

inadvertent criticality with which 10 CFR 70.24 is concerned could occur during fuel handling operations. The SNM that could be assembled into a critical mass at a commercial nuclear power plant is in the form of nuclear fuel; the quantity of other forms of SNM that is stored on site in any given location is small enough to preclude achieving a critical mass. Because the fuel is not enriched beyond 5.0 weight percent Uranium-235 and because commercial nuclear plant licensees have procedures and features designed to prevent inadvertent criticality, the staff has determined that it is extremely unlikely that an inadvertent criticality could occur due to the handling of SNM at a commercial power reactor. The requirements of 10 CFR 70.24, therefore, are not necessary to ensure the safety of personnel during the handling of SNM at commercial power reactors.

#### *Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the proposed action and concludes that there is no significant environmental impact if the exemption is granted. Inadvertent or accidental criticality will likely be precluded through compliance with the Virgil C. Summer Nuclear Station, Unit 1, Technical Specifications (TS), the design of the fuel storage racks providing geometric spacing of fuel assemblies in their storage locations, and administrative controls imposed on fuel handling procedures. TS requirements specify reactivity limits for the fuel storage racks and minimum spacing between the fuel assemblies in the storage racks.

Appendix A of 10 CFR Part 50, "General Design Criteria for Nuclear Power Plants," Criterion 62, requires that criticality in the fuel storage and handling system shall be prevented by physical systems or processes, preferably by use of geometrically safe configurations. This is met at Virgil C. Summer Nuclear Station, Unit 1, as identified in the TS. The Virgil C. Summer Nuclear Station, Unit 1, TS Section 5.6.1.2 states that the new fuel storage racks are designed for dry storage of fuel assemblies having a U-235 enrichment less than or equal to 5.0 weight percent, while maintaining a k-effective of less than or equal to 0.95 if flooded with unborated water and less than or equal to 0.98 for low density optimum moderation conditions. FSAR Section 9.1.1.1, New Fuel Storage, specifies that the fuel racks are designed to provide sufficient spacing between fuel assemblies to maintain a subcritical array assuming the most reactive

condition, and under all design loadings including the safe shutdown earthquake. FSAR Section 9.1.1.3 also specifies that the new fuel racks are designed to preclude the insertion of a new fuel assembly between cavities.

The proposed exemption would not result in any significant radiological impacts. The proposed exemption would not affect radiological plant effluent nor cause any significant occupational exposures since the TS design controls (including geometric spacing of fuel assembly storage spaces) and administrative controls designed to preclude inadvertent criticality. The amount of radioactive waste would not be changed by the proposed exemption.

The proposed exemption does not result in any significant nonradiological environmental impacts. The proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed action.

#### *Alternatives to the Proposed Action*

Since the Commission has concluded that there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed exemption, the staff considered denial of the requested exemption. Denial of the request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

#### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the "Final Environmental Statement Related to the Virgil C. Summer Nuclear Station, Unit No. 1," dated January 1973, and "Final Environmental Statement Related to the Operation of the Virgil C. Summer Nuclear Station, Unit 1," dated May 1981.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on August 26, 1997, the staff consulted with the South Carolina State official, Mr. Virgil Autry of the Bureau of Solid and Hazardous Waste Management, Department of Health and Environmental Control, regarding the environmental impact of the proposed

action. The State official had no comments.

#### **Finding of No Significant Impact**

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated July 17, 1997, and supplemental letter dated August 6, 1997, which are available for public inspection 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 the Fairfield County Library, 300 Washington Street, Winnsboro, SC.

Dated at Rockville, Maryland, this 26th day of August 1997.

For the Nuclear Regulatory Commission.

**Vernon L. Rooney,**

*Acting Director, Project Directorate II-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-23984 Filed 9-8-97; 8:45 am]

BILLING CODE 7590-01-P

## **NUCLEAR REGULATORY COMMISSION**

### **Sunshine Act Meeting**

**AGENCY HOLDING THE MEETING:** Nuclear Regulatory Commission.

**DATE:** Weeks of September 8, 15, 22, and 29, 1997.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

#### **MATTERS TO BE CONSIDERED:**

##### *Week of September 8*

There are no meetings scheduled for the week of September 8.

##### *Week of September 15—Tenative*

Wednesday, September 17

9:00 a.m. Briefing by DOE on Strategy for MOX Fuel Fabrication and Irradiation Services (PUBLIC MEETING) (Contact: Ted Sherr, 301-415-7218)

10:30 a.m. Affirmation Session (PUBLIC MEETING) (if needed)

Friday, September 19

10:00 a.m. Briefing on Improvements in Senior Management Assessment Process for Operating Reactors

(PUBLIC MEETING) (Contact: Bill Borchardt, 301-415-1257)  
1:30 p.m. Briefing by DOE and NRC on  
Regulatory Oversight of DOE  
Nuclear Facilities (Public Meeting)  
(Contact: John Austin, 301-415-  
7275)

#### *Week of September 22—Tentative*

There are no meetings scheduled for  
the week of September 22.

#### *Week of September 29—Tentative*

There are no meetings scheduled for  
the week of September 29.

THE SCHEDULE FOR COMMISSION  
MEETINGS IS SUBJECT TO CHANGE ON  
SHORT NOTICE. TO VERIFY THE STATUS  
OF MEETINGS CALL (RECORDING)—(301)  
415-1292. CONTACT PERSON FOR MORE  
INFORMATION: Bill Hill (301) 415-1661.

The NRC Commission Meeting  
Schedule can be found on the Internet  
at: [http://www.nrc.gov/SECY/smj/  
schedule.htm](http://www.nrc.gov/SECY/smj/schedule.htm)

This notice is distributed by mail to  
several hundred subscribers: if you no  
longer wish to receive it, or would like  
to be added to it, please contact the  
Office of the Secretary. Attn: Operations  
Branch, Washington, D.C. 20555 (301-  
415-1661).

In addition, distribution of this  
meeting notice over the internet system  
is available. If you are interested in  
receiving this Commission meeting  
schedule electronically, please send an  
electronic message to [wmh@nrc.gov](mailto:wmh@nrc.gov) or  
[dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: September 5, 1997.

**William M. Hill, Jr.,**

*SECY Tracking Officer, Office of the  
Secretary.*

[FR Doc. 97-23993 Filed 9-5-97; 3:00 pm]

BILLING CODE 7590-01-M

## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-213]

### **Connecticut Yankee Atomic Power Company; 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  
March 11, 1997, filed by Ms. Rosemary  
Bassilakis pursuant to Title 10 of the  
*Code of Federal Regulations* Section  
2.206 (10 CFR 2.206) on behalf of the  
Citizens Awareness Network and the  
Nuclear Information and Resource  
Service (Petitioners). The petition  
requests that, on the basis of the  
repeated failures of the radiation

protection program at the plant, the  
NRC (1) commence enforcement action  
against the Connecticut Yankee Atomic  
Power Company (CY) by means of a  
large civil penalty to ensure compliance  
with safety-based radiological control  
routines, (2) modify CY's license for the  
Haddam Neck plant pursuant to 10 CFR  
2.202 to prohibit any decommissioning  
activity, which would include  
decontamination or dismantling, until  
CY manages to conduct routine  
maintenance at the facility without any  
contamination events for at least 6  
months, and (3) place the Haddam Neck  
plant on the NRC Watch List.

The Director, Office of Nuclear  
Reactor Regulation, has determined that  
the Petition should be deferred in part  
and denied in part for the reasons stated  
in the "Director's Decision Under 10  
CFR 2.206" (DD-97-19), the complete  
text of which follows this notice and is  
available for public inspection at the  
Commission's Public Document Room  
at 2120 L Street, NW., Washington, DC,  
and at the Local Public Document Room  
for the Haddam Neck Plant at the  
Russell Library, 123 Broad Street,  
Middletown, Connecticut.

A copy of this decision has been filed  
with the Secretary of the Commission  
for the Commission's review. As  
provided by 10 CFR 2.206(c), this  
decision will become 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 3rd day  
of September 1997.

For The Nuclear Regulatory Commission.  
**Samuel J. Collins,**  
*Director, Office of Nuclear Reactor  
Regulation.*

### **Nuclear Regulatory Commission**

[Docket No. 50-213 (10 CFR 2.206)]

In the Matter of Connecticut Yankee  
Atomic Power Company, (Haddam Neck  
Plant)

### **Partial Director's Decision Under 10 CFR 2.206**

#### *I. Introduction*

On March 11, 1997, Ms. Rosemary  
Bassilakis submitted a petition pursuant  
to Title 10 of the *Code of Federal  
Regulations* Section 2.206 (10 CFR  
2.206) on behalf of the Citizens  
Awareness Network and the Nuclear  
Information and Resource Service  
(Petitioners) requesting that the NRC (1)  
commence enforcement action against  
the Connecticut Yankee Atomic Power  
Company (CY) by means of a large civil  
penalty to assure compliance with  
safety-based radiological control

routines, (2) modify CY's license for the  
Haddam Neck plant, pursuant to 10 CFR  
2.202, to prohibit any decommissioning  
activity, which would include  
decontamination or dismantling, until  
CY manages to conduct routine  
maintenance at the facility without any  
contamination events occurring for at  
least 6 months, and (3) place the  
Haddam Neck plant on the NRC Watch  
List.

In support of their requests, the  
Petitioners claimed that of particular  
concern was Northeast Utilities'  
inability to maintain proper radiological  
controls at the Connecticut Yankee  
(Haddam Neck) nuclear reactor. The  
Petitioners quoted an NRC press release  
describing continuing problems at the  
Haddam Neck facility, and stated that in  
their view the facility's management  
was making empty verbal assurances to  
the NRC that contamination problems  
were being properly controlled. The  
Petitioners also alleged that the NRC  
Confirmatory Action Letter (CAL) of  
March 4, 1997, discussing radiological  
controls at the Haddam Neck plant, is  
clearly insufficient.

#### *II. Background*

The NRC staff shares the Petitioners'  
concerns regarding the failures of the  
Haddam Neck radiological controls  
program and has detailed these  
concerns in Inspection Reports 50-213/  
96-12 (December 19, 1996) and 50-213/  
97-02 (March 21, 1997), and in the  
aforementioned CAL (discussed in more  
detail below). In summary, these  
failures resulted in the unplanned  
exposure of two individuals,  
longstanding discrepancies in the  
calibration of several radiation monitors  
that are used to monitor and control  
radiological effluent releases, and the  
inadequate control of radioactive  
material that resulted in the undetected  
release of contaminated equipment to a  
non-licensed vendor.

In response, the NRC has taken  
comprehensive and significant actions  
to resolve its concerns in the area of  
radiological controls, including the  
aforementioned CAL, a required  
licensee response to the findings in  
Inspection Reports 96-12 and 97-02, a  
management meeting with the former  
CY management held at the NRC Region  
I office, and a second management  
meeting with the new CY management  
held on May 28, 1997, in the NRC  
Region I offices on these same issues.  
This second management meeting gave  
NRC regional and headquarters staff an  
opportunity to meet the new Haddam  
Neck management and confirm their  
commitment to resolve the above  
problems. The meetings were open to