

APR 12 1985

MEMORANDUM FOR: Office Directors  
Regional Administrators

FROM: William J. Dirck  
Executive Director for Operations

SUBJECT: PROPOSED NRC MANUAL CHAPTER 0517, "MANAGEMENT OF  
ALLEGATIONS"

In my September 19, 1984 memorandum to you, same subject, you were advised that the Commission was reviewing the issues of confidentiality and late allegations, and that 0517 would not be finalized until these points had been addressed.

The Commission has reached a decision with regard to late allegations. The statement of policy is attached, and will be incorporated into 0517 when the manual chapter is finalized. In the meantime, please use it as policy on the matter of late-filed allegations.

(Signed) William J. Dirck

William J. Dircks  
Executive Director for Operations

Enclosure:  
As Stated

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Based on our evaluation, we find that the existing fire protection features in conjunction with alternate shutdown capability for Fire Area 25 provide a level of fire protection equivalent to the technical requirements of Subsection III.G.3 of Appendix R, and therefore, the exemption should be granted.

#### IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemptions requested by the licensee's letters as referenced and discussed in II. and III. above are authorized by law, will not endanger life or property or the common defense and security, are otherwise in the public interest, and are hereby granted.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the exemption will have no significant impact on the environment (50 FR 9735).

This Exemption is effective upon issuance.

Dated at Bethesda, Md., this 13th day of March 1985.

For the Nuclear Regulatory Commission,  
Hugh Thompson,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 85-6550 Filed 3-18-85; 8:45 am]

BILLING CODE 7590-01-M

#### Advisory Committee on Reactor Safeguards, Subcommittee on Long Range Plan for the NRC; Meeting

The ACRS Subcommittee on Long Range Plan for the NRC will hold a meeting on April 5, 1985, Room 1046, 1717 H Street, NW., Washington, DC.

The entire meeting will be open to the public attendance.

The agenda for subject meeting shall be as follows:

Friday, April 5, 1985—8:30 a.m. until the conclusion of business

The Subcommittee will continue discussions on developing a long range plan for the NRC. Topics under discussion are technical and administrative issues related to the regulation of nuclear power plant safety and safety regulation over the next 5 to 10 years.

Oral statement 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. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its

consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable 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, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Richard Major (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: March 14, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85-6547 Filed 3-18-85; 8:45 am]

BILLING CODE 7590-01-M

#### Advisory Committee on Reactor Safeguards; Subcommittee on Emergency Core Cooling Systems; Meeting

The ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on April 3, 1985, Room 1046, 1717 H Street, NW., Washington, DC.

To the extent practical the meeting will be open to public attendance. However, portions of the meeting may be closed to discuss proprietary information relating to details of the Combustion Engineering CE FLASH 4AS and Westinghouse BART/BASH thermal hydraulic codes.

The agenda for the subject meeting shall be as follows:

Wednesday, April 3, 1985—8:30 a.m. until the conclusion of business

The Subcommittee will discuss the following: (1) The W BART/BASH ECCS codes; (2) review the resolution of TMI Item II K.3.30, revision of small break LOCA ECCS Evaluation Models; and (3)

review the resolution of the RCP trip issues given a small break LOCA.

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. Recordings will be permitted, only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable 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, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: March 14, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85-6548 Filed 3-18-85; 8:45 am]

BILLING CODE 7590-01-M

#### Statement of Policy: Handling of Late Allegations

AGENCY: Nuclear Regulatory Commission.

ACTION: Statement of Policy: Handling of Late Allegations.

SUMMARY: This policy statement presents the criteria the Commission will follow in addressing late allegations received from sources outside the Commission, in the context of licensing reviews. It also directs that the staff's procedures for notifying Atomic Safety

and Licensing Boards, Atomic Safety and Licensing Appeal Boards, and the Commission of the receipt of allegations be revised to provide for an initial, coarse screening prior to issuance of a Board Notification.

**EFFECTIVE DATE:** March 19, 1985.

**FOR FURTHER INFORMATION CONTACT:**

Lawrence J. Chandler, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington D.C. 20555, Telephone:

**SUPPLEMENTARY INFORMATION:**

**Statement of Policy**

The purpose of this policy statement is to explain the policy which the Commission expects to follow regarding the treatment of late allegations, received from sources outside the Commission, in operating license reviews and in the board notification process. The focus of this statement is on NRC staff and Commission pre-licensing safety reviews of uncontested issues, and Commission pre-licensing immediate effectiveness reviews of contested issues. The treatment of allegations in formal adjudicatory licensing proceedings will continue to be governed by the Rules of Practice in 10 CFR Part 2. Apart from this policy statement, the Commission has initiated a rulemaking to codify NRC caselaw criteria for reopening a closed evidentiary record in a formal licensing proceeding and to specify further the documentary bases for motions to reopen, including those which may be based on allegations. 49 FR 50189 (December 27, 1984).

The most fundamental tenet flowing from the NRC's statutory mandate under the Atomic Energy Act is that a license may be issued only if it can be found that there is reasonable assurance that the activity to be authorized presents no undue risk to the health and safety of the public. There can be no abdication of the responsibility to make this determination and if there is a serious question as to the ability to make such finding, no license may be issued and the time necessary to resolve such question must and will be taken. Therefore, in the context of late allegations, it is necessary that appropriate criteria be applied to enable the decisionmaker, be it the NRC's staff or the Commission itself, to expeditiously determine the significance, in terms of safe operation of the facility, of any allegations made.

In connection with its review of a number of recent cases, the NRC has been confronted with the task of addressing large numbers of allegations which were brought to its attention very

shortly before, and in some cases on the eve of, the date on which a decision on whether to authorize the issuance of an operating license was to be made. Some of these allegations related to matters in controversy and others related to previously uncontested issues not under consideration by a particular adjudicatory tribunal. Significant commitments of staff resources often be diverted at the last minute to address large numbers of late allegations, many of which have proven to be unsubstantiated or of little, if any, safety significance.

Ideally, all allegations concerning a particular facility will be resolved before any license is authorized. If, however, because of the number of allegations and/or their tardy submission, all allegations cannot be resolved in a timeframe consistent with reasonable and responsible licensing action, it may be necessary to give priority to those allegations which, because of their potential impact on safety, must be resolved before licensing action can be taken.

**Initial Screening of Allegations**

Any concerns bearing on the safety of a facility should be brought promptly to the attention of the applicant or licensee.<sup>1</sup> If, however, this approach is unsatisfactory, any person is free to bring such concerns directly to the NRC. To eliminate unnecessary delay in the licensing process to the extent possible, any person who has an allegation concerning the design, construction, operation, or management of a nuclear power plant has a duty to bring such information to the Commission's attention as promptly as possible. All allegations should be specific and documented to the fullest extent possible. Those submitting allegations in good faith should be aware that appropriate protection against retaliatory action by an applicant or licensee (including its contractors and subcontractors) is afforded by Section 210 of the Energy Reorganization Act of 1974, 42 U.S.C. 5851. All parties and persons are reminded that Federal law imposes penalties upon any person who intentionally makes any false statement or representation to any agency of the United States.

In reviewing allegations, the appropriate Commission staff office will first determine whether, if true, the allegations are material to the licensing

decision in that they would require denial of the license sought, the imposition of additional conditions on such license, or further analysis or investigation. Allegation which, even if true, are not material to any licensing decision or which on their face or after initial inquiry are determined to be frivolous or too vague or general in nature to provide sufficient information for the staff to investigate will receive no further consideration.

As to allegations which are material to the licensing decision, the Commission staff will next determine whether the information presented is new in the sense of raising a matter not previously considered or tending to corroborate previously received but not yet resolved allegations. In making this determination, all information available to the Commission will be considered, including that previously provided by an applicant or licensee and that obtained by the Commission in the course of its review and inspection efforts or from its investigation of prior allegations. In some cases, information already available to the NRC may be sufficient to resolve certain allegations. However, if an allegation is found to be both material and new, the staff will investigate the allegation further.

**Further Review**

If the staff determines that, as a result of the number of allegations or the timeframe in which they are received it appears likely that full consideration of all allegations cannot be accomplished consistent with responsible and timely Commission action, the Commission staff will conduct a further screening of the allegations to determine their significance to safety and therefore what priority should be assigned relative to the activity to be authorized.<sup>2</sup> The following screening criteria will be considered:

1. The likelihood that the allegation is correct, taking into consideration all available information including the apparent level of knowledge, expertise, and reliability of the individual submitting the allegation in terms of the allegation submitted and the possible existence of more credible contrary information.

<sup>1</sup> As a general matter, the Commission has authorized issuance of operating licenses first for low power testing (up to 5% of rated power) and subsequently for full power operation (operation above 5% of rated power). In some cases these steps have been further refined, for example, into fuel load, hot system testing, criticality and zero power testing. Other refinements too are possible and may be authorized.

<sup>2</sup> The Commission encourages the establishment of programs by utilities for the purpose of identifying and resolving allegations affecting safety in a timely manner as design and construction of a nuclear facility proceeds.

2. The need for prompt consideration of the allegation recognizing the public interest in avoiding undue delay. If the staff determines that an allegation raises a significant safety concern regarding, for example the design, construction, or operation of a facility or about quality assurance or control or management conduct, which brings into question the safe operation of the facility at a given stage of operation, the allegation must be addressed prior to authorizing that stage. For purposes of this policy statement, an allegation will be considered safety significant if the allegation would, if true, (1) raise a significant question about the ability of a particular structure, system, or component to perform its intended safety function or (2) raise a significant question of management competence, integrity, or conduct or about implementation of the quality assurance program, sufficient to raise a legitimate doubt as to the ability to operate the plant safely. Allegations which are not safety significant will be resolved in the normal course of business independent of license issuance.

#### Board Notification Procedures

Parties to ongoing adjudicatory proceedings have an obligation to bring allegations to the attention of the presiding board. All parties have an obligation to inform boards promptly of relevant and material information that may affect the decisionmaking process.

The Commission's staff, in accordance with its obligations for board notification has in the past submitted allegations to boards promptly and without awaiting their resolution or determination of significance relative to the decisionmaking process. This practice is consistent with the Commission-approved board notification policy. However, it has resulted, on occasion, in presenting boards with new information, the significance of which is not readily apparent. Consequently, in the future, staff board notifications of allegations will not be made until the staff has made at least an initial screening of the allegations. Only those allegations which are found not to be frivolous, which are relevant and material to the decisionmaking process (as determined under existing board notification procedures) and which are determined to warrant further scrutiny will be submitted to the presiding tribunal. Board notifications should still be made promptly, consistent with the need and time required for screening. The staff's board notification procedures should be revised accordingly.

Dated at Washington, D.C., on this 13th day of March 1985.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Assistant Secretary.

[FR Doc. 85-6544 Filed 3-18-85; 8:45 am]

BILLING CODE 7590-01-M

#### PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

##### Hydropower Assessment Steering Committee; Meeting

**AGENCY:** Hydropower Assessment Steering Committee of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

**ACTION:** Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix 1.

##### 4. Activities will include:

- Losses/Goals/Production work plan.
  - Hydro Assessment Study reports.
  - Cumulative Impact Methods Study report.
  - Update on FERC activities.
  - Other.
  - Public comment.
- Status: Open.

**SUMMARY:** The Northwest Power Planning Council hereby announces a forthcoming meeting of its hydropower Assessment Steering Committee.

**DATE:** March 26, 1985, 10:00 a.m.

**ADDRESS:** The meeting will be held at the Council's auditorium, 850 SW. Broadway, Suite 1100, Portland, Oregon.

**FOR FURTHER INFORMATION CONTACT:** Peter Paquet, 503-222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 85-6467 Filed 3-18-85; 8:45 am]

BILLING CODE 9900-00-M

#### Columbia River Basin Fish and Wildlife Program; Final Amendments

**AGENCY:** Pacific Northwest Electric Power and Conservation Planning Council.

**ACTION:** Notice of final amendments.

**SUMMARY:** The Council has amended Sections 201 and 1504 (Action Item 36) of the Columbia River Basin Fish and Wildlife Program, to change the funding source and make other procedural modifications related to an assessment of salmon and steelhead losses

attributable to hydropower development and operation, statement of program goals, development of program objectives, and measurement of progress toward goals and objectives.

#### FOR FURTHER INFORMATION CONTACT:

Dulcy Mahar, Director of Public Information and Involvement, Northwest Power Planning Council, Suite 1100, 850 SW. Broadway, Portland, Oregon 97205. Telephone: 503-222-5161 (toll free 1-800-452-2324, within Oregon; 1-800-222-3355, from Idaho, Montana, and Washington).

**SUPPLEMENTARY INFORMATION:** The Pacific Northwest Electric Power Planning and Conservation Act of 1980, 16 U.S.C. 839 ("the Northwest Power Act") authorized the Council to amend its Columbia River Basin Fish and Wildlife Program from time to time. At its regularly-scheduled meeting in Boise, Idaho on February 21, 1985, the Council voted unanimously to amend two portions of its Program. In adopting those amendments, the Council complied with all relevant requirements of the Act. Pursuant to those requirements the Council:

- Announced the proposed amendments, public hearings and public comment period through the Federal Register, the Council's mailing list and the Council's newsletter;
- Held public hearings in Portland, Oregon (January 10, 1985); Missoula, Montana (January 18, 1985); Spokane, Washington (January 24, 1985); and Boise, Idaho (January 28, 1985); and
- Compiled an administrative record.

The amendments described in this notice change Program Section 201 and Action Item 36 in Program Section 1504, which deal with the process for assessing salmon and steelhead losses attributable to development and operation of hydropower projects in the Columbia River Basin and developing program goals to address these losses. The Council has deleted prior language in Program Sections 201(1)-201(7) and substituted language indicating the Council's intent to assess losses, set goals, adopt related objectives, and develop methods for measuring progress toward goals and objectives, rather than to call for direct funding of such efforts by the Bonneville Power Administration in the U.S. Department of Energy ("Bonneville"). Associated changes are made to Action Item 36 (Program Section 1504).

The amendments change only the funding and procedural mechanisms for assessing losses, setting goals, adopting objectives, and developing methods for measuring progress. They do not state