

Dated: September 12, 1996.

James W. Moore,

*Assistant Archivist for Records  
Administration.*

[FR Doc. 96-24096 Filed 9-19-96; 8:45 am]

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## NATIONAL SCIENCE FOUNDATION

### Collection of Information; Submission for OMB Review: Comment Request

*Title of Proposed Collection:* Survey of Graduate Students and Postdoctorates in Science and Engineering.

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the National Science Foundation (NSF) will publish periodic summaries of proposed projects. Such a notice was published at Federal Register 38228, Dated July 23, 1996. No public comments were received.

The materials are now being sent to OMB for review. Send any written comments to Desk Officer: OMB No. 3145-0062, OIRA, Office of Management and Budget, Washington, DC 20503. Comments should be received by October 18, 1996.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology.

*Proposed Project:* Graduate Students in science, engineering, and health fields in U.S. colleges and universities, by source and mechanism of support and by demographic characteristics—A mail survey, the Survey of Graduate Students and Postdoctorates in Science and Engineering originated in 1966 and has been conducted annually since 1972.

The survey is the academic graduate enrollment components of the NSF statistical program that seeks to "provide a central clearinghouse for the collection, interpretation, and analysis of data on the availability of, and the current and projected need for, scientific and technical resources in the United States, and to provide a source of information for policy formulation by other agencies of the Federal government" as mandated in the

National Science Foundation Act of 1950. The proposed project will continue the current survey cycle for three to five years. The annual Fall surveys for 1996 through 2000 will survey the universe of approximately 725 institutions offering accredited graduate programs in science, engineering, or health. The survey has provided continuity of statistics on graduate school enrollment and support for graduate students in all science and engineering and health fields, with separate data requested on demographic characteristics (race/ethnicity and gender by full-time and part-time enrollment status). Statistics from the survey are published in NSF's annual publication series Academic Science and Engineering Graduates, in NSF publications Science and Engineering Indicators, Women, Minorities, and Persons with Disabilities in Science and Engineering, and are available electronically on the World Wide Web.

The survey will be mailed primarily to the administrators at the Institutional Research Offices. To minimize burden the NSF is exploring possibilities for using an automatic survey questionnaire (ASQ) diskette, on which institutions would receive their previous year's data and a complete program for editing and trend checking. Respondents will be encouraged to participate in this initiative should they so wish. Traditional paper questionnaires will also be available, with edition and trend checking performed as part of the survey processing. The public response burden is estimated to be one hour and forty-five minutes per response.

Dated: September 16, 1996.

Herman G. Fleming,

*NSF Reports Clearance Officer.*

[FR Doc. 96-24076 Filed 9-19-96; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-255]

### Consumers Power Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-20 issued to Consumers Power Company (the licensee) for operation of the Palisades Plant located in Van Buren County, Michigan.

The proposed amendment would revise the Palisades Technical Specifications (TS) Administrative Controls section (Section 6) to adopt the format of NUREG-1432, "Standard Technical Specifications, Combustion Engineering Plants." The proposed amendment would also revise definition, safety limit, limiting condition for operation, and surveillance requirement TS associated with the revision of the administrative controls section, and would make editorial revisions to references throughout the TS to 10 CFR Part 20 requirements.

The proposed amendment classified the changes as Less Restrictive, More Restrictive, Relocated, or Administrative.

Proposed changes classified as less restrictive include revision of surveillance intervals for inservice inspection (ISI) of the chemical and volume control system regenerative heat exchanger, inspection of containment spray nozzles, and containment integrated leak rate testing; and revision or deletion of several administrative and reporting requirements.

In addition to these less restrictive changes, the proposed amendment would also add new requirements, or revise certain existing requirements to result in additional operational restrictions (classified as "More Restrictive" changes); relocate selected requirements from the TS to other licensee-controlled documents (classified as "Relocated" changes); and move or clarify requirements within the TS without affecting their technical content (classified as "Administrative" changes).

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis

against the three standards of 10 CFR 50.92(c). The staff's review is presented below.

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

"Less Restrictive" changes:

The proposed changes to surveillance requirements allow longer surveillance testing intervals. Increasing the surveillance interval does not involve a change to the plant design or operation. Therefore, the proposed changes cannot increase the probability of a previously evaluated accident.

Surveillance intervals established at the time of plant licensing were based on engineering judgement. Reviews of operating experience since that time have found that increases in the surveillance intervals affected by the proposed amendment can be accommodated with minimal increases in overall accident risk. Therefore, the proposed changes in surveillance intervals will not result in a significant increase in the consequences of any accident previously evaluated.

The proposed changes which revise or delete administrative and reporting requirements do not alter plant design or operation. Therefore, they would not increase the probability or consequences of any accident previously evaluated.

"More Restrictive" changes:

These proposed changes add new requirements, or revise existing requirements to result in additional operational restrictions. Since the TS, with all "More Restrictive" changes incorporated, will still contain all of the requirements which existed prior to the changes, "More Restrictive" changes cannot involve a significant increase in the probability or consequences of an accident previously evaluated.

"Relocated" and "Administrative" changes:

These proposed changes relocate requirements from TS to documents controlled in accordance with 10 CFR 50.54(a) or 50.59, or move or clarify requirements within the TS, without affecting their technical content. These changes do not alter plant design or operation. Therefore, they cannot involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any previously evaluated?

"Less Restrictive" changes:

The proposed changes to surveillance requirements allow longer surveillance testing intervals. Increasing the surveillance interval does not involve a change to the plant design or operation.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed changes which revise or delete administrative and reporting requirements do not alter plant design or operation. Therefore, they do not create the possibility of a new or different kind of accident from any previously evaluated.

"More Restrictive" changes:

These proposed changes add new requirements, or revise existing requirements to result in additional operational restrictions. Since the TS, with all "More Restrictive" changes incorporated, will still contain all of the requirements which existed prior to the changes, "More Restrictive" changes cannot create the possibility of a new or different kind of accident from any previously evaluated.

"Relocated" and "Administrative" changes:

These proposed changes relocate requirements from TS to documents controlled in accordance with 10 CFR 50.54(a) or 50.59, or move or clarify requirements within the TS, without affecting their technical content. These changes do not alter plant design or operation. Therefore, they do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

"Less Restrictive" changes:

The proposed changes to surveillance requirements allow longer surveillance testing intervals. Increasing a surveillance interval does not involve a change to the plant design or operation. The margins of safety which may be impacted by the proposed changes involve the peak containment temperature and pressure and the offsite dose consequences of design-basis accidents. With respect to the regenerative heat exchanger, the proposed testing interval is consistent with the interval required by the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, which is considered adequate to ensure system integrity; the increased probability of system leakage due to the increased testing interval is minimal; and any leakage would be retained within the primary containment. With respect to the containment spray nozzles, the increased probability of spray nozzle blockage due to the increased testing interval is minimal; and the containment air coolers provide a redundant means of controlling containment atmosphere temperature

and pressure. With respect to the containment leak rate testing interval, the proposed change does not modify the containment performance criteria. Therefore, operation of the facility in accordance with the proposed changes does not involve a significant reduction in a margin of safety.

The proposed changes which revise or delete administrative and reporting requirements do not alter plant design or operation. Therefore, they do not involve a significant reduction in a margin of safety.

"More Restrictive" changes:

These proposed changes add new requirements, or revise existing requirements to result in additional operational restrictions. Since the TS, with all "More Restrictive" changes incorporated, will still contain all of the requirements which existed prior to the changes, "More Restrictive" changes cannot involve a significant reduction in a margin of safety.

"Relocated" and "Administrative" changes:

These proposed changes relocate requirements from TS to documents controlled in accordance with 10 CFR 50.54(a) or 50.59, or move or clarify requirements within the TS, without affecting their technical content. These changes do not alter plant design or operation. Therefore, they do not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the Federal Register a notice of issuance and provide for opportunity

for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 21, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available 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 Van Wylen Library, Hope College, Holland, Michigan 49423. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the

petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John Hannon: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Judd L. Bacon, Esquire Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201, attorney for the licensee.

Untimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated December 11, 1995, as supplemented by letters dated January 18, 1996, and September 3, 1996, 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 Van Wylen Library, Hope College, Holland, Michigan 49423.

Dated at Rockville, Maryland, this 16th day of September 1996.

For the Nuclear Regulatory Commission.

Robert G. Schaaf,

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

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#### [EA 96-302]

#### **GRD Steel Corporation (GRD); Order Suspending License (Immediately Effective) and Requiring Transfer of Licensed Material**

##### I

GRD Steel Corporation, (Licensee) is the holder of NRC License No. 37-30147-01 issued by the Nuclear Regulatory Commission (NRC or Commission) on February 6, 1995 pursuant to 10 CFR Part 30. License No. 37-30147-01 authorizes the possession and use of up to 10 millicuries of cobalt-60 in sealed sources (with a maximum activity per source of 3.3 millicuries). The license is due to expire on February 28, 2005. GRD was engaged in the manufacturing of carbon steel.

##### II

On December 22, 1995, the NRC issued a Notice of Violation to GRD for two violations of NRC requirements. GRD responded to the Notice of Violation on December 29, 1995. Since the NRC had questions concerning the adequacy of the GRD response regarding locking of the sources, the NRC Region I staff contacted GRD's Radiation Safety Officer (RSO) (Mr. Mauro Coruzzi) on March 28, 1996, by telephone. The RSO indicated that GRD's operations had ceased and he was no longer working for GRD; the employment of all GRD employees was either terminated or transferred to another steel company (Commercial Steel Corporation (Commercial Steel)); and the owner of the building that housed the GRD operation was the Monongahela Industrial Development Association (MIDA) which now held title to GRD's Mid Mound Center facility and to both gauges as a result of its purchase at a sheriff's foreclosure sale of the property of GRD, and which was controlling access to the building via the posting of guards. MIDA is not licensed by the NRC to possess radioactive material.

On April 10, 1996, Region I contacted Mr. Coruzzi by telephone because GRD had not made a formal declaration of bankruptcy or requested the NRC to assent to a change of ownership. The RSO indicated that GRD was not in

bankruptcy nor had there been a change of ownership. However, he did indicate that MIDA had taken control of the facility because of GRD's apparent abandonment of the facility. He also indicated that the two gauges located at the facility, each containing approximately 3.3 millicuries of cobalt-60, were locked and not in use, nor could the gauges be accessed by unauthorized personnel because he was the only person in possession of the key used to unlock the gauges.

During the April 10, 1996 conversation, Region I requested that GRD promptly document the information received verbally from the RSO. Since such documentation was not promptly received by the NRC, the NRC sent GRD a letter, dated April 23, 1996, advising the company to notify the NRC if it decided to change ownership, terminate licensed activities, or declare bankruptcy. GRD did not reply to that letter. As a result, on June 18, 1996, Mr. Coruzzi was again contacted by telephone by NRC, Region I. At that time, Mr. Coruzzi informed the NRC that the GRD President, Mr. Pradip K. Ghosh, was working for Commercial Steel, Glassport, Pennsylvania.

Shortly thereafter, on June 19, 1996, NRC Region I telephoned Mr. Ghosh, because of NRC concerns that (1) the gauges were in the possession of MIDA, and that GRD had transferred material to MIDA, an unlicensed entity, in violation of the requirements of 10 CFR 30.3 and 10 CFR 30.41, and (2) there might have been a transfer of control of the license without first obtaining the Commission's consent in writing as required by 10 CFR 30.34(b). During that conversation, Mr. Ghosh made a number of commitments to the NRC, including the commitment to contact APGEE/Berthold, the manufacturer of the gauges, by July 15, 1996, to arrange for return of the gauges to the manufacturer. Mr. Ghosh also committed to provide a completed Certificate of Disposition (NRC Form 314) to the NRC, and request that its license be terminated, by July 31, 1996. The NRC issued a Confirmatory Action Letter (CAL) to confirm these commitments on June 20, 1996. A copy of this CAL was also sent to MIDA.

On June 24, 1996, GRD sent the NRC Region I office a facsimile which stated that it was not correct to state that GRD had sold the property to MIDA and therefore it was not correct to conclude that GRD had transferred the license. GRD also stated that it did not want to terminate the license, and that it was working to gain additional financial backing in order to restart the operation, and requested that the gauges be kept in

place to facilitate restarting the operation.

On June 26, 1996, Supplement 1 to the CAL was issued to GRD and a copy was sent to MIDA. The CAL replaced the statement that GRD would request termination of its license by July 31, 1996, with the statement that GRD would maintain its license until a final determination was made with regard to the future of the company.

On August 6, 1996, NRC Region I learned that the facility had been broken into approximately two to three weeks earlier. Subsequently on August 6, 1996, NRC Region I telephoned Ms. Lue Ann Pawlick, the General Manager of MIDA, about the apparent break-in at the facility. The General Manager described the materials taken from the facility, and indicated that the gauges were not affected by the break-in, all materials had been recovered, the perpetrators had been apprehended, and additional local police patrols and daily walk-throughs by a local president of the steel workers union were being performed.

On August 6, 1996, NRC Region I attempted to contact the President of GRD. At that time, the NRC learned that the President would be out of the country until early September and could not be reached.

On August 12, 1996, the NRC issued a Confirmatory Order to MIDA to assure that MIDA maintains control of the NRC-licensed gauges and that the gauges will remain locked at all times; that MIDA request additional patrols from the local police in the area, until such time as the gauges are transferred to an authorized recipient; that MIDA perform daily walk-throughs of the plant to ensure that the gauges had not been tampered with; that MIDA either obtain a license from the NRC to possess the material or to transfer the material to a specific NRC or Agreement State licensee authorized to possess such material, and, in the absence of obtaining a license from the NRC to possess the gauges, transfer the gauges within 90 days from the date of this Order, either back to the manufacturer, or to another authorized recipient; and that MIDA inform the NRC by August 19, 1996 under oath or affirmation regarding the specific actions MIDA will take to comply with these conditions.

The NRC has also received information from the Pennsylvania Corporation Bureau that indicated that there was some similarity in corporate officers of GRD Steel and Commercial Steel. The NRC has determined that the President and Radiation Safety Officer (RSO) of GRD Steel are currently employed by Commercial Steel, and that telephone calls to GRD are answered by