

of this Advisory Committee, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

- 3:15 p.m.—4:00 p.m.: *Future ACRS Activities* (Open)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings.
- 4:00 p.m.—7:00 p.m.: *Preparation of ACRS Reports* (Open)—The Committee will continue its discussion of proposed ACRS reports.

Saturday, April 10, 1999

- 8:30 a.m.—2:00 p.m.: *Preparation of ACRS Reports* (Open)—The Committee will continue its discussion of proposed ACRS reports.
- 2:00 p.m.—2:30 p.m.: *Miscellaneous* (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 29, 1998 (63 FR 51968). In accordance with these procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Electronic recordings will be permitted only during the open portions of the meeting and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify Dr. Richard P. Savio, Associate Director for Technical Support, five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman.

Information regarding the time to be set aside for this purpose may be obtained by contacting the Associate Director for Technical Support prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Associate Director for Technical Support if such rescheduling would result in major inconvenience.

In accordance with Subsection 10(d) Pub. L. 92-463, I have determined that it is necessary to close portions of this

meeting noted above to discuss matters that relate solely to the internal personnel rules and practices of this Advisory Committee per 5 U.S.C. 552b(c)(2), to discuss information provided in confidence by a foreign source per 5 U.S.C. 552b(c)(4), and to discuss information the release of which would constitute a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting Dr. Richard P. Savio, Associate Director for Technical Support (telephone 301/415-7363), between 7:30 a.m. and 4:15 p.m. EST.

ACRS meeting agenda, meeting transcripts, and letter reports are available for downloading or viewing on the internet at <http://www.nrc.gov/ACRSACNW>.

Videoteleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician (301-415-8066), between 7:30 a.m. and 3:45 p.m. EST at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Dated: March 25, 1999.

Andrew L. Bates,

Advisory Committee Management Officer.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corporation; Correction Notice

On February 25, 1999, the NRC published (64 FR 9360) "issuance of Director's Decision Under 10 CFR 2.206." The text of the actual Director's Decision should have followed the notice but did not. The text of "Director's Decision Pursuant to 10 CFR 2.206" (DD-99-04) follows this notice.

Dated at Rockville, Maryland this 25th day of March 1999.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Director, Project Directorate 1-2, Division of Licensing Project Management Office of Nuclear Reactor Regulation.

Office of Nuclear Reactor Regulation, Samuel J. Collins, Director

In the Matter of Vermont Yankee Nuclear Power Corporation (Vermont Yankee Nuclear Power Station)

Docket No. 50-271

License No. DPR-28

(10 CFR 2.206)

Director's Decision Pursuant to 10 CFR 2.206

I. Introduction

By a Petition submitted pursuant to 10 CFR 2.206 on April 9, 1998, Michael J. Daley, on behalf of the New England Coalition on Nuclear Pollution, Inc., (Petitioner), requested that the U.S. Nuclear Regulatory Commission (NRC) take immediate action with regard to the Vermont Yankee Nuclear Power Station (VYNPS) operated by the Vermont Yankee Nuclear Power Corporation (licensee or Vermont Yankee).

The Petitioner requested that the NRC issue an order requiring that the licensee's administrative limits, which were in effect at the time and precluded VYNPS from operating with a torus water temperature above 80 °F or with a service water injection temperature greater than 50 °F, shall remain in force until certain conditions are met. The conditions listed include a complete reconstitution of the licensing basis for the maximum torus water temperature, submittal to the NRC of a technical specifications (TSs) amendment request establishing the correct maximum torus water temperature, and completion of NRC's review of the amendment request.

On May 13, 1998, the Director of the Office of Nuclear Reactor Regulation informed the Petitioner that he was denying the request for immediate action at VYNPS, that the Petition was being evaluated under 10 CFR 2.206 of the Commission's regulations, and that action would be taken in a reasonable time.

The NRC staff's review of the Petition is now complete. For the reasons set forth below, the Petitioner's remaining requests have been approximately addressed. The conditions associated with the Petitioner's request have been completed, including establishment of the correct licensing basis for the maximum torus temperature, submittal of a TS amendment request establishing the correct maximum torus water temperature limit, and completion of the NRC's review of the amendment request.

II. Background

In support of these requests, the Petitioner raised concerns about the licensee being unable to demonstrate an ability to either justify the operational limits for the maximum torus water temperature or to maintain operations within existing administrative limits (torus water temperature is critical to the proper functioning of the containment). The Petitioner asserted that since 1994, events have caused the licensee to question VYNPS's maximum torus water temperature limits four times, leading to the self-imposed administrative limits previously noted. The Petitioner stated that the NRC must move from a "wait and see" posture to active intervention, with immediate imposition of the order recommended by the Petitioner as a first step.

The staff notes that the limits proposed by the Petitioner were in effect at VYNPS on an interim basis while the licensee determined the correct maximum torus water temperature limits since it was determined that the TS limit of 100 °F was incorrect. The licensee subsequently completed the analysis and determined that the correct limit for the maximum torus water temperature is 90 °F. This administrative limit was then established at 90 °F and a TS amendment request was submitted to establish this as the maximum torus water temperature.

III. Discussion

As indicated in the May 13 letter, Petitioner's request for immediate action was denied. Although the NRC identified concerns regarding the licensee's handling of the torus water temperature issue in the past, as evidenced by the NRC's enforcement action (Notice of Violation and Proposed Imposition of Civil Penalty of \$55,000 dated April 14, 1998), there was insufficient basis for concluding that the limits proposed by the Petitioner must be imposed on the licensee while the NRC reviewed the associated TS amendment request. The NRC took several actions in this area, including performing a design inspection and conducting several meetings with the licensee on this issue. The NRC concluded that the licensee's actions to resolve this issue were acceptable.

In May and June 1997, the NRC performed a design inspection to evaluate the capability of selected systems to perform their intended safety function as described in design-basis documentation. Also, the NRC assessed the licensee's adherence to its design and licensing basis for selected systems,

and the consistency of the as-built configuration and system operations with the final safety analysis report. The team concluded that although some concerns were identified, the systems evaluated were capable of performing their intended functions and the design engineers had excellent knowledge and capabilities. The report findings were documented in NRC Inspection Report Number 50-271/97-201, which was provided with our May 13 letter to the Petitioner.

One of the concerns identified during the inspection was associated with the licensee's previous handling of the torus water temperature issue and resulted in enforcement action being taken on April 14, 1998, because of a failure to (1) properly translate the design basis of the plant into specifications, procedures, and instructions and (2) promptly correct design deficiencies once they were identified. However, credit was warranted for corrective actions because NRC considered the licensee's actions, once the violations were identified, to be prompt and comprehensive.

At the NRC's request, several public meetings were conducted to discuss issues, including the licensee's analysis to determine the appropriate torus water temperature limit. As a result of discussions with the licensee during public meetings on March 5, March 24, and April 7, 1998, the NRC concluded that the licensee was taking the appropriate actions to resolve this issue and to ensure that the appropriate maximum torus water temperature was specified in the TS and administratively controlled while the TS amendment was being reviewed by the NRC. During the April 7 meeting, the licensee committed to submit the TS amendment request to limit the torus water temperature to 90 °F, which is an input value to the containment analysis calculations, before restart. The calculations supporting the amendment request were subjected to the licensee's formal quality process for assuring accuracy and completeness and provided additional assurance that the 90 °F limit is correct. The more restrictive administrative limits (80 °F torus water temperature and 50 °F service water injection water temperature) were put in place by the licensee, while the detailed analysis was performed to verify that 90 °F was the correct limit.

The licensee proposed a TS amendment to establish a maximum torus water temperature limit of 90 °F by letter dated May 8, 1998, as supplemented on July 10 and October 2, 1998. The NRC reviewed the licensee's analysis and concluded, for the reasons specified in the safety evaluation, that

the appropriate maximum torus water temperature is 90 °F. Therefore, imposition of the more restrictive administrative limits specified in the Petition are not necessary.

IV. Conclusion

The NRC staff has evaluated the information provided by the Petitioner as its basis for the actions requested. As indicated in the May 13 letter to the Petitioner, the NRC has concluded that issuing an immediate order, as requested, was unnecessary since the licensee took appropriate actions to determine the proper limit on torus water temperature, sought a TS amendment to impose the correct torus water temperature, and administratively implemented the limit while the NRC reviewed the analysis in support of the TS amendment. Although the NRC denied Petitioner's request to take immediate action to issue an order imposing certain limits on VYNPS, the conditions associated with the request have been completed, including establishment of the correct licensing basis for the maximum torus temperature, submittal of a TS amendment request establishing the correct maximum torus water temperature limit, and completion of the NRC's review of the amendment request.

Since the conditions listed in the Petition have been met and the NRC had previously addressed Petitioner's immediate request for imposition of an order, all actions associated with the request are complete. For the reasons contained in the safety evaluation, we have concluded that the appropriate limit for maximum torus water temperature is 90°F, making the limits requested in the Petition unnecessary. Accordingly, the staff has addressed the issues raised by the Petitioner and has completed its actions relating to the Petition.

As provided in 10 CFR 2.206(c), a copy of this Decision will be filed with the Secretary of the Commission for the Commission's review. This Decision will constitute 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 10th day of February 1999.

For the Nuclear Regulatory Commission.

Samuel J. Collins,
Director, Office of Nuclear Reactor Regulation.

[FR Doc. 99-8029 Filed 3-31-99; 8:45 am]

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