

6725C—Aircraft Accident Report:  
Uncontained Engine Failure, Delta Air  
Lines Flight 1288, McDonnell Douglas  
MD-88, N927DA, Pensacola, Florida,  
July 6, 1996.

6958—Safety Recommendation Letter:  
Aerial advertising/banner towing.

**NEWS MEDIA CONTACT:** Telephone: (202)  
314-6100.

**FOR MORE INFORMATION CONTACT:** Ray  
Smith (202) 314-6065.

Dated: January 2, 1998.

**Ray Smith,**

*Alternate Federal Register Liaison Officer.*

[FR Doc. 98-374 Filed 1-2-98; 2:56 pm]

**BILLING CODE 7533-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-155]

### **Consumers Energy Company (Big Rock Point Nuclear Plant; Exemption**

#### **I**

Consumers Energy Company (Consumers or the licensee) is the holder of Facility Operating License No. DPR-6, which authorizes the licensee to possess the Big Rock Point Nuclear Plant (BRP or facility). The license states, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect. The facility consists of a boiling water reactor located at the licensee's site in Charlevoix County, Michigan. The facility is permanently shut down and defueled and is no longer authorized to operate or place fuel in the reactor vessel.

#### **II**

Section 50.54(q) of 10 CFR part 50 requires a power reactor licensee to follow and maintain in effect emergency plans that meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR part 50. Section 50.47(b) provides, in part, that the offsite emergency plan must meet the standards specified in subparagraphs (1) through (16) of 10 CFR 50.47(b). Appendix E, Section IV.F.2.c, of 10 CFR part 50 requires a licensee to exercise its offsite emergency plans biennially with full participation by each authorized authority having a role under the plan.

NRC may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a), are (1) authorized by law, will not present an undue risk to public health and safety, and are consistent with the common

defense and security and (2) present special circumstances. Special circumstances exist when application of the regulation in the particular circumstance would not serve the underlying purpose of the rule (10 CFR 50.12(a)(2)(ii)). Special circumstances also exist, in part, when the exemption would provide only temporary relief from the applicable regulation (10 CFR 50.12(a)(2)(v)). The underlying purpose of 10 CFR part 50, Appendix E, Section IV.F.2.c, is to demonstrate that the emergency plans are adequate and capable of being implemented and that the state of offsite emergency preparedness provides reasonable assurance that adequate protective measures can and will be undertaken in the event of a radiological emergency.

#### **III**

On July 17, 1997, the licensee requested exemption from the "annual" emergency preparedness exercise and then on August 5, 1997, submitted Revision 1 to their July 17 request to clarify that they are requesting exemption from the "biennial" offsite emergency exercise requirement of 10 CFR part 50, Appendix E, Section IV.F.2.c. In a letter dated July 22, 1997, the licensee described the scope and objectives for the planned offsite emergency plan exercise, involving the State of Michigan and each authorized authority having a role under the plan.

On August 8, 1997, the licensee requested a scheduler exemption to defer the October 21, 1997, offsite exercise to June 1998 to allow additional time for the BRP staff to revise the exercise scenario to reflect the permanently shut down and defueled condition of the BRP facility. Then, on August 22, 1997, Consumers gave notice that the current offsite exercise scenario (reflecting an operating nuclear power plant) will be forwarded to the NRC Region III office, as required. Consumers then rescheduled the offsite exercise to December 16, 1997 (within the biennial time period stipulated by the regulations and, thus, not requiring an exemption from NRC requirements). On September 4, 1997, the licensee provided additional clarification of its reasons to defer the 1997 offsite exercise until June 1998. These reasons included, in part, a discussion concluding that the exercise would result in "significant resource expenditure by the company and outside agencies" and a reference to an NRC Initial Decision dated August 29, 1984, regarding the licensee's amendment request to expand the spent fuel storage capacity of the BRP spent fuel pool. Therefore, the licensee

requested only temporary relief (10 CFR 50.12(a)(2)(v)) from 10 CFR part 50, Appendix E, Section IV.F.2.c.

On September 19, 1997, Consumers submitted a number of documents reflecting the permanent cessation of power operations and the defueled condition of BRP, including, in part, the BRP Defueled Technical Specifications and the Defueled Emergency Plan. This submittal also contained a request for exemption from the requirements of 10 CFR part 50, Appendix E, Section IV.F.2.c, because, as Consumers asserted, there are "no design basis or other credible events that would result in doses beyond the site area boundary that would exceed the EPA PAGs [Environmental Protection Agency Protective Action Guides] following 68 days post shutdown (11/5/97)." The September 19, 1997, exemption request is still undergoing NRC staff review.

In a letter to Federal Emergency Management Agency (FEMA) Region V, dated November 25, 1997, the State of Michigan stated that "requiring the state and counties to conduct an exercise at this time, based on assumptions of an operating full power reactor, would be unrealistic and counter-productive to all parties involved." The State further asserted that a "more realistic test of local and state capabilities would be to assess response to an accident once all plans and procedures have been revised to reflect the new status of the plant." The State of Michigan's position was again documented to FEMA Region V in a letter dated December 5, 1997.

By letter dated December 9, 1997, Consumers informed the Commission that they have reasonable assurance that the offsite emergency plan is adequate and that appropriate measures can be taken to protect the health and safety of the public in the event of a radiological emergency at BRP to support a postponement in the conduct of the offsite exercise. The licensee based its determination on the successful performance of the 1995 full-participation offsite/onsite emergency exercise, the 1996 onsite emergency exercise, and the conduct of emergency plan drills.

By letter dated December 17, 1997, FEMA informed the NRC that, based on its evaluation, "the offsite radiological emergency response plans and preparedness are adequate and that there is reasonable assurance that they can be implemented to protect the health and safety of the public in the event of an emergency" at the BRP facility. Further, FEMA supports the rescheduling of the 1997 offsite exercise to a date within the first quarter of 1998 and the revision of the offsite exercise

scenario to reflect the permanently shut down and defueled condition of the BRP facility.

The most recent NRC Systematic Assessment of Licensee Performance (SALP 13, Report No. 50-155/96001) for BRP, issued on December 6, 1996, for the period May 1, 1994, through November 25, 1995, indicated that the performance of the emergency preparedness program was good. NRC Inspection Report No. 50-155/95010 documented NRC staff inspection of the onsite portion of the August 1995 exercise and concluded that, overall, there was acceptable performance with no violations of NRC requirements identified. Additionally, NRC Inspection Report No. 50-155/97003, dated May 13, 1997, evaluated the onsite portions of the BRP emergency preparedness program and concluded that the overall effectiveness of emergency preparedness facilities, equipment, training, and organization was very good and that the licensee had conservatively implemented the emergency plan in declaring three separate Unusual Events in 1996. Therefore, there is reasonable assurance that onsite plans, facilities, and personnel are adequate and in place to respond to a radiological emergency at BRP.

In the permanently shut down and defueled condition, BRP is no longer susceptible to any of the operating type of reactor accidents and events, as described in Chapter 15 of the BRP Final Hazards Summary Report. Further, by letters dated February 27, 1995, and August 5, September 4 and 19, and November 12 and 20, 1997, the licensee provided credible analysis of accidents and events that could possibly occur during BRP decommissioning. These accidents and events included, in part, those described in NUREG-0586, "Final Generic Environmental Impact Statement on decommissioning nuclear facilities," and NUREG/CR-0672, "Technology, Safety, and Costs of Decommissioning Reference Boiling Water Reactor Power Station." Consumers also evaluated (1) a release of gap radioactive isotopes from all spent fuel, (2) gamma shine resulting from a complete draindown of the spent fuel pool, and (3) an airborne release of radioactive isotopes from primary system chemical decontamination. Further, Consumers stated that they will not perform any decommissioning activities that result in significant environmental impacts not previously reviewed (10 CFR 50.82(a)(6)(ii)). The licensee has also provided reasonable assurance that the environmental impacts associated with the

decommissioning of the BRP facility are bounded by appropriate previously issued environmental impact statements and that the above-mentioned accidents and events would not result in offsite doses exceeding EPA PAGs.

Based upon the aforementioned NRC and FEMA findings regarding onsite and offsite preparedness, respectively, the exemption will not present an undue risk to public health and safety. Additionally, the schedule for future exercises will not be affected by this exemption. The NRC staff is still reviewing licensee request for exemption from certain 10 CFR Part 50 requirements for emergency planning (Consumers' letter to the Commission dated September 19, 1997). Therefore, the licensee is still required to comply with all NRC rules and regulations and their current emergency plan, as approved or until revised by subsequent Commission action.

#### IV

The NRC staff has completed its review of the licensee's request for schedular exemption from the requirement to conduct an offsite emergency preparedness exercise in calendar year 1997 and FEMA's letter dated December 17, 1997, stating FEMA's determination that the offsite radiological emergency plans and preparedness of the State and local offsite emergency preparedness staffs are adequate and that there is reasonable assurance that protective measures can be implemented following a radiological emergency at the BRP facility. Based on this review, the NRC staff finds that the underlying purposes of the regulation will not be adversely affected by delaying the 1997 offsite emergency preparedness exercise for a period not to exceed 90 days commencing on January 1, 1998. Thus, an offsite exercise in calendar year 1997 is not necessary to achieve the underlying purpose of the rule and the requested exemption, as modified herein, will not adversely affect the overall state of emergency preparedness at the BRP site.

For these reasons, the Commission has determined that, pursuant to 10 CFR 50.12, a 90-day schedular exemption commencing on January 1, 1998, as discussed above, is authorized by law, will not present undue risk to public health and safety, and is consistent with the common defense and security. Further, special circumstances are present as set forth in 10 CFR 50.12(a)(2)(ii) and (v).

Pursuant to 10 CFR 51.32, the Commission has determined that granting this exemption will have no

significant impact on the environment (62 FR 67667).

This Exemption is effective upon issuance.

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

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 98-193 Filed 1-5-98; 8:45 am]

BILLING CODE 7590-01-P

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## OFFICE OF PERSONNEL MANAGEMENT

### The National Partnership Council; Meeting

*Time and Date:* 1:00 p.m., January 14, 1998.

*Place:* OPM Conference Center, Room 1350, Theodore Roosevelt Building, 1900 E Street, NW., Washington, DC 20415-0001. The conference center is located on the first floor.

*Status:* This meeting will be open to the public. Seating will be available on a first-come, first-served basis. Individuals with special access needs wishing to attend should contact OPM at the number shown below to obtain appropriate accommodations.

*Matters To Be Considered:* The National Partnership Council will complete its discussion of and adopt the 1997 Report to the President on the Progress of Labor-Management Partnerships. Professor Marick F. Masters of the Joseph M. Katz Graduate School of Business, University of Pittsburgh, and Professor Robert R. Albright of the U.S. Coast Guard Academy will present the findings of the Council's 1997 Federal Sector Labor Relations Climate Survey. The Council will be briefed on Reinvention Impact Centers (RICs), an initiative of the National Performance Review.

#### *Contact Person for More Information:*

Rose M. Gwin, Director, Center for Partnership and Labor-Management Relations, Office of Personnel Management, Theodore Roosevelt Building, 1900 E Street, NW., Room 7H28, Washington, DC 20415-0001, (202) 606-2930.

*Supplementary Information:* We invite interested persons and organizations to submit written comments. Mail or deliver your comments to Rose M. Gwin at the address shown above.