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General Wage Determination Publication

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Signed at Washington, DC this 3rd Day Of October 1997.

Carl Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 97-26664 Filed 10-9-97; 8:45 am]

BILLING CODE 4510-27-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-255]

In the Matter of Consumers Energy Company (Palisades Plant); Exemption

I

Consumers Energy Company (the licensee) is the holder of Facility Operating License No. DPR-20 which authorizes operation of the Palisades Plant. The Palisades facility is a pressurized-water reactor located at the licensee's site in Van Buren County, Michigan. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

II

Pursuant to 10 CFR 50.12(a), "Specific exemptions," the Commission may

grant exemptions from the requirements of the regulations of this part (1) which are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) where special circumstances are present.

Section II.G. of 10 CFR Part 50, Appendix J, Option A, defines Type B tests as "tests intended to detect local leaks and to measure leakage across each pressure-containing or leakage-limiting boundary * * *," which includes air lock door seals.

Section III.D.2.(b)(ii) of 10 CFR Part 50, Appendix J, Option A, requires air locks opened during periods where containment integrity is not required to undergo a full air lock pressure test at the end of such periods.

Section III.D.2.(b)(iii) of 10 CFR Part 50, Appendix J, Option A, requires air locks opened during periods where containment integrity is required to undergo a full air lock pressure test within 3 days after being opened.

III

By letters dated January 10, 1996, and February 20, 1997, the licensee requested an exemption from 10 CFR Part 50, Appendix J, Option A, Sections III.D.2.(b)(ii) and III.D.2.(b)(iii), for Type B testing of the emergency escape air lock. Specifically, this exemption would permit the licensee to perform a door seal contact verification check in lieu of the final pressure test required by Appendix J following opening the air lock doors for post-test restoration or seal adjustment.

The exemption request is necessary due to the original design of the emergency escape air lock. During special testing in 1992, the licensee showed that the annulus between the door seals could not be successfully tested without the door strongback installed even at pressures as low as 2 psig. This testing, along with information from the vendor, confirms that between-the-seal pressure testing on the emergency escape air lock doors cannot be properly measured or evaluated if the door strongbacks are not installed. Similarly, the inner door does not fully seal with the reverse-direction pressure of a full air lock pressure test unless the strongback is installed.

Since the removal of the inner door strongback after pressure testing requires the outer door to be opened, a between-the-seals test of the outer door would be required by the regulation. This test would require the installation of a strongback on the outer door. Further, full pressure testing or the pressure induced by the strongback may

cause the seals to take a set. It is therefore necessary to open both doors (one at a time) after any pressure testing to ensure full seal contact, and there is a potential need to readjust the seals to restore seal contact.

As an alternative to a final pressure test required by Appendix J for verification of door seal functionality, the licensee has proposed a final door seal contact verification. This seal performance verification is completed following the full pressure air lock test, after the removal of the inner door strongback, and just prior to final closure of the air lock doors. The requested exemption would not affect compliance with the present requirement to perform a full pressure emergency escape air lock test at 6-month intervals. It would also not affect the requirement to perform a full pressure emergency escape air lock test within 72 hours of opening either door during periods when containment integrity is required. The seal contact check replaces the pressure test required by Appendix J for the door opening(s) and/or seal adjustments associated with restoration from the required full pressure tests.

The licensee has performed additional low pressure between-the-seals testing on the escape lock door seals to measure seal leak rates at low initial pressures and without the door strongbacks installed, to see if such tests would yield useful results. The tests indicated that meaningful between-the-seals testing is not possible with the present design of the escape air lock, without strongbacks installed.

The licensee has also considered possible modifications to the existing emergency escape air lock doors in an attempt to identify other methods of complying with the Appendix J requirements. The modifications that were considered were:

1. Modify the Seal Design or Change the Seal Material

A proposal was received from the air lock vendor to perform testing of different seal shapes and materials. This was later withdrawn. The vendor believes, and the licensee concurs, that the seal material and shape currently in use are reliable and adequate to maintain containment integrity. Simply changing the seal material or shape would be unlikely to allow meaningful between-the-seals tests with strongbacks removed.

2. Perform Door Modifications by Removing the Doors and Altering the Sealing Surfaces

Minor modifications were considered for the door mechanisms in conjunction with reconfigured sealing surfaces. This modification has never been performed by the air lock vendor and would be experimental. There is no guarantee that these efforts would be successful in allowing Palisades to perform between-the-seals testing. The cost of this modification is estimated by the licensee to be roughly equal to performing an air lock retrofit, as described below.

3. Perform an Air Lock Retrofit Which Would Include Removing and Replacing the Doors, the Ends of the Bulkhead, and the Door Mechanisms

The doors would be replaced with doors of a design whose seals can be tested per Appendix J without additional restraint or subsequent seal restoration. The mechanisms would be updated for smoother operation but their function would not be altered.

The only viable alternative found was the replacement of the air lock doors, which the licensee has estimated would cost a minimum of \$700,000. The licensee states that the cost of performing the modification is not warranted because no increase in plant or public safety would be realized. The other modifications to the present doors or seals would not ensure adequate performance improvement for unrestrained between-the-seals testing.

During its review, the staff questioned whether post-test seal adjustment or "fluffing" was necessary because the door seals were too old or worn out to rebound properly to their original shape after leakage rate testing or whether past fluffing had damaged the seals, such that replacement of the seals could result in acceptable between-the-seals testing. The licensee's response, dated February 20, 1997, stated that the seals are replaced approximately every 3 years and that the seals have not exceeded their service lives. Also, the licensee stated that fluffing has not damaged the seals, as indicated by continued successful Type B tests on both the emergency escape air lock and on the personnel air lock, on whose seals fluffing is also performed.

The licensee's proposed test methods deviate from the requirements of Appendix J in two ways:

- (1) The seals are not leakage rate tested after opening the doors for post-test restoration, such as removing the strongbacks; and
- (2) The seals are not leakage rate tested after being adjusted (e.g., fluffed).

The following quotation from American National Standard ANSI/ANS-56.8-1994, "Containment System Leakage Testing Requirements," is pertinent. Section 3.3.4.2 states, in part:

An airlock test shall be performed whenever repairs or adjustments have been performed that affect the leakage rate characteristics of the airlock. Opening of the airlock for the purpose of removing airlock testing equipment following an airlock test does not require further testing of the airlock.

The quoted provisions have been endorsed by the staff through Regulatory Guide 1.163, "Performance-Based Containment Leak-Test Program," dated September 1995, for plants following Option B of Appendix J. Although Palisades follows Option A of Appendix J for Type B and C leakage tests, in this case the quoted provisions represent a valid technical position that may be used to help establish a basis for granting an exemption from the requirements of Option A of Appendix J.

Therefore, concerning deviation (1) described above, the staff's technical position is that leakage rate testing is not necessary after opening the doors for post-test restoration. Option A of Appendix J requires a leakage rate test after opening a door, with the idea that the door opening is a relatively isolated event. Requiring another test immediately after a valid test simply because the door was opened again to remove test equipment is not necessary to meet the intent of the regulation, especially if it leads to an infinite series of tests, as in this case. Thus, deviation (1) is acceptable as part of an exemption from Option A of Appendix J.

Concerning deviation (2) above, there is considerable evidence that post-test seal adjustment should not necessitate a follow-up leakage rate test in this case. The present practice ensures proper door seal contact prior to final door closure. The performance of this door seal contact check has led to the successful completion of subsequent emergency escape air lock full pressure tests since the procedural practice began in 1987. Also, no ILRT in that period has failed because of emergency escape air lock door seal leakage. Based on these results, the air lock doors have been proven to function as designed using current methods of testing and maintenance, including seal contact checks. Alternatives would only provide approximately the same level of protection for public health and safety as currently exists. Continuing with the current methods of testing will not result in undue risk to public health and safety and is consistent with the common defense and security. Further,

the underlying purpose of between-the-seals testing is to verify the seal integrity after an air lock door is opened or its seals adjusted. The seal contact check performed on the emergency escape air lock door seals serves this purpose and ensures the doors are sealing properly. Therefore, application of the regulation to perform between-the-seals leakage rate tests after seal adjustment is not necessary in this case to achieve the underlying purpose of the rule.

IV

Accordingly, the Commission concludes that the licensee's proposal to perform seal contact testing instead of Type B leakage rate between-the-seals testing on the emergency escape air lock door seals is acceptable. There is reasonable assurance that the containment leakage limiting function will be maintained.

The licensee's request cites the special circumstances of 10 CFR 50.12, Sections (a)(2)(ii) and (a)(2)(iii), as the basis for the exemption. Appendix J to 10 CFR Part 50 requires full pressure tests following air lock door openings. The licensee stated that the proposed alternate seal contact verification check will ensure that the air lock doors are sealing properly. The licensee also stated that the only viable alternative to the proposed exemption would be to perform an air lock retrofit that would involve a significant cost to the licensee. The Commission concludes that the special circumstances of 10 CFR 50.12(a)(2)(ii) are present in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule.

V

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12(a), that this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances as provided in 10 CFR 50.12(a)(2)(ii) are present justifying the exemption.

Therefore, the Commission hereby grants the exemption from 10 CFR Part 50 Appendix J, Option A, Sections III.D.2.(b)(ii) and III.D.2.(b)(iii), to the extent that leakage rate testing is not necessary after opening the emergency escape air lock doors for post-test restoration or post-test adjustment of the airlock door seals.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have

a significant effect on the quality of the human environment (62 FR 34720).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 30th day of September 1997.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97-26991 Filed 10-9-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030-01788]

National Institutes of Health; Issuance of Director's, Decision Under 10 CFR § 2.206, Correction

This document corrects a notice appearing in the **Federal Register** of September 24, 1997 (62 FR 50018) concerning the issuance of a Director's Decision on a petition requesting that the Director, Office of Nuclear Material Safety and Safeguards take action with respect to the National Institutes of Health.

1. On page 50025, third column, second full paragraph, fifth line, the date reading "July 14, 1997" is corrected to read "July 14, 1995."

2. On page 50027, second column, first full paragraph, line 13 is corrected to read "1300μCi of P-32. The person with the".

Dated at Rockville, Maryland, this 6th day of October, 1997.

For the Nuclear Regulatory Commission.

David L. Meyer,

Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 97-26892 Filed 10-9-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-282, 50-306, and 72-10]

Northern States Power Company, Prairie Island Nuclear Plant, Units 1 and 2 Prairie Island Independent Spent Fuel Storage Installation; Receipt of Petition For Director's Decision Under 10 CFR 2.206

Notice is hereby given that by a Petition filed pursuant to 10 CFR 2.206 on August 26, 1997, Prairie Island Coalition (Petitioner) requested that the NRC (1) suspend Northern States Power Company's (the licensee) Materials License No. SNM-2506 for cause under

Section 50.100 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.100) until all material issues regarding the maintenance, unloading, and decommissioning processes and procedures, as described in the Petition and a similar Petition filed on May 28, 1997, by the Prairie Island Indian Community, have been adequately addressed and resolved, and until the maintenance and unloading processes and procedures in question are safely demonstrated under the scrutiny of independent third-party review of the TN-40 cask seal maintenance and unloading procedure; (2) determine that the licensee violated 10 CFR 72.122(f) by using a cask design that requires periodic seal maintenance and emergency seal replacement that must be performed in the plant storage pool; (3) determine that the licensee violated 10 CFR 72.122(h) by using a cask that must be placed into the pool for necessary maintenance and/or unloading procedures; (4) determine that the licensee violated 10 CFR 72.122(l) by loading casks and storing them before the licensee had procedures adequate to safely unload and decommission the TN-40 casks; (5) determine that the licensee violated 10 CFR 72.130 by using the TN-40 cask and failing to make provisions capable of accomplishing the removal of radioactive waste and contaminated materials at the time the independent spent fuel storage installation (ISFSI) is permanently decommissioned; (6) determine that the licensee violated 10 CFR 72.11 by failing to provide and include complete and accurate material information regarding maintenance and unloading of TN-40 casks in the application for the Prairie Island ISFSI and in subsequent submissions regarding cask maintenance and unloading issues; (7) determine that the licensee violated 10 CFR 72.12 by deliberately and knowingly submitting incomplete and inaccurate material information regarding maintenance and unloading of TN-40 casks in the application for the Prairie Island ISFSI and in subsequent submissions regarding cask maintenance and unloading issues; (8) require that the licensee pay a substantial penalty for each cask loaded in violation of NRC regulations; (9) administer such other sanctions for the alleged violations of NRC regulations as the NRC deems necessary and appropriate; (10) provide Petitioner the opportunity to participate in a public review of maintenance, unloading, and decommissioning processes and procedures in question and an opportunity to comment on draft