

Program Manager, Dual Use and Licensing, Kennedy Space Center.

DATES: Responses to this notice must be received by August 16, 1999.

FOR FURTHER INFORMATION CONTACT: Melanie R. Chan, Program Manager, Dual Use and Licensing, Kennedy Space Center, Mail Code: MM-E, Kennedy Space Center, FL, 32899; telephone (407) 867-6367.

Dated: June 4, 1999.

Edward A. Frankle,
General Counsel.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-293]

Boston Edison Company; Pilgrim Nuclear Power Station; Consideration of Approval of Application Regarding Proposed Corporate Merger and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under Title 10 of the Code of Federal Regulations (10 CFR) Section 50.80 approving the indirect transfer of Facility Operating License No. DPR-35 for the Pilgrim Nuclear Power Station (Pilgrim) held by Boston Edison Company (Boston Edison). The indirect transfer would be to the new holding company formed by Commonwealth Energy System (CES) and BEC Energy (BEC), the parent company of Boston Edison.

Pilgrim is owned and operated by Boston Edison, which is a wholly-owned subsidiary of BEC. According to an application by Boston Edison for approval of the indirect transfer, CES and BEC have entered into an Agreement and Plan of Merger under which those entities will become wholly-owned subsidiaries of a new Massachusetts corporation named NSTAR, thereby resulting in an indirect transfer of Boston Edison's interest in Pilgrim's Facility Operating License to NSTAR. No physical changes to Pilgrim or operational changes are being proposed. No direct transfer of the license will result from the proposed transaction.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an

application for the indirect transfer of a license, if the Commission determines that the proposed transfer of control will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the indirect license transfer application, are discussed below.

By July 7, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon Douglas S. Huran, BEC Energy, 800 Boylston Street, Boston, Massachusetts 02199, General Counsel for BEC Energy; John A. Ritscher, Ropes & Gray, One International Place, Boston, Massachusetts 02110-2624, attorney for BEC Energy; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal**

Register and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by July 19, 1999, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated February 3, 1999, submitted under cover of a letter dated February 5, 1999, and supplement dated May 27, 1999, 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 Plymouth Public Library, 132 South Street, Plymouth, Massachusetts 02360.

Dated at Rockville, Maryland this 11th day of June 1999.

For the Nuclear Regulatory Commission.

Alan B. Wang,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99-15413 Filed 6-16-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket 70-7001]

Receipt of Amendment Application to Certificate of Compliance GDP-1 for the U.S. Enrichment Corporation; Paducah Gaseous Diffusion Plant; Paducah, Kentucky; Comment Period

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC or the Commission) has received an amendment application from the United States Enrichment Corporation that is considered to be significant pursuant to 10 CFR 76.45. Any interested party may submit written comments on the application for amendment for consideration by the staff. To be certain of consideration, comments must be received by (specify a date that provides for a 30-day comment period). Comments received after the due date will be considered if it is practical to do so. The Commission is able to assure

consideration only for comments received on or before this date.

Written comments on the amendment application should be mailed to the Chief, Rules Review and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or may be hand delivered to 11545 Rockville Pike, Rockville, MD 20852, between 7:45 a.m. and 4:15 p.m. on Federal workdays. Comments should be legible and reproducible, and include the name, affiliation (if any), and address of the submitter. All comments received by the Commission will be made available for public inspection at the Commission's Public Document Room and the Local Public Document Room. In accordance with 10 CFR 76.62 and 76.64, a member of the public must submit written comments to petition the Commission requesting review of the Director's Decision on the amendment request.

For further details with respect to the action, see the application for amendment. The application 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.

Date of amendment request: January 12, 1999.

Brief description of amendment: The amendment is related to the modifications to upgrade the seismic capability of Buildings C-331 and C-335 at Paducah Gaseous Diffusion Plant. The proposed amendment will change the modification completion date from June 30, 1999, to June 30, 2000.

Certificate of Compliance No. GDP-1: This amendment will revise Compliance Plan Issue 36 to extend the completion date from June 30, 1999, to June 30, 2000.

Local Public Document Room location: Paducah Public Library, 555 Washington Street, Paducah, Kentucky 42003.

Dated at Rockville, Maryland, this 10th day of June 1999.

For the Nuclear Regulatory Commission.

Carl J. Paperiello,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 99-15412 Filed 6-16-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-220]

License No. DPR-63, Niagara Mohawk Power Corporation; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by Petition dated May 24, 1999, Mr. Tim Judson (the Petitioner) on behalf of Citizens Awareness Network, Coalition on West Valley Nuclear Waste, Environmental Advocates, Greens of Greater Syracuse, Nuclear Information and Resource Service, Oswego Valley Peace and Justice, Sierra Club (Iroquois Group), Student Environmental Action Coalition, Syracuse Anti-Nuclear Effort, Syracuse Peace Council, and Dr. Steven Penn, has requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to Nine Mile Point Nuclear Station, Unit No. 1 (NMP1). The Petitioner requests that the NRC take enforcement action against Niagara Mohawk Power Corporation (NMPC) by suspending its NMP1 operating license until (1) NMPC releases the most recent inspection data on the plant's core shroud; (2) a public meeting can be held in Oswego County, New York, to review this inspection data and the repair design to core shroud vertical welds V9 and V10; and (3) an adequate public review of the safety of the plant's continued operation is accomplished. The Petitioner bases this request upon the following issues and concerns:

1. Petitioner believes that the public cannot rely upon NMPC to accurately perform the data analysis necessary to calculate the extent and rate of cracking in the core shroud because of problems with NMPC's previous testing and analyses that were identified in letters to the NRC from Dr. Penn. Petitioner states that the NRC has not responded to Dr. Penn's letters, and, therefore, Petitioner believes Dr. Penn's expressed concerns constitute unreviewed safety issues.

2. NMPC and NRC reported during the May 1999 inspection that cap screws in the bow spring mechanisms of the shroud tie rod assemblies were found to have suffered intergranular stress-corrosion cracking, resulting in the fracture of one of the cap screws. Petitioner states that this problem, and the tie rod problem corrected during the 1997 outage, indicates that NMPC's designs warrant in-depth review by the public and closer implementation scrutiny. Petitioner believes that NMPC's prior selection of poor cap screw material and the NRC staff's

acceptance of it raises questions about the credibility of the NRC's approval of the vertical weld repair design and, thus, necessitates a public review of the level of safety before plant restart.

3. Data from the May 1999 inspection of the NMP1 core shroud are new and the NRC staff's review of the data will not be completed before plant restart. Petitioner states that previous NRC staff safety evaluations required future evaluations. Petitioner believes that subsequent NRC approval of an "unprecedented and unproven" repair design for vertical welds, issued before the inspection, does not preempt the previously determined need to assess the actual extent of cracking in the vertical welds and the structural integrity of the core shroud.

4. NMPC has informed the NRC that supporting a meeting for public review of the core shroud inspection data during this refueling outage would place an undue regulatory burden on NMPC's manpower resources, and this burden could possibly compromise safety at NMP1. Petitioner considers inadequate licensee resources to be new information and an unreviewed safety issue. Petitioner contends that violations and a civil penalty issued against NMPC on November 5, 1997, involving inadequate management oversight and failure to monitor the effectiveness of maintenance activities are "directly pertinent to failure of the tie rod installation (1995), faulty design of the bow spring modification (1997), flawed studies on core shroud boat samples (1998), postponement of mid-cycle inspection (1998), and miscalibration of instruments for vertical weld inspection (May 1999)." Petitioner believes that, because the degree of cracking in the NMP1 shroud is precedent-setting, the question of regulatory burden is not relevant, as the NMP1 shroud requires the strictest regulatory oversight and a full public review. Petitioner states that postponing restart would eliminate this regulatory burden and ensure that outage work is properly reviewed.

The NRC staff has determined that the issues and concerns addressed in the Petition do not warrant deferring restart of NMP1. The NRC staff has also determined that a meeting to provide for public review of the shroud reinspection results need not be held before restart. In reaching this determination, the NRC staff has considered the following:

1. By letter dated May 28, 1999, the NRC staff responded to Dr. Penn's letters dated December 3, 1998; March 25, 1999; and April 15, 1999. In a letter dated April 30, 1999, NMPC has also