

- Board Consideration (Action Item)
- Wastewater Collection Project, Alton, TX
- Public Comments
- Board Consideration (Action Item)

9. General Comments

Anyone interested in submitting written comments to the Board of Directors on any agenda item should send them to the BECC 15 days prior to the public meeting. Anyone interested in making a brief statement to the Board may do so during the public meeting.

Dated: May 9, 1997.

M.R. Ybarra,

Secretary, U.S. IBWC.

[FR Doc. 97-12722 Filed 5-14-97; 8:45 am]

BILLING CODE 4710-13-M

NATIONAL SCIENCE FOUNDATION

Meeting

The National Science Foundation announces the following meeting:

Name: Interagency Arctic Research Policy Committee (IARPC).

Date and Time: Tuesday, June 3, 1997, 2:00-3:30 p.m.

Place: National Science Foundation, Room 375, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed. The meeting is closed to the public because future fiscal year budget and program issues will be discussed.

Contact Person: Charles E. Myers, Office of Polar Programs, Room 755, National Science Foundation, Arlington, VA 22230, Telephone: (703) 306-1029.

Purpose of Committee: The Interagency Arctic Research Policy Committee was established by Public Law 98-373, the Arctic Research and Policy Act, to help set priorities for future arctic research, assist in the development of a national arctic research policy, prepare a multi-agency budget and Plan for arctic research, and simplify coordination of arctic research.

Proposed Meeting Agenda Items

1. U.S. Arctic Policy
2. IARPC Program Initiatives
3. Implementation of Program Initiatives
4. Approval of Biennial Revision to U.S. Arctic Research Plan

Charles E. Myers,

Head, Arctic Interagency Staff, Office of Polar Programs.

[FR Doc. 97-12760 Filed 5-14-97; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-247]

Consolidated Edison Company of New York; 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. 26 issued to Consolidated Edison Company of New York (the licensee) for operation of the Indian Point Nuclear Generating Unit No. 2 located in Westchester County, New York. The proposed amendment would remove containment isolation valve 863 from Technical Specification Table 3.6-1, "Non-Automatic Containment Isolation Valves Open Continuously Or Intermittently for Plant Operation." Removal of the valve from the table would allow a modification to change the valve to an automatically closing valve upon the receipt of a Phase A Containment Isolation Signal.

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, which is presented below:

(1) Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: There are no new failure modes introduced by the proposed modification. Normal operation of Valve 863 is not altered by this modification. This modification provides for automatic closure of Valve 863 during a design basis event, rather than relying on manual action. The EOPs [emergency operating procedures] provide for

verification of automatic closure of containment isolation valves and for manual closure of any automatic containment isolation valves that fail to close during a design basis event. Neither the probability nor the consequences of an accident previously analyzed is increased due to the proposed changes.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response: The capability to open Valve 863 during an Appendix R event is maintained. Contacts from existing relays will be used to provide the containment isolation and reset signal for Valve 863. This signal will be used to de-energize the existing SOV-863. No new electrical loads are added. Equipment associated with this modification will be seismically installed. Therefore, the proposed changes do not create an accident or malfunction of safety equipment of a different type.

(3) Does the proposed amendment involve a significant reduction in the margin of safety?

Response: This modification will provide a signal that will close Valve 863 on Phase A Containment Isolation and reset capability for this valve that is consistent with other automatic containment isolation valves. This is an enhancement to the system which already meets the requirements of GDC [General Design Criteria] 57. The capability to open Valve 863 during an Appendix R event is maintained. Therefore, the proposed amendment does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, 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 June 16, 1997, 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610. 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 S. Singh Bajwa: 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 Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003, attorney for the licensee.

Nontimely 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 March 31, 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Dated at Rockville, Maryland, this 8th day of May 1997.

For the Nuclear Regulatory Commission.

Jeffrey F. Harold,

Project Manager, Project Directorate, Division of Reactor Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 97-12736 Filed 5-14-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Northeast Utilities; Notice of Document Availability and Public Meeting

On May 2, 1997, the U.S. Nuclear Regulatory Commission (NRC) received from Little Harbor Consultants, Inc. (LHC), the Independent, Third-Party Oversight Program (ITPOP) organization, its oversight plan for monitoring Northeast Nuclear Energy Company's (NNECO's) implementation of its employee safety concerns program. The oversight plan is in response to an NRC Order. On October 24, 1996, the Director of the Office of Nuclear Reactor Regulation sent an Order to NNECO requiring (1) A comprehensive plan for resolving the Millstone station employees' safety concerns and (2) an independent, third-party oversight of NNECO's implementation of this plan. Copies of LHC's oversight plan is available at the Waterford Public Library, ATTN: Mr. Vincent Juliano, 49 Rope Ferry Road, Waterford, Connecticut, and the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut.

The NRC will hold a public meeting regarding the oversight plan. The meeting will be held in the near future at the Waterford Town Hall in Waterford, Connecticut. The meeting will be open to public attendance and will be transcribed. The NRC has elected to hold such a public meeting because of the public's interest.

The structure of the public meeting shall be as follows:

NRC opening remarks

Members of the public comments and questions

NRC closing remarks

Meeting concludes

The purpose of this public meeting is to obtain comments from members of the public for NRC staff use in evaluating LHC's oversight plan. The staff will not offer any preliminary views on its evaluation of the oversight plan. The public meeting will be chaired by a senior NRC official who will limit presentations to the above subject.

A meeting notice will be issued stating the date and time of the meeting.

Dated at Rockville, Maryland, this 9th day of May 1997.

For the Nuclear Regulatory Commission.

Steven A. Reynolds,

Chief, Special Projects Office—Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 97-12738 Filed 5-14-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-387 and 50-388]

Pennsylvania Power & Light Company, Susquehanna Steam Electric Station, Units 1 and 2; Exemption

I

The Pennsylvania Power & Light Company (PP&L, the licensee) is the holder of Facility Operating License Nos. NPF-14 and NPF-22, which authorize operation of the Susquehanna Steam Electric Station (SSES), Units 1 and 2. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

These facilities consist of two boiling water reactors located at the licensee's site in Luzerne County, Pennsylvania.

II

Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR) 10 CFR 50.71, "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "Subsequent revisions [to the Final Safety Analysis Report (FSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months." The two SSES units share a common FSAR; therefore, this rule requires the licensee to update the same document within 6 months after a refueling outage for either unit.

III

It is stated in 10 CFR 50.12(a), "Specific exemptions," that, "The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are—(1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present." In 10 CFR 50.12(a)(2)(ii), it is

further stated that special circumstances are present when "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule."

IV

It is required in 10 CFR 50.71(e)(4) that all licensees update their FSARs at least every refueling outage and no less frequently than every 2 years. When two units share a common FSAR, the rule has the effect of making the licensee update the FSAR roughly every 12 to 18 months; this is contrary to the intent of the rule. The authors of the rule recognized the effect of the rule's language on multiple facilities sharing a common FSAR in responding to comments on the rulemaking by stating that licensees will have maximum flexibility for scheduling updates to their FSARs on a case-by-case basis; however, the final rule does not address multiple facilities (57 FR 39353, August 31, 1992).

The requested exemption would require periodic updates once per refueling cycle, based on SSES Unit 2 refueling outage schedule, but not to exceed 24 months from the last submittal. The requirement that an update be submitted within 6 months of an outage of each unit is not retained. Allowing the exemption would maintain the SSES FSAR current within 24 months of the last revision and would not exceed a 24-month interval for submission of the 10 CFR 50.59 design change report for either unit.

V

The licensee's special circumstance is that, as stated in 10 CFR 50.12(a)(2)(ii), "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule," when it applies to the frequency of updating the FSAR for dual units. When two units share a common FSAR, the rule stated in 10 CFR 50.71(e)(4), which requires that all licensees update their FSAR at least every refueling outage and no less frequently than every 2 years, has the effect of making the licensee update the FSAR approximately every 12 to 18 months. This is contrary to the intent of the rule.

The licensee's proposed schedule for FSAR updates will ensure that the SSES FSAR will be maintained current within 24 months of the last revision and, the interval for submission of the 10 CFR 50.59 design change report will not exceed 24 months. The Commission has