

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 August 7, 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 Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701. 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 a 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 the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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: Rulemakings and Adjudications Staff may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. 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 Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW, Washington, DC 20037, 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 June 27, 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 Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Dated at Rockville, Maryland, this 2nd day of July 1997.

For the Nuclear Regulatory Commission
Chester Poslusny, Sr.
*Project Manager, Project Directorate I-2,
Division of Reactor Projects—I/II, Office of
Nuclear Reactor Regulation.*

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-352 and 50-353]

Philadelphia Electric Company; Notice of Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Philadelphia Electric Company (PECO, the licensee) to withdraw its September 18, 1995, application for proposed amendment to Facility Operating License Nos. NFP-39 and NFP-85 for the Limerick Generating Station, Unit Nos. 1 and 2, located in Montgomery County, Pennsylvania.

The proposed amendment would have revised the frequency of

calibration for the local power range monitor signals from every 1000 Effective Full Power Hours to every 2000 Megawatt Days per Standard Ton.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on December 4, 1996 (61 FR 64390). However, by letter dated June 20, 1997, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated September 18, 1995, and the licensee's letter dated June 20, 1997, which withdrew the application for license amendment. The above documents 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 Pottstown Public Library, 500 High Street, Pottstown, PA.

Dated at Rockville, Maryland, this 27th day of June 1997.

For the Nuclear Regulatory Commission.

Frank Rinaldi,

Project Manager, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-160]

Georgia Institute of Technology, Georgia Tech Research Reactor; Issuance of Final Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission (NRC) has issued a Final Director's Decision Under 10 CFR 2.206 regarding the Georgia Tech Research Reactor at the Georgia Institute of Technology in response to a Petition received from Ms. Pamela Blockey-O'Brien (Petitioner), dated October 23, 1994. In issuing the Final Director's Decision, the NRC also considered subsequent letters from the Petitioner dated November 12 and December 4, 1994; and February 21, February 23, March 6, March 28, April 19, May 18, June 27, July 18, August 18, August 21, August 28, August 31, September 17, and October 27, 1995; and January 10, January 27, March 14, and May 24, 1996.

On October 23, 1994, the Petitioner requested (1) the shutdown and decontamination of the Georgia Tech

Research Reactor, (2) the revocation of liquid radioactive material release authority to all licensees, (3) the revocation of licenses that use the principle of "as low as reasonably achievable," (4) the termination of transportation of radioactive material by mail, and (5) the modification to posting requirements for radioactive material. A "Partial Director's Decision Under 10 CFR 2.206" (DD-95-15) dated July 31, 1995, addressed requests (2) through (5) and all the issues concerning request (1) except those management and security issues, which were related to issues pending in an ongoing licensing proceeding for the Georgia Tech Research Reactor. The Partial Director's Decision denied the requested actions based on the evaluation to that time. See DD-95-15, 42 NRC 20-45 (1995).

This Final Director's Decision addresses the issues related to management and security, which are the remaining bases for Petitioner's request for the shutdown and decontamination of the Georgia Tech Research Reactor. The Director of the Office of Nuclear Reactor Regulation has determined that these concerns do not provide a basis for taking the requested actions. Accordingly, the remaining request of the Petition has been denied for the reasons stated in the "Final Director's Decision Under 10 CFR 2.206" (DD-97-16), the complete text of which follows this notice. The Final Director's Decision is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC.

A copy of this Final Director's Decision will be filed with the Secretary of the Commission for review in accordance with 10 CFR 2.206(c). As provided by that regulation, the Decision will constitute the final action of the Commission 25 days after the date of the issuance of the Decision, unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland, this 27th day of June 1997.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

Final Director's Decision Under 10 CFR 2.206

I. Introduction

On October 23, 1994, Ms. Pamela Blockey-O'Brien (the Petitioner) filed a Petition with the U.S. Nuclear Regulatory Commission (NRC) staff pursuant to 10 CFR 2.206. This Petition requested that the NRC staff revoke the

license for the Georgia Tech Research Reactor (GTRR), shut down this research reactor and its support facilities, and remove all radioactive material and contamination offsite to a government-created "National Sacrifice [A]rea" such as the Savannah River or Oak Ridge facilities. In addition, the Petitioner requested that the NRC staff withdraw all license authority nationwide involving the discharging or dumping of any quantity of radioactive material into all the sewers or waters in the United States or oceans of the world, and withdraw all licenses to all nuclear facilities, including nuclear power plants (NPPs), that operate under "as low as reasonably achievable" (ALARA) principles. Finally, the Petitioner requested that the NRC staff prohibit the transportation of radioactive material by mail and modify every license issued to transporters of radioactive materials and builders of NPPs to require these parties to put, in 2 foot high letters, on everything they transport or build, the words "DANGER—RADIOACTIVE" and, in smaller letters, "there is no safe level of radiation, any exposure can effect health."

As bases for the request to shut down and decontaminate Georgia Tech Research Reactor, the Petitioner asserted that (1) a water flume comes out of the ground "destabilizing the reactor and the ground in some way;" (2) "[r]adiation levels in soil and vegetation climb markedly in GA EPD [Georgia Environmental Protection Division] documents" around the reactor; (3) there is no record of air monitoring ever having been done; (4) heavy rainfall causes water to back up in the sewer and drainage lines causing flooding of the reactor parking lot and campus, as well as causing sinkholes, "puff-ups" on campus ground, and welded-shut manhole covers to be blown off; (5) radioactive contaminants have been routinely discharged into the sanitary sewer from the reactor's waste water holding tank and contamination spread by backup of the sewage system; (6) should the reactor be further destabilized, the reactor and the tank holding cobalt-60 could "break apart," causing radioactive contaminants to "drain into groundwater/down sewers/into the runoff ditch;" (7) the reactor is in an earthquake zone; (8) there is absolutely no reason to keep the reactor operating; (9) security at the reactor is extremely lax; and (10) in case of an accident or terrorist attack, evacuation of the campus and downtown Atlanta would be impossible, especially during the 1996 Olympics.

In a Partial Director's Decision Under 10 CFR 2.206 dated July 31, 1995 (DD-