

licensing used as a bases for analyses the value of 1518.5 MWt or an appropriate multiple of 1518.5, as required. Only one current analysis, fluence values affecting 10 CFR part 50, Appendix G, specifically referenced a power level of 1518 MWt. The licensee concluded that the results of this analysis are insensitive to the change in power level and sufficient assurance regarding the effect of fluence levels is obtained in analyzing material specimens.

This administrative change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action is administrative in nature and does not involve any physical features of the plant. Thus, it does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

#### *Alternatives to the Proposed Action*

Since the Commission has concluded 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 action, the staff considered denial of the proposed action. Denial of the application 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 for the Point Beach Nuclear Plant, Units 1 and 2.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on July 17, 1997, the staff consulted with the Wisconsin State official, Sarah Jenkins of the Wisconsin Public Service Commission, 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 August 22, 1996, as supplemented on July 14, 1997, which is 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 Lester Public Library, 1001 Adams Street, Two Rivers, Wisconsin 54241.

Dated at Rockville, Maryland, this 28th day of July 1997.

For The Nuclear Regulatory Commission.

**Linda L. Gundrum,**

*Project Manager, Project Directorate III-1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-20545 Filed 8-4-97; 8:45 am]

BILLING CODE 7590-01-P

#### **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-309]

#### **Maine Yankee Atomic Power Company; Maine Yankee Atomic Power Station; Issuance of Director's Decision Under 10 CFR 2.206**

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action with regard to a Petition for action under 10 CFR 2.206 received from Mr. Patrick M. Sears (Petitioner), dated August 19, 1996, and revised on April 14, 1997, with regard to the Maine Yankee Atomic Power Station.

The Petitioner requested the NRC to (1) fine Maine Yankee Atomic Power Company (MYAPCO) and Yankee Atomic Electric Company (YAEC) if records regarding use of the computer code RELAP have not been kept in accordance with YAEC's computer code quality assurance procedures and (2) inspect all users of RELAP and fine those users not operating within required computer code verification procedures.

The Director of the Office of Nuclear Reactor Regulation has acknowledged parts (1) and (2) of the Petition. The reasons for this decision are explained in the "Director's Decision Pursuant to 10 CFR 2.206" (DD-97-17), the complete text of which follows this

notice and is 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 for the Maine Yankee Atomic Power Station located at the Wiscasset Public Library, High Street, P. O. Box 367, Wiscasset, Maine 04578.

A copy of this Decision will be filed with the Secretary of the Commission for the Commission's 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 the date of issuance unless the Commission, on its own motion, institutes review of the Decision within that time.

Dated at Rockville, Maryland, this 30th day of July 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 August 19, 1996, Patrick M. Sears (Petitioner) filed a Petition with the U.S. Nuclear Regulatory Commission (NRC) pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206). Petitioner requested the NRC to (1) Fine Maine Yankee Atomic Power Company (MYAPCO) and Yankee Atomic Electric Company (YAEC) if records regarding use of the computer code RELAP5YA have not been kept in accordance with YAEC's computer code quality assurance (QA) procedures, and (2) inspect all users of RELAP and fine those users not operating within required computer code verification procedures.

As the basis for these requests, the Petition states that (1) The May 5, 1989, oral statement of Steve Nichols, then licensing supervisor of MYAPCO, to Petitioner, then NRC Project Manager for Maine Yankee Atomic Power Station (MYAPS), that RELAP5YA was "operable" and would be used for subsequent reloads was false; (2) no computer code inspections were performed by NRC before a 1992 inspection at YAEC by Mr. Sears, and not again until 1995; (3) when Mr. Sears was in the Vendor Inspection Branch, he was told not to do any more computer code inspections; (4) RELAP is widely used; (5) RELAP has been shown to have serious deficiencies; and (6) the RELAP problem is not confined to the MYAPS but is endemic to the industry as a whole.

On September 24, 1996, Mr. William T. Russell, then Director of the Office of

Nuclear Reactor Regulation, acknowledged receipt of the Petition. By letter dated April 14, 1997, Petitioner supplemented his Petition by correcting his characterization of Mr. Nichols' comment, substituting the word "operational" for "operable".

## II. Background

As a result of concerns regarding small-break loss-of-coolant accident (SBLOCA) analyses of emergency core cooling systems (ECCS) raised by the 1979 accident at Three Mile Island Unit 2, and pursuant to 10 CFR 50.54(f), the NRC required licensees to submit revised, documented SBLOCA analyses which were to meet the guidance provided in NRC's "Clarification of TMI Action Plan Requirements" (NUREG-0737 or TMI Action Plan), Item II.K.3.30. and II.K.3.31. In response to the guidance of Item II.K.3.30, on January 14, 1983, Maine Yankee submitted a report, YAEC-1300P, "RELAP5YA: A Computer Program for Light Water Reactor System Thermal-Hydraulic Analysis" to the NRC. In January 1989, the NRC approved RELAP5YA for use by Maine Yankee as a 10 CFR Part 50, Appendix K, evaluation model, acceptable to demonstrate compliance with the requirements of 10 CFR 50.46, "Acceptance criteria for emergency core cooling systems for light water nuclear power reactors." RELAP5YA is a generic, non-plant-specific LOCA computer code for calculating ECCS performance over the small-break portion of the break spectrum.

Item II.K.3.31 of the TMI Action Plan states that licensees are to submit plant-specific calculations using the SBLOCA evaluation model approved by the NRC pursuant to Item II.K.3.30. In response to TMI Action Plan Item II.K.3.31, YAEC prepared for Maine Yankee a plant-specific Appendix K, RELAP5YA SBLOCA evaluation model analysis and prepared a report in June 1993 identified as YAEC-1868: "Maine Yankee Small Break LOCA Analysis." The SBLOCA analysis described in YAEC-1868 was used to prepare Core Performance Analysis Reports (CPARs) which were submitted to the NRC as part of Maine Yankee's reload analyses for Cycle 14 and Cycle 15 operations, and was the SBLOCA analysis of record throughout Cycle 14 operations; it was not used during Cycle 15 operations because of the intervening January 3, 1996, "Confirmatory Order Suspending Authority for and Limiting Power Operation and Containment Pressure (Effective Immediately), and Demand for

Information" (Order).<sup>1</sup> 61 FR 735 (January 10, 1996).

On December 4, 1995, the NRC received allegations that, among other things, YAEC, acting as agent for the licensee, knowingly performed inadequate analyses of the emergency core cooling system (ECCS) to support two license amendment applications to increase the rated thermal power at which MYAPS operates to 2630 MWt, and then to 2700 MWt. It was further alleged that YAEC management knew that the ECCS for Maine Yankee, if evaluated in accordance with 10 CFR 50.46, using the RELAP5YA SBLOCA evaluation model, did not meet licensing requirements.

In response to the allegations, NRC dispatched an Assessment Team to YAEC headquarters between December 11 and 14, 1995, to examine, among other things, SBLOCA analyses, especially the SBLOCA analysis which supported the licensee's operating Cycle 15 reload application. Based on the Assessment Team review, and a meeting held with the licensee on December 18, 1995, the NRC staff issued its January 3, 1996, Order. The Order concluded, *inter alia*, that the licensee had not demonstrated that computer code RELAP5YA would reliably calculate the peak cladding temperature for all break sizes in the small-break LOCA spectrum for Maine Yankee and that, for a variety of reasons, the plant-specific application of RELAP5YA did not conform to the requirements of 10 CFR 50.46 and thus was not acceptable for use by the licensee. The Order required the licensee to submit a SBLOCA analysis specific to Maine Yankee for operation at power levels up to 2700 MWt, which must meet the requirements of 10 CFR 50.46, and which must conform to the guidance of NUREG-0737, Items II.K.3.30 and 31, "SBLOCA Methods" and "Plant-specific Analysis," respectively, and NUREG-0737, Item II.K.3.5, "Automatic Trip of Reactor Coolant Pumps During LOCA". The Order suspended authority to operate Maine Yankee at 2700 MWt maximum power and limited power to 2440 MWt, pending NRC review and approval of the required SBLOCA analysis. MYAPCO submitted the required SBLOCA analysis specific to Maine Yankee on April 25, 1996, and the NRC staff is currently reviewing it.

The NRC also initiated an investigation by the NRC Office of

Investigations (OI) to examine possible wrongdoing. The NRC staff is currently reviewing the results of that investigation.

## III. DISCUSSION

### A. Do MYAPCO and Other NRC Licensees Who Use RELAP Operate Within Required Computer Code Verification Procedures?

Petitioner requests that the NRC inspect all users of RELAP and fine those users not operating within required computer code verification procedures. The staff presumes that the phrase "required computer code verification procedures," as used by Petitioner, means the conditions, if any, of the NRC's approval of the computer code, as well as the licensee or vendor quality assurance (QA) procedures pursuant to 10 CFR part 50, Appendix B.

There are many vintages of RELAP, which was developed by Idaho National Engineering Laboratory, such as RELAP4, RELAP5/MOD1, RELAP5/MOD2, and RELAP5/MOD3 (higher suffix numbers indicate more current vintages). Major improvements were made in each new vintage, including the use of more sophisticated modeling of two-phase flow. For example, RELAP5/MOD1 has a "mixture" model with five governing equations, whereas RELAP5/MOD2 has a full two-fluid treatment with six equations.

Each vintage of RELAP has many versions, representing primarily modifications in supporting models on constitutive relationships and corrections of errors. Idaho National Engineering Laboratory maintains a reporting system for problems discovered by users of the code, which are prioritized and referred to the code development staff for resolution. Therefore, it cannot be assumed that a problem with a particular RELAP vintage or version also exists in other RELAP vintages or versions.

Vendors or licensees who use RELAP codes to support license applications normally take a specific vintage or version of RELAP and create their own variations by making modifications and adding certain features, such as those required by 10 CFR part 50, Appendix K. The RELAP codes used by different vendors and licensees are not necessarily developed from the same versions or vintages of RELAP. For example, the RELAP5YA code used by YAEC for Maine Yankee SBLOCA analysis was derived from RELAP5/MOD1, while most other RELAP codes used for the ECCS analyses of NRC-licensed nuclear plants were derived

<sup>1</sup> Among other things, the Order limited operation of MYAPS to 2440 MWt, pending NRC review and approval of a plant-specific SBLOCA analysis which conforms to TMI Action Plan Items II.K.3.30 and II.K.3.31 and which meets the requirements of 10 CFR 50.46.

from different vintages, namely, RELAP4 or RELAP5/MOD2.

Before a vendor-modified or licensee-modified RELAP code is used for licensing applications, it must be reviewed and approved by the staff. The staff's review and approval will require, among other things, benchmark comparison of the code's predictions against experimental test data. In many cases, the staff's approval of a licensing RELAP code imposes conditions or restrictions for application of the code to ensure that licensing calculations are acceptably conservative, in accordance with the requirements of 10 CFR 50.46 and Appendix K to 10 CFR part 50. The implementation by a licensee or vendor of an approved emergency core cooling system (ECCS) code is controlled by the licensee or vendor's own quality assurance programs in accordance with Appendix B to 10 CFR part 50.

In view of the above, it cannot be presumed that all other vintages of RELAP codes used by the industry have the same deficiencies as those experienced by Maine Yankee with its particular vintage of RELAP, that is RELAP5/MOD1. Two NRC licensees other than Maine Yankee, however, used the RELAP5/MOD1 vintage, that is, Yankee Rowe Nuclear Power Station and Vermont Yankee Nuclear Power Station. Yankee Rowe Nuclear Power Station has been permanently shut down for decommissioning since October 1, 1991. In May 1996, the NRC staff conducted an ECCS code and analysis inspection, and in June 1996, a special inspection of Vermont Yankee. As a result, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty—\$50,000 (EA 96-210) on August 23, 1996, for the licensee's failure to assume a specific failure scenario in the LOCA analysis. In that enforcement action, the NRC staff also concluded that Vermont Yankee's corrective actions were prompt and comprehensive. With respect to Maine Yankee, the NRC staff has examined MYAPCO's use of RELAP5YA through the Assessment Team review and the OI investigation. The staff's evaluation of Maine Yankee's use of RELAP5YA is ongoing with regard to any violations of NRC requirements, including 10 CFR 50.46. The staff will keep Petitioner informed by providing Petitioner with copies of publicly available inspection reports and enforcement actions.

Petitioner, nonetheless, correctly points out that the NRC staff should conduct ECCS code and analysis inspections more frequently. In February 1997, the staff's Maine Yankee Lessons Learned Task Group provided its report to the Commission, "Report of

the Maine Yankee Lessons Learned Task Group" (December 5, 1996), Attachment 1 to SECY-97-042, "Response to OIG Event Inquiry Regarding Maine Yankee" (February 18, 1997). The Task Group identified a need to place additional emphasis on (1) audits and inspections of implementation by licensees and vendors of their ECCS codes and methodologies, not limited to the various RELAP codes, and (2) verification of the conformance by licensees and vendors with the conditions specified in the NRC staff's Safety Evaluation Reports as a basis for determining whether codes and methodologies conform with NRC requirements. The Task Group also addressed inspections pursuant to the Core Performance Action Plan, performed to assess the impact of reload core design activities on plant safety. Licensees or vendors found to be in violation of NRC regulations will be subject to enforcement actions.

As explained above, there is no basis to conclude that the problems identified with the RELAP5/MOD1 vintage ECCS code used by Maine Yankee are or may be present in the different RELAP code vintages at other NRC-licensed plants. Additionally, the two other users of the RELAP5/MOD1 code vintage have either been inspected (Vermont Yankee) or are permanently shut down (Yankee Rowe). Nevertheless, the NRC will conduct computer code inspections of selected NRC licensees and vendors, not limited to users of RELAP, as explained above.

In view of the above, Petitioner's request to inspect all users of RELAP and to fine those users not operating within required computer code verification procedures is granted in part, since some users of RELAP will be included in forthcoming computer code inspections and since Maine Yankee and Vermont Yankee have already been inspected.

**B. Have MYAPCO and YAEC Kept Records of the Use of the RELAP ECCS Computer Code in Accordance with YAEC's Computer Code Quality Assurance Procedures?**

Petitioner requests that the NRC fine MYAPCO and YAEC if records regarding use of the computer code RELAP5YA have not been kept in accordance with YAEC's computer code quality assurance (QA) procedures. The NRC staff's review of the application of RELAP5YA for Maine Yankee between December 11 and 14, 1995, focused on the adequacy of the RELAP5YA SBLOCA analysis to support operation of Maine Yankee during Cycle 15. In particular, the staff evaluated conformance of the code to SER

conditions and compliance of the ECCS evaluation model with regulatory requirements. Although the staff's review did not focus on record keeping requirements, the staff did not identify instances in which the appropriate records had not been kept. The staff is continuing its evaluation of RELAP5YA for compliance with other NRC requirements.

Siemens Power Corporation (SPC) has prepared a plant-specific SBLOCA ECCS evaluation model for Maine Yankee, which has been submitted by Maine Yankee in response to the January 3, 1996, Order. The evaluation model is based on SPC's ANF-RELAP SBLOCA methodology, which was originally approved by the NRC in 1989, with further modifications approved by the NRC in 1994. Between February 10, 1997 and April 4, 1997, the staff conducted a four-week QA inspection of SPC. The inspection included a comprehensive review of documentation associated with SPC's LBLOCA and SBLOCA ECCS evaluation models, including the approved ANF-RELAP SBLOCA methodology. The staff's findings associated with ANF-RELAP will be documented in the inspection report, which will be issued by the NRC in the near future. A copy of the inspection report will be provided to Petitioner when it is publicly available. In addition, the NRC staff is currently performing a detailed technical review of the plant-specific ANF-RELAP ECCS evaluation model prepared by SPC for Maine Yankee, and submitted by Maine Yankee. The staff's evaluation of the plant-specific evaluation model will be documented in a Safety Evaluation Report (SER) when completed. The staff concludes that these activities respond directly to the issues raised by Petitioner.

In view of the above, the Petitioner's request for a QA inspection of Maine Yankee's and YAEC's use of RELAP is granted in part, by virtue of the staff's previous and current inspection and review activities. Additionally, the staff will keep Petitioner informed by providing Petitioner with publicly available inspection reports, enforcement actions, and other documents as appropriate.

#### *IV. Conclusion*

As explained above, Petitioner's request to inspect all users of RELAP and fine those users not operating within required computer code verification procedures is granted in part. Petitioner's request to fine MYAPCO and YAEC if records regarding use of the computer code RELAP have not been kept in

accordance with YAE's computer code quality assurance procedures is also granted in part.

A copy of this Director's Decision will be filed with the Secretary of the Commission for Commission review in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided by this regulation, this Director's 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 30th day of July 1997.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-20546 Filed 8-4-97; 8:45 am]

BILLING CODE 7590-01-P

## POSTAL RATE COMMISSION

[Docket No. R97-1]

### Notice of the U.S. Postal Service's Filing of Proposed Postal Rate, Fee, and Classification Changes and Order Instituting Proceedings; Notice of Extension of Deadline for Intervention

Notice is hereby given that in Commission Docket No. R97-1 published at 62 FR 39660, July 23, 1997, the date for intervention as of right under Commission rule 3001.20(c) (39 CFR 3001.20(c)) has been extended from August 6, 1997 to August 13, 1997.

(Authority: 39 U.S.C. 404(b), 3603, 3622-24, 3661, 3662)

**Margaret P. Crenshaw,**

*Secretary.*

[FR Doc. 97-20559 Filed 8-4-97; 8:45 am]

BILLING CODE 7710-FW-M

## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-54 OMB Control No. 3235-0056]

### Submission for OMB Review; Comment Request; Revisions; Form 8-A

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20459.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget

requests for approval of revisions to the following form:

Form 8-A is the special form for the registration of additional classes or series of securities by an issuer that is required to file reports pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 ("Exchange Act"). Form 8-A does not require as detailed disclosure about the issuer's business as other Exchange Act registration forms because it presupposes that more detailed information is or will be available through periodic reports pursuant to Sections 13 or 15(d). The form currently contains a disclosure of information concerning the particular class of securities being registered. This information may be provided by incorporation by reference to a comparable description contained in any other filing with the Commission. The Commission believes this information is essential to a determination by an investor of the merits of the security.

The principal function of Commission rules and forms under the securities laws disclosure provisions is to make information available to the securities markets. Private contractors reproduce much of the filed information directly from the Commission's public files. Thus, information in filings on Form 8-A can be, and is, used by security holders, investors, brokers, dealers, investment banking firms, professional securities analysts and others in evaluating securities and making investment and voting decisions with respect to them. In addition, all investors benefit indirectly from filings on Form 8-A, as direct users of the information in such filings effect transactions in securities on the basis of the current information included in such filings, thereby causing the market prices of the securities to reflect such information.

On July 18, 1997, the Commission adopted revisions to Form 8-A. As a result of these revisions, the Commission estimates that 1,940 respondents will file Form 8-A for a total annual burden of 13,050 hours.

General comments regarding the estimated burden hours should be directed to the Desk Officer for the Securities and Exchange Commission at the address below. Any comments concerning the accuracy of the estimated average burden hours for compliance with Commission rules and forms should be directed to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 and Desk Officer for the

Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: July 22, 1997.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 97-20509 Filed 8-4-97; 8:45 am]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

### Notice of Application To Withdraw From Listing and Registration on the Boston Stock Exchange, Inc. Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (B.O.S. Better On-Line Solutions Ltd., Ordinary Shares Par Vale NIS 1.00; Ordinary Share Purchase Warrants) File No. 1-14184

July 30, 1997.

B.O.S. Better On-Line Solutions Ltd. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified securities ("Securities") from listing and registration on the Boston Stock Exchange, Inc. ("BSE") or "Exchange").

The reasons cited in the application for withdrawing the Security from listing and registration include the following:

According to the Company, the Securities are listed on the Nasdaq SmallCap Market and the BSE, pursuant to a Registration Statement on Form F-1 that was declared effective by the Commission on April 2, 1996. The issuer cannot justify the expense of being listed on two exchanges and therefore wishes to withdraw from the BSE.

The Company has notified the BSE of its intent to withdraw its Securities from listing and registration. According to the Company, the BSE has raised no objection to the delistings.

Any interested person may, on or before August 20, 1997, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts hearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application