The fall of 1996 is a critical time for plant operations. If we do not install the dry spent fuel storage modules by 1996, the plant would not have the capability of totally off-loading fuel from the reactor to the in-plant spent fuel pool. This is not a desirable operating configuration, should the plant need to conduct internal inspections of the reactor vessel that would require fuel to be removed from the reactor. In order to operate safely we should be able to remove this fuel from the reactor and store it in the spent fuel storage pool inside the plant, and after 1996 we will not have the flexibility to do that. Without dry storage and without the ability to remove all the fuel from the reactor, the plant would not be able to operate. (transcript p. 95)

Taken in context, it appears that what Mr. Barton is stating is that he is concerned with operations management due to the inability to have full core off-load capability and that having full core off-load capability can in certain situations enhance safety. The plant has the capacity to complete one more refueling operation before they will not be able to operate without dry storage capability as Mr. Barton stated. The Commission has stated a similar view with regard to the issue of maintaining full core reserve storage capability:

While a full core reserve capability is not an NRC licensing or safety requirement, maintenance of full core reserve would enhance safety to some extent, and would also be needed to prevent extended reactor outages in the event a core must be discharged in order to inspect the reactor pressure vessel and perform other routine and unscheduled maintenance operations.[5]

The December 6, 1993, Zoning Board hearing testimony of Mr. Gordon Bond, Director of Nuclear Analysis and Fuel for GPU Nuclear, also supports the view that the concern is with operations management. When asked whether it is important to maintain full core discharge capability, Mr. Bond responded as follows:

We believe it is. It's not required by Federal Regulations, but we believe it's prudent to allow sufficient reserve capacity in our pool to be able to offload the core any time that we may have to. For example, you may want to do some inspections inside the vessel, and to do that you'll need to remove all of the fuel. (transcript p. 32)

Accordingly, the staff finds that the statements and remarks of Mr. Barton in their context are not false or misleading.

V. Conclusion

The NRC staff has reviewed the statements made by GPU in the April 1996 ''Neighborhood Update'' (the licensee's news magazine) and the testimony of GPU managers before a local Zoning Board and concluded that the assertions raised by the Petitioner are without merit and that there is no basis to take any action against GPU. Accordingly, the Petitioner's requests are denied.

A copy of this Director's Decision will be filed with the Secretary of the Commission for the Commission to review as stated in 10 CFR 2.206(c). This Decision will become the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland, this 11th day of December 1996.

For the Nuclear Regulatory Commission

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 96–32349 Filed 12–19–96; 8:45 am]

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[5] The NRC's Statements of Consideration concerning the amendment of 10 CFR Parts 1 and 53 entitled, ''Criteria and Procedures for Determining the Adequacy of Available Spent Nuclear Fuel Storage Capacity,'' 50 FR 5548, 5549 (1985)

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a new 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 Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 4.20, ''Constraint on Releases of Airborne Radioactive Materials to the Environment for Licensees Other than Power Reactors,'' provides guidance on methods acceptable to the NRC staff for compliance with the constraint on air emissions to the environment. This constraint is required by the NRC's regulations in 10 CFR Part 20, ''Standards for Protection Against Radiation,'' in Section 20.1101(d). The draft of this Regulatory Guide 4.20 was issued in December 1995 as DG–8016.

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 Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection or copying for a fee at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Single copies of regulatory guides, both active and draft, may be obtained free of charge by writing the Office of Administration, Attn: Distribution and Services Section, USNRC, Washington, DC 20555–0001, or by fax at (301) 415–2260. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 4th day of December 1996.

For the Nuclear Regulatory Commission

Themis P. Speis,

Deputy Director, Office of Nuclear Regulatory Research.

[FR Doc. 96–32348 Filed 12–19–96; 8:45 am]

BILLING CODE 7590–01–P

Availability of Final Branch Technical Position on the Use of Expert Elicitation in the High-Level Waste Program

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The Nuclear Regulatory Commission is announcing the availability of NUREG–1563, the ''Branch Technical Position (BTP) on the Use of Expert Elicitation in the High-Level Waste (HLW) Program.''

ADDRESSES: A copy of NUREG–1563 and the staff's responses to public comments on the February 1996 draft BTP are available for public inspection and/or copying at the NRC Public Document Room, 2120 L Street (Lower Level), NW, Washington, DC 20555–0001. Copies of the NUREG–1563 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, D.C., 20013–7082, telephone 202/512–2249. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

FOR FURTHER INFORMATION CONTACT: Michael P. Lee, Performance Assessment and High-Level Waste Integration Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, 11545

Rockville Pike, MD 20852–2738, telephone 301/415–6677.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy (DOE) is conducting a program of site characterization to gather enough information, about the Yucca Mountain (Nevada) site, to be able to evaluate the waste isolation capabilities of a potential geologic repository. Should the site be found suitable, DOE will apply to the NRC for permission to construct and then operate a proposed geologic repository for the disposal of spent nuclear fuel and other high-level radioactive waste at Yucca Mountain.

As with other licensing decisions, NRC's decision to grant or deny a license for a proposed repository will be based on a combination of fact and judgment, as set forth by DOE in any potential license application. The subjective judgments of individual experts and, in some cases, groups of experts, will be used by DOE to interpret data obtained during site characterization and to address the many technical issues and inherent uncertainties associated with predicting the performance of a geologic repository system for thousands of years.

NRC has traditionally accepted, for review, expert judgment to evaluate and interpret the factual bases of license applications. Judgment has been used to complement and supplement other sources of scientific and technical information, such as data collection, analyses, and experimentation. In NUREG–1563, the NRC staff has developed specific technical positions that: (1) provide general guidelines on those circumstances that may warrant the use of a formal process for obtaining the judgments of more than one expert (i.e., expert elicitation); and (2) describe acceptable procedures for conducting expert elicitation when formally elicited judgments are used to support a demonstration of compliance with NRC's geologic disposal regulation, currently set forth in 10 CFR Part 60.

Current NRC policy is to encourage the use of probabilistic risk assessment (PRA) state-of-the-art technology and methods as a complement to the deterministic approach in nuclear regulatory activities (60 FR 42622). Although routinely used in deterministic analyses that do not involve PRA (or performance assessments, in the case of waste management systems), expert judgment can, and frequently does, provide information essential to the conduct of probabilistic assessments. Consistent with the Commission's policy, the NRC staff has developed this BTP to identify acceptable procedures for the use and formal elicitation of such judgments in the area of HLW.

Although there are several examples of the use of expert elicitation in a nuclear regulatory context, no formal Agency guidance on this subject exists. Thus, in developing this BTP, the Division of Waste Management staff has drawn upon the prior experience of other NRC program offices with the use of expert judgment and has relied on various Agency resource documents to help formulate its position statements. Consequently, the staff believes that this BTP is largely consistent with these other resource documents in substance.

On February 28, 1996, the NRC published a ''Notice of Availability'' in the Federal Register of the draft BTP (61 FR 7568) and solicited public comments. As a result, about 20 twenty comments, questions, and recommendations were received from three parties —DOE, the State of Nevada, and the U.S. Nuclear Waste Technical Review Board—which resulted in some changes and clarifications to the guidance. These changes and clarifications are documented in Appendix D of the NUREG. On August 22, 1996, the staff briefed the Advisory Committee on Nuclear Waste on the staff's final position statements. As a result of this briefing, further clarifications were requested and these clarifications are documented in Appendix F of the NUREG.

Finally, in its comments on the draft BTP, DOE indicated that it is in ''substantial agreement'' with the NRC staff's technical positions on the formal use of expert elicitation in the HLW program. Therefore, the staff is inclined to believe that with publication of the BTP, there is a sufficient basis to recommend that NRC's 1989 Site Characterization Analysis Comment (SCA) 3, concerning DOE's use of expert judgment in the HLW program, be closed, at the staff level. Appendix E of the NUREG contains the staff's views with regard to a possible course of resolution for SCA Comment 3.

Dated at Rockville, Maryland, this 16th day of December 1996.

For the Nuclear Regulatory Commission

John H. Austin,

Chief, Performance Assessment and High-Level Waste Integration Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96–32350 Filed 12–19–96; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From the Bond/Escrow Requirement Relating to the Sale of Assets by an Employer That Contributes to a Multiemployer Plan; Dunham-Bush, Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from Dunham-Bush, Inc. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended, with respect to the Sheet Metal Workers National Pension Fund. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for the five- plan-year period beginning after the sale. The PBGC is authorized to grant individual and class exemptions from this requirement. Before granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The purpose of this notice is to advise interested persons of the exemption request and solicit their views on it.

DATES: Comments must be submitted on or before February 3, 1997.

ADDRESSES: All written comments (at least three copies) should be addressed to: Pension Benefit Guaranty Corporation, Office of the General Counsel, 1200 K Street, N.W., Washington, D.C. 20005–4026, or hand-delivered to Suite 340 at the above address between 9:00 a.m. and 4:00 p.m., Monday through Friday. The non-confidential portions of the request for an exemption and the comments received will be available for public inspection at the PBGC Communications and Public Affairs Department, Suite 240, at the above address, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Thomas T. Kim, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, N.W., Washington, D.C. 20005–4026; telephone 202–326–4028 (202–326–4179 for TTY and TDD). These are not toll-free numbers.