Attorney for licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60603.

Local Public Document Room location: Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

NRC Project Director: Robert A. Capra.

Northern States Power Company, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, Goodhue County, Minnesota

Date of application for amendments: January 29, 1997, as supplemented February 11, 12, March 7, 10, 11, 19, and 20, 1997.

Brief description of amendments: The amendments authorize Northern States Power Company to continue operation of Prairie Island Units 1 and 2 on an interim basis, through the incorporation of three license conditions into its licenses, until a seismically qualified emergency cooling water source is provided that will provide the basis to extend the time for operator post-seismic cooling water load management. This could be done either through a seismic evaluation of the intake canal, physical modifications to the intake canal or plant, or some combination of the two.

Date of issuance: March 25, 1997.

Effective date: March 25, 1997, with implementation of License Condition 1 prior to Unit 2 entering Mode 2, with implementation of the requirements of License Condition 2 by July 1, 1997, and December 31, 1998, and with implementation of License Condition 3 at the next updated safety analysis report update following completion of License Condition 2, but no later than June 1, 1999.

Amendment Nos.: 128 and 120.

Facility Operating License Nos. DPR–42 and DPR–60: Amendments revised the licenses.

Public comments requested as to proposed no significant hazards consideration (NSHC): Yes (62 FR 5857 dated February 7, 1997). This notice provided an opportunity to submit comments on the Commission's proposed NSHC determination. The notice also provided for an opportunity to request a hearing by March 10, 1997, but indicated that if the Commission makes a final NSHC determination, any such hearing would take place after issuance of the amendments. Because of the significant revisions to the licensee's original application, NRC also published a public notice of the proposed amendments, issued a proposed finding of no significant hazards consideration, and requested that any comments on the proposed finding be provided to the staff by close of business on March 20, 1997. The notice was published in the St. Paul Pioneer Press on March 15, 1997, the Minneapolis Star Tribune on March 16, 1997, and the Red Wing Republican Eagle on March 17, 1997. No comments have been received. The Commission's related evaluation of the amendments, finding of exigent circumstances, and final determination of NSHC are contained in a Safety Evaluation dated March 25, 1997.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW, Washington, DC 20037.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401

NRC Project Director: John N. Hannon.

Dated at Rockville, Maryland, this 2nd day of April, 1997.

For the Nuclear Regulatory Commission.

Jack W. Roe,

Director, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 97–8916 Filed 4–8–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–219, License No. DPR–16]

Oyster Creek Nuclear Generating Station; Issuance of Final Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission (NRC), has granted in part and denied in part Petitions, dated September 19, 1994, and supplemented by a letter dated December 13, 1994, submitted by Messrs. Paul Gunter and William deCamp, Jr. (Petitioners) on behalf of Oyster Creek Nuclear Watch, Reactor Watchdog Project, and Nuclear Information and Resource Service. Petitioners requested that the NRC take immediate action with regard to Oyster Creek Nuclear Generating Station (OCNGS) operated by GPU Nuclear Corporation (GPU or licensee). By letter dated December 13, 1994, Petitioners supplemented the Petition dated September 19, 1994.

Specifically, the Petition of September 19, 1994, requested that the NRC (1) immediately suspend the OCNGS operating license until the licensee inspects and repairs or replaces all safety-class reactor internal component parts subject to embrittlement and cracking, (2) immediately suspend the OCNGS operating license until the licensee submits an analysis regarding the synergistic effects of through-wall cracking of multiple safety-class components, (3) immediately suspend the OCNGS operating license until the licensee has analyzed and mitigated any areas of noncompliance with regard to irradiated fuel pool cooling as a single-unit boiling water reactor (BWR), and (4) issue a generic letter requiring other licensees of single-unit BWRs to submit information regarding fuel pool boiling in order to verify compliance with regulatory requirements, and to promptly take appropriate mitigative action if the unit is not in compliance.

The supplemental Petition, in addition to providing more information on the original request, requested that the NRC (1) suspend the OCNGS operating license until the Petitioners' concerns regarding cracking are addressed, including inspection of all reactor vessel internal components and other safety-related systems susceptible to intergranular stress-corrosion cracking and completion of any and all necessary repairs and modification; (2) explain the discrepancies between the response of the NRC staff dated October 27, 1994, to the Petition of September 19, 1994, and time-to-boil calculations for the FitzPatrick plant; (3) require GPU to produce documents for evaluation of the time-to-boil calculation for the OCNGS irradiated fuel pool; (4) identify redundant components that may be powered from onsite power supplies to be used for spent fuel pool cooling as qualified Class IE systems; (5) hold a public meeting in Toms River, New Jersey, to permit presentation of additional information related to the Petition; and (6) treat the Petitioners' letter of December 13, 1994, as a formal appeal of the denial of their request of September 19, 1994, to immediately suspend the OCNGS operating license.

The Director of the Office of Nuclear Reactor Regulation has granted requests (3), with the exception of suspending OCNGS operating license which was previously denied, and in part (4) of the Petition of September 19, 1994, and requests (2), (3), and (4) of the supplemental Petition of December 13, 1994. The reasons for these decisions are explained in the ''Final Director's Decision Under 10 CFR 2.206: (DD–97–08), the complete text of which follows this notice. The decision and the documents cited in the decision are available for public inspection and copying at the Commission's Public

Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at Ocean County Library, Reference Department, 101 Washington Street, Toms Rivers, NJ 08753.

A copy of this Final Director's Decision will be filed with the Secretary of the Commission for review in accordance with 10 CFR 2.206(c). As provided in that regulation, the decision will contribute the final action of the Commission 25 days after the date of its issuance, unless the Commission, on its own motion, institutes a review of the decision within that time.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 2nd day of April 1997.

Attachment: DD 97–08

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

Final Director's Decision Under 10 CFR 2.206

I. Introduction

By a Petition submitted pursuant to 10 CFR 2.206 on September 19, 1994 (Petition), Reactor Watchdog Project, Nuclear Information and Resource Service, and Oyster Creek Nuclear Watch (Petitioners) requested that the U.S. Nuclear Regulatory Commission (NRC) take immediate action with regard to Oyster Creek Nuclear Generating Station (OCNGS) operated by GPU Nuclear Corporation (GPU or Licensee). By letter dated December 13, 1994, Petitioners supplemented the Petition.

In the Petition of September 19, 1994, Petitioners requested that the NRC: (1) immediately suspend the OCNGS operating license until the Licensee inspects and repairs or replaces all safety-class reactor internal component parts subject to embrittlement and cracking, (2) immediately suspend the OCNGS operating license until the Licensee submits an analysis regarding the synergistic effects of through-wall cracking of multiple safety-class components, (3) immediately suspend the OCNGS operating license until the Licensee has analyzed and mitigated any areas of noncompliance with regard to irradiated fuel pool cooling as a single-unit boiling water reactor (BWR), and (4) issue a generic letter requiring other licensees of single-unit BWRs to submit information regarding fuel pool boiling in order to verify compliance with regulatory requirements and to promptly take appropriate mitigative action if the unit is not in compliance.

In addition to providing more information on the original request, the supplement dated December 13, 1994, requested that the NRC: (1) suspend the OCNGS operating license until Petitioners' concerns regarding cracking are addressed, including inspection of all reactor vessel internal components and other safety-related systems susceptible to intergranular stress-corrosion cracking and completion of any and all necessary repairs and modifications, (2) explain the discrepancies between the response of the NRC staff dated October 27, 1994, to the Petition and time-to-boil calculations for the FitzPatrick Plant, (3) require GPU to produce documents for evaluation of the time-to-boil calculations for the OCNGS irradiated fuel pool, (4) identify redundant components that may be powered from onsite power supplies to be used for spent fuel pool cooling as qualified Class 1E systems, (5) hold a public meeting in Toms River, New Jersey, to permit presentation of additional information related to the Petition, and (6) treat Petitioners' letter of December 13, 1994, as a formal appeal of the denial of their request of September 19, 1994, to immediately suspend the OCNGS operating license.

On October 27, 1994, the Director of the Office of Nuclear Reactor Regulation informed the Petitioners that he was denying their request for immediate suspension of the OCNGS operating license, that their Petition was being evaluated under 10 CFR 2.206 of the Commission's regulations, and that action would be taken in a reasonable time. By letter dated April 10, 1995, the Director denied requests (5) and (6) of Petitioner's supplemental Petition. On August 4, 1995, the Director issued a Partial Director's Decision (DD–95–18), denying requests (1) and (2) of their Petition of September 19, 1994, and request (1) of the supplemental Petition of December 13, 1994. A decision regarding requests (3) and (4) of the Petition of September 19, 1994, and requests (2), (3), and (4) of the supplemental Petition of December 13, 1994, was deferred pending completion of our review.

The NRC staff's review of the Petition and supplemental Petition is now complete. For the reasons set forth below, requests (3), with the exception of suspending OCNGS operating license which was previously denied, and (4) of the Petition of September 19, 1994, are granted in part and requests (2), (3), and (4) of the supplemental Petition of December 13, 1994 are granted as described below.

II. Background

On November 27, 1992, a report was filed pursuant to 10 CFR Part 21 by two contract engineers that notified the Commission of potential design deficiencies in spent fuel pool decay heat removal systems and containment systems at Susquehanna Steam Electric Station (SSES). The report noted that under certain conditions, systems designed to remove decay heat from the spent fuel pool would be unable to perform their intended function, and that as a result of concurrent plant conditions it would not be possible for operators to place backup systems in service or that backup systems would otherwise be unable to perform their intended function. The report concluded that under such conditions, the spent fuel pool could reach boiling conditions and that the adverse environment created by a boiling pool would render systems designed to remove decay heat from the reactor core and systems designed to limit the release of fission products to the environment unable to perform their intended function. The ultimate consequence of these conditions could be the failure (meltdown) of fuel in both the reactor vessel and the spent fuel pool and a substantial release of fission products to the environment that would cause significant harm to public health and safety.

Although the issues raised by this Part 21 report appeared to be of low safety significance, because of the low probability that the necessary sequence of events would take place,[1] the complex nature of the issues prompted the NRC staff to undertake an extensive evaluation of the matter. The NRC staff review process, which continued from November 1992 to June 1995, included information-gathering trips to the licensee's engineering offices and to SSES, public meetings with the licensee, public meetings and written correspondence with the authors of the Part 21 report, and numerous written requests for information to the licensee and corresponding responses.

The staff issued Information Notice (IN) 93–83, ''Potential Loss of Spent Fuel Pool Cooling After a Loss-of-Coolant Accident or a Loss of Offsite Power,'' on October 7, 1993, which informed licensees of all operating reactors of the nature of the issues raised in the Part 21 report.

[1] Specifically, the NRC staff observed that a loss-of-coolant accident followed by multiple failures of emergency core cooling systems would be necessary to achieve the adverse radiological conditions that would preclude operator actions to ensure continued adequate decay heat removal from the spent fuel pool.

The NRC staff issued a draft safety evaluation (SE) addressing the issues raised in the Part 21 report on SSES for comment on October 25, 1994. After receiving comments from the licensee, the authors of the Part 21 report, and the Advisory Committee on Reactor Safeguards, the staff issued a final SE regarding the issues raised in the Part 21 report for the SSES on June 19, 1995 (SSES SE).[2]

The NRC staff reviewed and evaluated the SSES plant design and inspected operation of SSES plant equipment with respect to the various event sequences described in the Part 21 report. The staff also evaluated the response of SSES plant equipment to a broader range of initiating events than was identified in the Part 21 report. For example, the staff considered the safety significance of a loss of spent fuel pool decay heat removal capability resulting from a loss of offsite power events, from seismic events, and from flooding events. The staff considered the safety significance of such events potentially leading to spent fuel pool boiling sequences that could, in turn, jeopardize safety-related equipment needed to maintain reactor core cooling. The NRC staff conducted both deterministic and probabilistic evaluations to fully understand the safety significance of the issues raised. The staff evaluated the safety significance of the issues as they pertained to the plant at the time the Part 21 report was submitted and as they pertained to the plant after the completion of certain voluntary modifications made at SSES during the course of the NRC staff's review. Finally, the staff examined licensing issues associated with the design of the spent fuel pool cooling system to determine the extent to which SSES's design and operation met the applicable regulatory requirements.

On the basis of the staff's deterministic analysis of the plant as it was configured at the time the SSES SE was prepared, the NRC staff concluded that systems used to cool the spent fuel storage pool are adequate to prevent unacceptable challenges to safety-related systems needed to protect the health and safety of the public during design-basis accidents.

On the basis of its probabilistic evaluation, the NRC staff concluded that the specific scenario involving a large radionuclide release from the reactor vessel, which was described in the Part 21 report, is a sequence of very low probability. The staff's evaluation concluded that even with consideration of the additional initiating events previously described, ''loss of spent fuel pool cooling events'' represented a challenge of low safety significance to the plant at the time the Part 21 report was submitted. However, the staff also concluded that the plant modifications and procedural upgrades made during the course of the staff's review, which included removing the gates that separate the spent fuel storage pools from the common cask storage pit, installation of remote spent fuel pool temperature and level indication in the control room, and numerous procedural upgrades, provided a measurable improvement in plant safety and that these conclusions had potential generic implications. In summary, with regard to loss of spent fuel pool cooling events, the SSES SE concluded that the design of the SSES facility was adequate to protect public health and safety.

With regard to licensing-basis design issues, the staff concluded that only a loss of spent fuel pool cooling initiated by a seismic event was considered in the original granting of the SSES license by the NRC.

The staff issued IN 93–83, Supplement 1, ''Potential Loss of Spent Fuel Pool Cooling After a Loss-of-Coolant Accident or a Loss of Offsite Power,'' to all power reactor licensees on August 24, 1995, describing the conclusions of the June 19, 1995, SSES SE. The information notice described the staff's plans to implement a generic action plan to evaluate the generic concerns raised in the SSES SE and to address certain additional concerns arising from a special inspection at a permanently shutdown reactor facility.[3] The generic action plan, entitled ''Task Action Plan for Spent Fuel Storage Pool Safety'' (Task Action Plan), was issued on October 13, 1994, and included the following actions: (1) A search for and analysis of information regarding spent fuel storage pool issues, (2) an assessment of the operation and design of spent fuel storage pools at selected reactor facilities, (3) an evaluation of the assessment findings for safety concerns, and (4) selection and execution of an appropriate course of action based on the safety significance of the findings.

As part of the Task Action Plan review, the staff reviewed operating experience, as documented in licensee event reports and other information sources, as well as in previous studies of spent fuel pool issues. The staff also gathered detailed design data relating to the design basis and functional capability of the fuel storage pool, the fuel pool cooling system, and other systems associated with fuel storage for every operating reactor and analyzed these data to identify potential safety issues regarding a loss of spent fuel pool cooling or a loss of coolant inventory.

The NRC staff forwarded the results of its Task Action Plan review to the Commission on July 26, 1996.[4] The staff concluded that existing spent fuel storage pool structures, systems, and components provided adequate protection of public health and safety at all operating reactors. Protection is provided by several layers of defenses that perform accident prevention functions (e.g., quality controls on design, construction, and operation), accident mitigation functions (e.g., multiple cooling systems and multiple makeup water paths), radiation protection functions, and emergency preparedness functions. Design features addressing each of these areas for spent fuel storage for each operating reactor have been reviewed and approved by the staff. In addition, the risk analyses available for spent fuel storage suggest that current design features and operational constraints cause issues related to spent fuel pool storage to be a small fraction of the overall risk associated with an operating light-water reactor.

Notwithstanding these findings, the NRC staff reviewed the design of every operating reactor's spent fuel pool to identify strengths and weaknesses and potential areas for safety enhancements. The NRC staff identified seven categories of design features that reduce the reliability of spent fuel pool decay heat removal, increase the potential for loss of spent fuel coolant inventory, or increase the potential for consequential loss of essential safety functions at an operating reactor. The NRC staff determined that these design features existed at 22 sites; OCNGS was not one

[2] Letter to R. Byram, Pennsylvania Power & Light Company, from J. Stolz, NRC, ''Susquehanna Steam Electric Station, Units 1 and 2, Safety Evaluation Regarding Spent Fuel Pool Cooling Issues (TAC No. M85337),'' dated June 19, 1995.

[3] On January 25, 1994, the licensee for Dresden, Unit 1, a permanently shutdown facility, discovered approximately 55,000 gallons of water in the basement of the unheated Unit 1 containment. The water originated from a rupture of the service water system that occurred as a result of freeze damage. The licensee investigated further and found that although the fuel transfer system was not damaged, there was a potential for a portion of the fuel transfer system inside containment to fail and result in a partial draindown of the spent fuel pool that contained 660 spent fuel assemblies. The NRC issued NRC Bulletin 94–01, ''Potential Fuel Pool Draindown Caused by Inadequate Maintenance Practices at Dresden Unit 1,'' on April 8, 1994, to all licensees with permanently shutdown reactors that had spent fuel stored in spent fuel pools. The NRC requested that such licensees take certain actions to ensure that spent fuel storage safety did not become degraded.

[4] Memorandum to the Commission, from J. Taylor, ''Resolution of Spent Fuel Storage Pool Action Plan Issues,'' dated July 26, 1996.

of the 22 sites. As the staff has concluded that present facility designs provided adequate protection of public health and safety, possible safety enhancements will be evaluated pursuant to 10 CFR 50.109(a)(3). The analyses for possible safety enhancement backfits will consider whether modifications to the plant design to address the plant-specific design features identified by the NRC staff could provide a substantial increase in the overall protection of public health and safety and whether such modifications could be justified on a cost-benefit basis.

The NRC staff also identified three additional categories of design features that may have the potential to reduce the reliability of spent fuel pool decay heat removal, increase the potential for loss of spent fuel coolant inventory, or increase the potential for consequential loss of essential safety functions at an operating reactor. The NRC staff preliminarily determined that these design features existed at 11 sites. OCNGS was not one of the 11 sites. The staff has insufficient information at this time to determine whether backfits pursuant to 10 CFR 50.109(a)(3) are warranted at the 11 sites. For plants identified as having design features in these three categories, the NRC staff will gather and evaluate additional information prior to determining whether to require any backfits.

In addition to the plant-specific analyses described above for 22 sites which will address certain design features, the NRC staff informed the Commission in the July 26, 1996, Task Action Plan report that it plans to address issues related to the functional performance of spent fuel pool decay heat removal, as well as the operational aspects related to coolant inventory control and reactivity control, in a new proposed performance-based rule for shutdown operations (10 CFR 50.67) at all operating reactors. The new rule is schedule to be issued for public comment in 1997.

The NRC staff sent the Task Action Plan report of July 26, 1996, to all operating power reactor licensees. For those licensees whose plants have one or more of the design features that warrant a plant-specific safety enhancement backfit analysis, the staff has provided an opportunity to comment on: (1) The accuracy of the NRC staff's understanding of the plant design, (2) the safety significance of the design concern, (3) the cost of potential modifications to address the design concern, and (4) the existing protection from the design concern provided by administrative controls or other means. In developing a schedule and plans for conducting all of the plant-specific regulatory analyses, the NRC staff will consider comments received from licensees.

III. Discussion

A. Issuance of Generic Letter, Compliance Verification, and Mitigative Action (September 19, 1994 Petition Items (3) and (4))

The Petitioners requested (Items (3) and (4) of the September 19, 1994, Petition) that the NRC immediately suspend the OCNGS operating license until GPU analyzes and mitigates any areas of noncompliance with regard to irradiated fuel pool cooling as a single-unit boiling water reactor, and that the NRC issue a generic letter requiring other licensees of single unit BWRs to submit information regarding fuel pool boiling in order to verify compliance with NRC requirements and to take quick mitigative action if the unit is not in compliance.

As stated in the cover letter, the October 27, 1994, Director's letter informed you that he denied your request for immediate suspension of the OCNGS operating license.

While the NRC has not issued and does not plan to issue a generic letter, the staff has communicated the importance of conducting relevant spent fuel pool decay heat removal activities in accordance with technical specifications and other plant-specific applicable regulatory requirements to licensees through the issuance of other generic communications, as described below. The staff also surveyed all operating reactor licensees, including GPU Nuclear Corporation, licensee for OCNGS, to collect information on, among other things, parameters affecting boiling of the spent fuel pool. Results of the survey relevant to this Petition are discussed below.

The NRC staff issued three information notices on matters related to adequate removal of decay heat from the spent fuel pool. IN 93–83, ''Potential Loss of Spent Fuel Pool Cooling After a Loss-of-Coolant Accident or a Loss of Offsite Power,'' was issued on October 7, 1993, and described the concerns in the November 27, 1992, SSES Part 21 report discussed above. IN 93–83, Supplement 1, ''Potential Loss of Spent Fuel Pool Cooling After a Loss-of-Coolant Accident or a Loss of Offsite Power,'' issued on August 8, 1995, informed licensees of the results of the NRC's review of the concerns at SSES. IN 95–54, ''Decay Heat Management Practices During Refueling Outages,'' was issued on December 1, 1995, and described recent NRC assessments of events at certain plants regarding the licensee's control of refueling operations and the methods for removing decay heat produced by the irradiated fuel stored in the spent fuel pool during refueling outages. IN 95–54 communicated to licensees that the plant-specific events described therein and in the previous information notices illustrated the importance of ensuring that (1) planned core offload evolutions, including refueling practices and irradiated fuel decay heat removal, are consistent with the licensing basis, including the final safety analysis report, technical specifications, and license conditions; (2) changes to these evolutions are evaluated through the application of the provisions of 10 CFR 50.59, as appropriate; and (3) all relevant procedures associated with core offloads have been appropriately reviewed.

The staff surveyed operating reactors, including Oyster Creek, as part of the (a) Spent Fuel Pool (SFP) Task Action Plan, and (b) follow-up actions related to issues identified at Millstone, and reviewed the degree to which fuel pool operations compared with each facility's design basis and the degree that the fuel pool design features conformed with accepted guidance and standards. In the case of Oyster Creek, the NRC staff found no deviations in operation or design as a result of either review. The staff issued its report on the results of spent fuel pool survey regarding Millstone follow-up issues on May 21, 1996. As described in Section II of this decision, the NRC staff forwarded its report on the resolution of the SFP Task Action Plan on July 26, 1996, to all operating power reactor licensees.

As part of the SFP Task Action Plan, the staff considered, on a generic basis, the history of regulatory requirements related to spent fuel pools as they were applied in plant licensing actions. The staff found that SFP-related regulatory requirements have been evolving since the first nuclear power plants were licensed and that specific regulatory guidance on the design of spent fuel pool cooling systems was not formalized until 1975, when the Standard Review Plan was issued, which was after the issuance of construction permits for most currently operating reactors. Because the regulatory requirements were evolving during the era in which the staff was conducting licensing reviews for the current generations of operating reactors, staff-approved designs varied from plant to plant. However, based on the recent survey results, the staff concluded that all operating reactors had design features

for spent fuel storage (e.g., addressing accident prevention functions, accident mitigation functions, radiation protection functions, and emergency preparedness functions), which had been reviewed and approved in the past by the NRC. In addition, based on the review of the survey results, the staff found that all licensees were in compliance with current NRC requirements.

Although the NRC staff concluded that all plants, including OCNGS, are in compliance with the NRC spent fuel pool design requirements, the staff reviewed certain operating practices at all operating reactor plants to verify that the plants were being operated consistent with the plant design as described in the licensing basis,[5] specifically with respect to refueling outage practices associated with offloading irradiated fuel into the spent fuel pool. The staff concluded, on the basis of the information collected and reviewed and the specific licensee actions taken and commitments made during the course of this review, that core offload practices are consistent with the spent fuel pool decay heat removal licensing basis for all plants, or will be before the next refueling outage. It should be noted, however, that during the course of its review, the staff determined that nine sites (involving fifteen units) needed to modify their licensing basis or plant practices, pursuant to 10 CFR 50.59 or 10 CFR 50.90, to ensure that their refueling practices adhered to their licensing basis. This is an indication that these plants may have previously performed full core offloads inconsistent with their licensing basis. The staff is reviewing potential enforcement action for these facilities. It should be noted that OCNGS is *not* one of the nine sites.

The Petitioners requested that the NRC immediately suspend the OCNGS operating license until GPU analyzes and mitigates any areas of noncompliance with regard to irradiated fuel pool cooling as a single-unit BWR, and that the NRC issue a generic letter requiring other licensees of single unit BWRs to submit information regarding fuel pool boiling in order to verify compliance with NRC requirements and take quick mitigative action if the unit is not in compliance. These requests are granted in part as described above. Petitioners' request for immediate suspension of OCNGS operating license was previously denied.

[5] Memorandum to the Commission, from J. Taylor, dated May 21, 1996.

B. Time-to-Boil Calculations (December 13, 1994, Supplemental Petition Items (2) and (3))

Petitioners' supplementary request of December 13, 1994, asked the NRC to explain ''discrepancies'' between the response of the NRC staff dated October 27, 1994, to the Petition and the documented time-to-boil calculations for the FitzPatrick Plant as they bear on time-to-boil calculations for other single-unit General Electric BWRs, including OCNGS. Petitioners contend that documents available in the Public Document Room for FitzPatrick Plant, a single-unit site, indicated a time-to-boil following a loss-of-coolant accident of 8 hours, considerably less than the 25 hours SSES, a dual-unit site, committed to in a letter dated June 1, 1994. Petitioners also requested that the Licensee, GPUN, produce time-to-boil calculations for OCNGS.

The NRC staff letter of October 27, 1994, to Petitioners concluded that time-to-boil conditions at single-unit BWR sites, such as OCNGS, are of low safety significance because, unlike dual-unit sites, such as SSES, a large decay heat rate associated with a short time to reach boiling conditions is an unrealistic assumption during periods when the unit is operating and fuel in the reactor vessel is subject to a loss-of-coolant accident.

As explained in the Director's letter to Petitioners dated April 10, 1995, the time-to-boil calculation results for the FitzPatrick Plant single-unit BWR, which were presented in a New York Power Authority document dated May 31, 1990, were based on the maximum postulated decay heat rates during a refueling outage fuel discharge and full core offload that occurred about 7 and 10 days, respectively, after reactor shutdown. These calculations also assumed that spent fuel pool cooling was lost when the pool was at its maximum calculated temperature. In contrast, the staff calculated the time-to-boil for FitzPatrick to be 25 hours for a one-third core discharge 30 days after reactor shutdown, assuming the spent fuel pool was at its maximum temperature limit for normal operation, which is 125 °F. The details of this calculation were provided in our Director's letter to you dated April 10, 1995. Additionally, the staff had surveyed the factors that would most significantly affect the time-to-boil (i.e., spent fuel pool volumes, rated reactor thermal power level, total number of fuel assemblies in the reactor vessel, and spent fuel pool temperature limits) for 12 General Electric Company BWR/3 and BWR/4 reactors. The staff concluded that its time-to-boil calculations for FitzPatrick are representative for United States single-unit BWRs as a whole, and OCNGS in particular.

As part of the NRC staff's Task Action Plan activities, the staff collected information from licensee documents to calculate the time-to-boil for all operating reactors on a consistent basis. While the staff did not specifically require licensees (including GPU) to provide documentation to support time-to-boil calculations, the staff did independently calculate the time-to-boil for each plant from licensee-supplied information in Final Safety Analysis Reports and other design documents. On this basis, the staff determined that the time-to-boil at Oyster Creek is average among single-unit BWRs, thus confirming the same conclusion reached earlier in the Director's letter of April 10, 1995.

Accordingly, the Petitioners' requests to explain the ''discrepancies'' between the response of the NRC staff dated October 27, 1994, to the Petition and the documented time-to-boil calculations for the FitzPatrick Plant as they bear on time-to-boil calculations for other single-unit General Electric BWRs, including OCNGS, and that GPU produce documents for evaluation of time-to-boil calculations are granted as described above.

C. Redundant Class 1E Components and Power Supplies (December 13, 1994, Supplemental Petition Item (4))

In the supplemental Petition submittal of December 13, 1994, the Petitioners requested that the NRC identify redundant components that may be powered from on-site power supplies to be used for spent fuel pool cooling as qualified Class 1E systems at Oyster Creek.

The Petitioners noted that while Oyster Creek may have redundant components, in their view it is meaningless to have redundant components and power supplies if they have not been qualified to operate under emergency conditions.

At Oyster Creek, spent fuel decay heat removal consists of a two-train spent fuel pool cooling system. The first train (''Spent Fuel Pool Cooling System'') has two pumps and two heat exchangers. The second or augmented train, installed in parallel with the first train, contains two full capacity pumps and a single heat exchanger. The four pumps in both trains are powered from electrical busses supported by safety-related emergency diesels (MCCs 1A21, 1A23, 1B21 and 1B23). The augmented train is seismically qualified. Portions of

the spent fuel pool cooling system, initially designed to be a non-seismic system, has been upgraded to Seismic Category I requirements. Those portions of the system that do not meet seismic requirements can be isolated from the spent fuel pool cooling system if a seismic event renders them inoperable.

It should be made clear that the NRC staff does not require Class 1E qualification for spent fuel pool cooling equipment and instrumentation. Class 1E is the safety classification of electric equipment and systems that are essential to emergency reactor shutdown, containment isolation, reactor core cooling, and containment and reactor heat removal, or are otherwise essential in preventing significant release of radioactive material to the environment.[6] The spent fuel pool cooling system and monitoring instrumentation are not required for such functions.

In his letter of April 10, 1995, the Director informed Petitioners that they have not presented, nor was the staff aware of, any evidence that the spent fuel pool cooling system fails to comply with its design basis, or that the licensee failed to qualify these components to the degree Petitioners describe such that it would alter his decision as it pertains to the safety significance of these issues. Therefore, further review of the qualification of spent fuel cooling system components at OCNGS is not warranted. Additionally, Petitioners were informed that the staff would continue its generic review of spent fuel storage pool safety and would take appropriate action based on the conclusions of that review. Based on the results of the generic review of spent fuel storage pool safety thus far, the staff has concluded that no additional actions are warranted for the spent fuel pool cooling system components at OCNGS.

The Petitioners' request to identify redundant qualified Class 1E systems was granted as described above.

IV. Conclusion

Although the staff has not initiated formal enforcement proceedings in response to the Petition, the staff has taken a number of actions that address the concerns raised in the Petition. For example, during the course of its review, the NRC staff has issued generic communications responsive to Petitioners' request (4) of September 19, 1994. In addition, the NRC staff reviewed the compliance of NRC licensed facilities in the area of spent fuel pool design responsive to Petitioners' request (3) of September 19, 1994. To this extent, the Petition is granted in part. Finally, Petitioners' supplemental petition requests (2), (3), and (4) are granted as explained above.

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

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 2nd day of April 1997.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97–8915 Filed 4–8–97; 8:45 am]

BILLING CODE 7590–01–M

[6] IEEE Std 308–1980.

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Committee Meeting

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on—

Thursday, April 10, 1997
Thursday, April 24, 1997
Thursday, May 15, 1997
Thursday, May 22, 1997

The meeting will start at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, N.W., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chair, five representatives from labor unions holding exclusive bargaining rights for Federal blue-collar employees, and five representatives from Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

These scheduled meetings will start in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chair to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would unacceptably impair the ability of the Committee to reach a consensus on the matters being considered and would disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public because of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

The meeting on April 10 may contain discussion of confidential private sector survey data for the Newburgh, New York, appropriated fund wage area. If so, that portion of the meeting will be closed to the public under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C. 552b(c)(4).

Annually, the Chair compiles a report of pay issues discussed and concluded recommendations. These reports are available to the public, upon written request to the Committee's Secretary.

The public is invited to submit material in writing to the Chair on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 5559, 1900 E Street, NW., Washington, DC 20415 (202) 606–1500.

Dated: April 3, 1997.

Phyllis G. Foley,

Chair, Federal Prevailing Rate Advisory Committee.

[FR Doc. 97–9050 Filed 4–8–97; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38471; File No. SR–DCC–96–12]

Self-Regulatory Organizations; Delta Clearing Corp.; Order Approving on a Temporary Basis a Proposed Rule Change Relating to Monitoring and Limiting Exposure from Repurchase Agreements

April 2, 1997.

On November 26, 1996, the Delta Clearing Corp. (''DCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–DCC–96–12) pursuant to