

should be permitted a hearing, with particular reference to the factors set out in 10 CFR 2.1205(h);

(3) The requester's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with 10 CFR 2.1205(d).

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, Public Service Company of Colorado, 16805 WCR 19 1/2, Platteville, Colorado, Attention: Mr. A. Clegg Crawford, Vice President, Engineering and Operations Support, and

(2) NRC staff, by delivery to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Attention: Docketing and Service Branch; or hand-deliver comments to: 11555 Rockville Pike, Rockville, MD between 7:45 a.m. and 4:15 p.m., Federal workdays.

If no request for a Subpart L hearing is received, the license will be amended to approve the Termination Plan, after the thirty (30) day period for requesting a hearing has expired. Thereafter, once the determinations required under 10 CFR 50.82(a)(11) have been made, NRC will terminate the license without further opportunity for hearing.

A copy of the DP is available for public inspection and copying at NRC's Public Document Room, 2120 L Street, NW., Washington, DC 20555.

**FOR FURTHER INFORMATION CONTACT:** Mr. Clayton L. Pittiglio, Project Manager, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T-7-F27, Washington, DC 20555-0001. Telephone (301) 415-6702.

Dated at Rockville, MD this 4th day of March 1997.

For the U.S. Nuclear Regulatory Commission.

**John W.N. Hickey,**  
Chief.

[FR Doc. 97-5853 Filed 3-7-97; 8:45 am]

BILLING CODE 7590-01-P

### **Advisory Committee on Reactor Safeguards; Subcommittee Meeting on Thermal Hydraulic Phenomena**

The ACRS Subcommittee on Thermal Hydraulic Phenomena will hold a meeting on March 28, 1997, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.

Most of the meeting will be closed to public attendance to discuss Westinghouse Electric Corporation proprietary information pursuant to 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

*Friday, March 28, 1997—8:30 a.m. Until the Conclusion of Business*

The Subcommittee will continue its review of the Westinghouse (W) Test and Analysis Program being conducted in support of the AP600 design certification, especially the W approach for modeling long-term cooling accident scenarios using the W COBRA/TRAC code. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic 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 Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, the Westinghouse Electric Corporation, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the scheduling of sessions which are open to the public, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the cognizant ACRS staff engineer, Mr. Paul A. Boehnert (telephone 301/415-8065) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: March 4, 1997.

**Sam Duraiswamy,**

Chief, Nuclear Reactors Branch.

[FR Doc. 97-5851 Filed 3-7-97; 8:45 am]

BILLING CODE 7590-01-P

[Docket Nos. 50-255, 50-266/301, 50-313/368, 72-5, 72-7, 72-13]

### **Consumers Power Company, Palisades Nuclear Plant, Wisconsin Electric Power Company, Point Beach Nuclear Plant, Units 1 and 2, Entergy Operations, Inc., Arkansas Nuclear One, Units 1 and 2; Issuance of Director's Decision Under 10 CFR 2.206**

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision concerning a Petition dated November 17, 1995, filed Ms. Fawn Shillinglaw (Petitioner) under Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206). The Petition requested that the NRC prohibit loading of spent nuclear fuel into VSC-24 dry storage casks at any nuclear site until the multi-assembly sealed basket (MSB) #4 at the Palisades Nuclear Plant is unloaded and the unloading process is evaluated.

The Director of the Office of Nuclear Reactor Regulation has determined that Petition should be denied for the reasons stated in the "Director's Decision Under 10 CFR 2.206" (DD-97-05), the complete text of which follows this notice. The decision and documents cited in the decision are available for public inspection and copying in the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC.

A copy of this decision has been filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c). As provided therein, this decision will become the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes review of the decision within that time.

Dated at Rockville, Maryland, this 4th day of March 1997.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

Director, Office of Nuclear Reactor Regulation.

### **DIRECTOR'S DECISION UNDER 10 CFR 2.206**

#### **I. Introduction**

On November 17, 1995, Ms. Fawn Shillinglaw (Petitioner) filed a Petition pursuant to Section 2.206 of Title 10 of

the Code of Federal Regulations (10 CFR 2.206) requesting that the U.S. Nuclear Regulatory Commission (NRC) take action to prohibit loading of VSC-24 casks at any nuclear site until the multi-assembly sealed basket (MSB) #4 at the Palisades plant has been unloaded and the experience evaluated for potential safety improvements. In addition to Consumers Power Company, the licensee for Palisades, other licensees that use the VSC-24 cask system are Wisconsin Electric Power Company at its Point Beach Nuclear Plant, Units 1 and 2, and Entergy Operations, Inc., at Arkansas Nuclear One, Units 1 and 2.

The Petition has been referred to me pursuant to 10 CFR 2.206. The NRC letter to you dated January 18, 1996, acknowledged receipt of the Petition. Notice of receipt was published in the **Federal Register** on January 25, 1996 (61 FR 2269).

On the basis of the NRC staff's evaluation of the issues and for the reasons given below, the Petitioner's request is denied.

## II. Background

NRC regulations contain a general license that authorizes nuclear power plants licensed by the NRC to store spent nuclear fuel at the reactor site in storage casks approved by the NRC. (See 10 CFR Part 72, Subpart K.) In regard to dry cask storage of spent nuclear fuel at Palisades, Point Beach, and Arkansas Nuclear One, the licensees opted to use the VSC-24 Cask Storage System designed by Sierra Nuclear Corporation. The VSC-24 Cask Storage System was added to the list of NRC certified casks in May 1993 (58 FR 17948). The associated certificate of compliance, Certificate Number 1007, specifies the conditions for use of VSC-24 casks under the general license provisions of 10 CFR Part 72. Section 1.1.2, "Operating Procedures," in the certificate of compliance for the VSC-24 casks requires that licensees prepare an operating procedure related to cask unloading. Specifically, the condition states—

Written operating procedures shall be prepared for cask handling, loading, movement, surveillance, and maintenance. The operating procedures suggested generically in the SAR [safety analysis report] are considered appropriate, as discussed in Section 11.0 of the SER [safety evaluation report], and should provide the basis for the user's written operating procedures. The following additional written procedures shall also be developed as part of the user operating procedures:

1. A procedure shall be developed for cask unloading, assuming damaged fuel. If fuel needs to be removed from the multi-assembly sealed basket (MSB), either at the end of

service life or for inspection after an accident, precautions must be taken against the potential for the presence of oxidized fuel and to prevent radiological exposure to personnel during this operation. This activity can be achieved by the use of the Swagelok valves, which permit a determination of the atmosphere within the MSB before the removal of the structural and shield lids. If the atmosphere within the MSB is helium, then operations should proceed normally, with fuel removal, either via the transfer cask or in the pool. However, if air is present within the MSB, then appropriate filters should be in place to permit the flushing of any potential airborne radioactive particulate from the MSB, via the Swagelok valves. This action will protect both personnel and the operations area from potential contamination. For the accident case, personnel protection in the form of respirators or supplied air should be considered in accordance with the licensee's Radiation Protection Program.

In July 1994, the licensee for Palisades discovered radiographic indications of possible defects in a weld in MSB #4. MSB #4 had been loaded with spent fuel earlier that month and placed inside a ventilated concrete cask on the independent spent fuel storage installation (ISFSI) storage pad. The licensee evaluated the flaw indications and determined that the MSB continued to meet its design basis and was capable of safely storing spent fuel for the duration of the certificate (20 years). Nevertheless, the licensee stated that MSB #4 would be unloaded to support additional inspections and evaluations related to its future use.<sup>1</sup> In preparation for the unloading of MSB #4, the licensee reviewed the unloading procedure issued in May 1993 (Revision 0) and identified several technical deficiencies. A revision of the unloading procedure (Revision 1) was subsequently developed to resolve the identified technical deficiencies. The revised unloading procedure is the subject of an ongoing NRC inspection.<sup>2</sup>

<sup>1</sup>The unloading of MSB #4 was originally planned for several months after the discovery of the radiographic indications of possible weld defects in July 1994. However, the unloading has been delayed several times and in its letter of January 17, 1997, the licensee informed the NRC staff that the unloading has been postponed until the fuel in MSB #4 can be reloaded into a certified storage and transportation cask. The licensee also indicated it intends to pursue development and licensing of such a cask, has solicited and received bids from vendors, and plans to award a contract before the end of the first quarter of 1997.

<sup>2</sup>In regard to the original (Revision 0) unloading procedure at Palisades, the NRC staff concluded that, had the licensee attempted to unload a cask using the original unloading procedure, the licensee would have needed to suspend activities at one or more times during the unloading process in order to implement revisions to the procedure. The NRC staff found that this was a violation of requirements that all activities affecting quality be prescribed by procedures appropriate for the circumstances and

Through inspections at Palisades and other facilities, the NRC staff identified a number of concerns regarding licensees' procedures for unloading spent fuel from dry storage casks. The NRC staff identified examples of procedural inadequacies and quality assurance shortcomings experienced during preoperational tests and actual cask loading operations at several facilities. In addition, the staff observed that some unloading procedures implemented by licensees neglected to consider contingencies and assumptions on possible fuel degradation, gas sampling techniques, cask design issues, radiation protection requirements, and the thermal-hydraulic behavior of a cask during the process of cooling and filling it with water from the spent fuel pool. To address these concerns, the following item titled "Cask Loading and Unloading," was included in the NRC dry cask storage action plan implemented in July 1995.<sup>3</sup>

Issue: Cask Loading and Unloading

As licensees have implemented their ISFSI plans, several issues have been identified related to the loading and unloading of casks. Loading issues have centered on procedural inadequacies and quality assurance shortcomings. The unloading procedures developed by licensees tend to be simplistic. This has resulted in neglecting to consider contingencies and assumptions on failed fuel, air sampling techniques, disassembly requirements, design problems, and radiation protection requirements. The importance of these procedures should be emphasized to licensees, and technical issues related to unloading problems resolved. This issue should also be addressed for shipping casks.

The NRC action plan developed for dry cask storage was formulated to manage the resolution of a variety of technical and process issues associated with the expanding use of that technology for the storage of spent nuclear fuel. The item related to the loading and unloading of dry storage casks was added to the action plan, in part, to ensure that the importance of the unloading procedures was emphasized to licensees and technical issues related to unloading problems were resolved.

that procedures are reviewed for adequacy. However, given the limited safety significance of the procedural deficiencies and the fact that the licensee identified and corrected the deficiencies, the NRC dispositioned the violation as a Non-Cited Violation in accordance with the NRC Enforcement Policy. (See NRC Inspection Report 50-255/96014 and Director's Decision 97-01.)

<sup>3</sup>Action plans are used by the NRC staff to manage the resolution of significant generic issues. Such plans are prepared when the anticipated resources that will be required to resolve generic or potentially generic issues exceed certain thresholds or when the NRC staff determines that an action plan would improve its efficiency and effectiveness.



To implement the plan, the NRC staff formed a working group to identify issues associated with loading and unloading processes for dry storage casks and to propose means of informing the industry and the NRC staff of those issues. The working group considered industry experiences, concerns identified during reviews and inspections, and other issues related to loading and unloading procedures. The working group completed its reviews in April 1996. The concerns related to unloading procedures reviewed by the working group were found to involve either (1) isolated occurrences that had been adequately resolved by site-specific corrective actions or (2) generic issues which were addressed by incorporating remedial measures into ongoing staff activities, such as the preparation of revised inspection procedures or other guidance documents.

In May 1996, an event occurred at the Point Beach plant involving the ignition of hydrogen gas during the loading of a VSC-24 cask.<sup>4</sup> Completion of the NRC inspection of the revised unloading procedure for Palisades was postponed following the event at Point Beach in order to allow licensees and the NRC staff to identify the cause of the hydrogen ignition and implement appropriate corrective actions. Following the event, the NRC issued confirmatory action letters (CALs) to those licensees using or planning to use VSC-24 casks for the storage of spent nuclear fuel (i.e., licensees for Point Beach, Palisades, and Arkansas Nuclear One). The CALs documented the licensees' commitments not to load or unload a VSC-24 cask without resolution of material compatibility issues identified in NRC Bulletin 96-04, "Chemical, Galvanic, or Other Reactions in Spent Fuel Storage and Transportation Casks," and subsequent confirmation of corrective actions by the NRC.

On December 3, 1996, the NRC staff informed the licensee for Arkansas Nuclear One that it had completed its reviews and inspections associated with that facility and found that the licensee had satisfactorily completed the commitments documented in the CAL. Shortly thereafter, the licensee initiated cask-loading activities. The review of responses to the bulletin related to Palisades and Point Beach is ongoing and cask operations at those facilities

continue to be limited by the licensees' commitments described in CALs.

### III. Discussion

In support of the Petitioner's request that VSC-24 casks not be loaded until MSB #4 at Palisades has been unloaded and the unloading process has been evaluated, the Petitioner cites the action plan prepared by the NRC staff that included the staff's observation that some unloading procedures developed by licensees tended to be simplistic. The Petitioner asserts that because problems are discovered through experience, the proper way to unload casks will not be known until a cask is actually unloaded. The Petitioner also claims that the unloading procedures should not be left to the licensees to develop and implement but should be the subject of detailed NRC evaluations.

The NRC staff's concerns about the quality of licensees' unloading procedures led it to include the issue in the dry cask storage action plan. The action plan provided a framework for the identification and resolution of various technical and administrative issues related to the use of dry storage casks. The previously mentioned actions taken by the NRC staff and licensees adequately resolved the identified issues pertaining to cask unloading procedures. In the specific case of the unloading procedure at Palisades, the licensee's revised procedure addressed many of the generic staff activities on cask unloading and is currently the subject of a thorough NRC inspection that will be completed in the near future.

To fulfill some of the goals included in the action plan, the NRC staff has emphasized the importance of unloading procedures and shared observations with licensees using or considering dry cask storage during opportunities such as the Spent Fuel Storage and Transportation Workshop held in May 1996 and meetings with individual licensees. On the basis that these discussions with the industry and other staff actions had conveyed important operating experiences to NRC licensees, the staff deferred issuance of an NRC information notice on the subject of loading and unloading of dry storage casks. The staff revised inspection procedures to specifically instruct NRC inspectors to review unloading procedures developed by licensees and to identify those issues that warrant particular attention. Guidance included in NRC Inspection Procedure 60855, "Operation of an ISFSI," issued February 1, 1996, states—

For unloading activities, attention should be paid to how the licensee has prepared to

deal with the potential hazards associated with that task. Some potential issues may include: The radiation exposure associated with drawing and analyzing a sample of the canister's potentially radioactive atmosphere; steam flashing and pressure control as water is added to the hot canister; and filtering or scrubbing the hot steam/gas mixture vented from the canister, as it is filled with water.

Similar guidance was included in NUREG-1536, "Standard Review Plan for Dry Cask Storage Systems, Draft Report for Comment," issued in February 1996 and will be included in the final version of the standard review plan that is currently being prepared. The revised guidance documents ensure that recent and future reviews will address the adequacy of unloading procedures developed by licensees.

The NRC staff also reviewed the inspection history for existing ISFSIs to determine if unloading procedures were reviewed with due consideration given to the potential complications that may arise during the unloading process. The NRC staff performed audits or inspections of those licensee programs for which the inspection record did not document whether the unloading procedures adequately addressed the major issues included in the action plan. In regard to the users of the VSC-24 cask system, inspections of unloading procedures at Arkansas Nuclear One (NRC Inspection Report 50-313/96-16; 50-368/96-16; 72-13/96-01 and Notice of Violation, dated July 31, 1996) and Point Beach (NRC Inspection Report 50-266/95011; 50-301/95011, dated November 15, 1995) considered the concerns included in the NRC action plan.

As previously mentioned, the revised unloading procedure at Palisades is the subject of an ongoing inspection, completion of which was delayed as a result of the hydrogen ignition event at Point Beach. The NRC inspection of the revised unloading procedure at Palisades is being coordinated with the staff's review of the licensee's response to NRC Bulletin 96-04 and is expected to be completed in the near future, notwithstanding the licensee's decision to postpone unloading MSB #4 pending the availability of a certified storage and transportation cask.<sup>5</sup> Further, the NRC has committed to State officials and members of the public that the exit meeting for the inspection of the revised unloading procedure at Palisades will be open to the public, the meeting will be noticed sufficiently in advance to

<sup>4</sup>On May 28, 1996, a hydrogen gas ignition occurred during the welding of the shield lid on a VSC-24 cask at the Point Beach Nuclear Plant. The hydrogen was formed by a chemical reaction between a zinc-based coating (Carbo Zinc 11) and the borated water in the spent fuel pool.

<sup>5</sup>The licensee for Palisades responded to NRC Bulletin 96-04 by letters dated August 19 and November 12, 1996. The NRC staff is awaiting the licensee's response to a request for information that was issued on February 12, 1997.

allow interested parties to attend, and the NRC staff will allocate time to discuss issues with the public following the meeting with the licensee.

The NRC staff agrees with the Petitioner that learning from experience is an essential part of improving the safety of nuclear power plant activities, including those associated with dry cask storage of spent nuclear fuel. This principle is reflected in the regulatory requirements pertaining to preoperational testing of dry cask storage activities, as well as various provisions of NRC-approved quality assurance programs. The issuance of Bulletin 96-04 and the CALs for licensees using VSC-24 casks is another example of the NRC staff's efforts to ensure that applicable operating experience is incorporated into procedures at facilities licensed by the NRC. In this case, the licensees using the VSC-24 cask revised procedures to address the technical concerns identified after the event at Point Beach and agreed to defer cask operations pending the NRC's review of responses to the bulletin and confirmation of corrective actions.

As previously mentioned, the licensee for Arkansas Nuclear One loaded VSC-24 casks following the NRC staff's determination that the licensee had satisfactorily completed the commitments documented in the CAL. On the basis of reviews and inspections performed to verify corrective actions associated with the bulletin, in combination with reviews performed for cask certification and previous inspections of preoperational testing and other aspects of the licensee's dry cask storage program, the NRC staff determined that the licensee for Arkansas Nuclear One could perform either cask loading or unloading operations without undue risk to the health and safety of the public or its own personnel. The NRC staff, through reviews and inspections to verify corrective actions associated with NRC Bulletin 96-04, must have confidence in the procedures implemented by the licensee for Point Beach before the NRC permits that licensee to resume loading or unloading of VSC-24 casks. The staff must also obtain the necessary confidence that the licensee for Palisades has implemented the corrective actions related to NRC Bulletin 96-04 as well as the issues included in the NRC action plan before permitting the licensee to resume loading or unloading VSC-24 casks.

Thus, only after resolution of the issues identified in NRC Bulletin 96-04 and other questions that may arise during the inspections of the licensees'

revised procedures at Point Beach and Palisades, will the NRC permit them to unload casks. As part of its review, the NRC staff will consider matters such as the dry-run exercises licensees performed to verify key aspects of unloading procedures, as well as licensees' actual experience in the loading and unloading of transportation casks, loading of storage casks, handling of spent fuel assemblies under various conditions, and performing relevant maintenance and engineering activities associated with reactor facilities. Given that the NRC staff will not permit unloading of any casks unless it obtains reasonable assurance of each licensee's ability to do so safely, the NRC does not have reason to require unloading of MSB #4 at Palisades before allowing resumption of normal activities under the general licenses at Arkansas Nuclear One, Point Beach, or Palisades.

The Petitioner's request is, therefore, denied.

#### IV. Conclusion

The Petitioner requested that the NRC prohibit loading of VSC-24 casks at any nuclear site until MSB #4 at the Palisades plant has been unloaded and the experience evaluated for potential safety concerns. Each of the claims by the Petitioner has been reviewed. I conclude that, for the reasons discussed above, no adequate basis exists for granting Petitioner's request for suspension of the licensees' use of the general licenses for dry cask storage of spent nuclear fuel at Palisades, Point Beach, or Arkansas Nuclear One until the MSB at Palisades has been unloaded and the experience evaluated for potential safety improvements.

A copy of this decision will be filed with the Secretary of the Commission for the Commission to review in accordance with 10 CFR 2.206(c).

As provided by this regulation, this decision will constitute 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 4th day of March 1997.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-5852 Filed 3-7-97; 8:45 am]

BILLING CODE 7590-01-P

#### OFFICE OF PERSONNEL MANAGEMENT

##### The National Partnership Council; Meeting

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice of meeting.

**TIME AND DATE:** 9:30 a.m., March 21, 1997.

**PLACE:** Sheraton Premiere Hotel at Tyson's Corner, 8661 Leesburg Pike, Vienna, Virginia 22182.

**STATUS:** This meeting will be open to the public. Seating will be available on a first-come, first-served basis. Individuals with special access needs wishing to attend should contact OPM at the number shown below to obtain appropriate accommodations.

**MATTERS TO BE CONSIDERED:** The National Partnership Council (NPC) will receive a briefing on the Blair House Papers, President Clinton's plan for reinvention. Also, there will be a follow-up presentation on the NPC Facilitation Project plan for working with labor-management partnerships that are facing difficulties, and a presentation by the Federal Managers Association.

##### CONTACT PERSON FOR MORE INFORMATION:

Michael Cushing, Director, Center for Partnership and Labor-Management Relations, Office of Personnel Management, Theodore Roosevelt Building, 1900 E Street, NW., Room 7H28, Washington, DC 20415-0001, (202) 606-0010.

**SUPPLEMENTARY INFORMATION:** The date and location of the Council's March meeting was chosen to coincide with the Federal Managers Association's (FMA) 59th annual national convention, which meets March 20-26, 1997 at the Sheraton Premiere Hotel at Tyson's Corner in Vienna, Virginia. The Council's meeting is scheduled to take place at the start of FMA's convention.

**PUBLIC PARTICIPATION:** We invite interested persons and organizations to submit written comments. Mail or deliver your comments to Michael Cushing at the address shown above. To be considered at the March 21 meeting, written comments should be received by March 17.

Office of Personnel Management.

**James B. King,**

*Director.*

[FR Doc. 97-5834 Filed 3-7-97; 8:45 am]

BILLING CODE 6325-01-M