its advice on any matter relevant to an OIG investigation, audit, inspection, or other inquiry related to the responsibilities of the OIG.

g. To a member of Congress or to a congressional staff member in response to his or her inquiry made at the written request of the subject individual.

h. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

*Disclosure Pursuant to 5 U.S.C. 552a(b)(12):*

Disclosure of information to a consumer reporting agency is not considered a routine use of records. Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3701(a)(3)).

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Information contained in this system is stored manually on index cards, in files, and in various ADP storage media.

##### RETRIEVABILITY:

Information is retrieved from the Text Management System alphabetically by the name of an individual, by case number, or by subject matter. Information in the paper files backing up the Text Management System and older cases closed by 1989 is retrieved by subject matter and/or case number, not by individual identifier. Information

is retrieved from index card files for cases closed before 1989 by the name or numerical identifier of the individual or entity under investigation or by subject matter. Information in the Allegations Tracking System is retrieved by allegation number, case number, or name.

#### SAFEGUARDS:

The automated Text Management System is accessible only on one terminal in the OIG, is password protected, and is accessible only to OIG investigative personnel. Paper files backing up the Text Management System and older case reports and work papers are maintained in approved security containers and locked filing cabinets in a locked room; associated indices, records, diskettes, tapes, etc., are stored in locked metal filing cabinets, safes, storage rooms, or similar secure facilities. Index card files for older cases (1970-1989) are under visual control during working hours and are available only to authorized investigative personnel who have a need to know and whose duties require access to the information. The Allegations Tracking System is double-password-protected and is available to a limited number of OIG investigative employees on only one terminal in a locked room.

#### RETENTION AND DISPOSAL:

##### a. *Investigative Case Files.*

1. Files containing information or allegations that are of an investigative nature but do not relate to a specific investigation—Destroy when 5 years old.

2. All other investigative files, except those that are unusually significant—Place in inactive file when case is closed. Cut off inactive file at end of fiscal year. Destroy 10 years after a cutoff.

3. Significant cases (those that result in national media attention, congressional investigation, or substantive changes in agency policy or procedures)—To be determined by the National Archives and Records Administration on a case-by-case basis.

b. *Index/Indices.* Destroy or delete with the related records or sooner if no longer needed.

c. *Text Management System.* Delete after 10 years or when no longer needed, whichever is later.

d. *Allegation Tracking System.* Destroy when no longer needed.

#### SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information pertaining to themselves should write to the Director, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### RECORDS ACCESS PROCEDURES:

Same as "Notification procedure." Information classified pursuant to Executive Order 12356 will not be disclosed. Information received in confidence will be maintained pursuant to the Commission's Policy Statement on Confidentiality; Management Directive 8.8, "Management of Allegations" (formerly NRC Manual Chapter 0517); and other procedures concerning confidentiality as determined by the Inspector General and will not be disclosed to the extent that disclosure would reveal a confidential source.

#### CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

#### RECORD SOURCE CATEGORIES:

The information in this system of records is obtained from sources including, but not limited to, the individual record subject; NRC officials and employees; employees of Federal, State, local, and foreign agencies; and other persons.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(j)(2), the Commission has exempted this system of records from subsections (c)(3) and (4), (d)(1)-(4), (e)(1)-(3), (5), and (8), and (g) of the Act. This exemption applies to information in the system that relates to criminal law enforcement and meets the criteria of the (j)(2) exemption. Pursuant to 5 U.S.C. 552a(k)(1), (k)(2), (k)(5), and (k)(6), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

Dated at Rockville, MD, this 18th day of July, 1995.

For the Nuclear Regulatory Commission.

**James M. Taylor,**

*Executive Director for Operations.*

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