

origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too, includes information about the records. Further information about the disposition process is available on request.

#### Schedules Pending

1. Department of the Army, Agency-wide (N1-AU-99-3, 3 items, 3 temporary items). Electronic copies of records created using electronic mail and word processing pertaining to the training of foreign nationals in U.S. Army facilities. Files include biographical data and academic reports on each student, invitations to American homes, reports to foreign embassies, invitational travel orders, and arrival/departure notices. This schedule also modifies the retention periods for recordkeeping copies of these files, which were previously approved for disposal.

2. Department of the Army, Agency-wide (N1-AU-99-8, 4 items, 3 temporary items). Records relating to the transfer of technology between designated Army laboratories and non-Federal collaborators, including a database of information about agreements, working files, and electronic copies of documents created using electronic mail and word processing. Recordkeeping copies of cooperative research and development agreements, patent license agreements, and related policy documents are proposed for permanent retention.

3. Department of Defense, Office of the Inspector General (N1-509-99-6, 4 items, 4 temporary items). Hotline referral files consisting of correspondence, preliminary investigations, and memoranda of conversations relating to complaints

received by the Department of Defense telephone hotline. Also included are electronic copies of documents created using electronic mail and word processing. This schedule also modifies the retention period for recordkeeping copies of these files, which were previously approved for disposal.

4. Department of Health and Human Services, Office of Public Health and Science (N1-468-99-3, 1 item, 1 temporary item). Lists, dating from 1897 to 1912, of medical supplies, suppliers, and prices for items, such as drugs, chemicals, alcoholic liquors, and equipment.

5. Department of Health and Human Services, National Institutes of Health (N1-443-99-5, 1 item, 1 temporary item). User access log of visits to the agency's World Wide Web site. The logs record the visitor's origin, time of visit, length of stay, and activities while at the site.

6. Department of Health and Human Services, Agency for Health Care Policy and Research (N1-510-99-2, 1 item, 1 temporary item). User access log of visits to the agency's World Wide Web site. The logs record the visitor's origin, time of visit, length of stay, and activities while at the site.

7. Department of Health and Human Services, Agency for Health Care Policy and Research (N1-510-99-3, 1 item, 1 temporary item). User access log of visits to the World Wide Web site of the agency's National Guideline Clearinghouse. The logs record the visitor's origin, time of visit, length of stay, and activities while at the site.

8. Department of Justice, U.S. Marshals Service (N1-527-99-3, 6 items, 5 temporary items). Speeches and testimony by U.S. Marshals Service personnel below the level of Associate Director. Also included are electronic copies of speeches and testimony created using electronic mail and word processing. Record-keeping copies of speeches and testimony given by the Director, Deputy Director, and Associate Director are proposed for permanent retention.

9. Environmental Protection Agency, Office of Radiation and Indoor Air Radiation (N1-412-99-7, 4 items, 2 temporary items). Software programs and system input documents associated with the Environmental Radiation Ambient Monitoring System (ERAMS), an electronic system that contains information on ambient levels of radiation in air, milk, and water. ERAMS master files and documentation are proposed for permanent retention. Published reports were previously scheduled for permanent retention.

10. National Institute of Standards and Technology, Boulder, Colorado, Laboratories (N1-167-99-2, 1 item, 1 temporary item). Unidentifiable and undocumented magnetic tapes created by the Boulder Laboratories of the National Bureau of Standards in 1960.

11. Overseas Private Investment Corporation (N1-420-99-1, 4 items, 4 temporary items). Loan case files and investment insurance case files used to manage and track loans and insurance relating to U.S. businesses operating overseas. Also included are electronic copies of these records created using electronic mail and word processing.

Dated: September 2, 1999.

**Michael J. Kurtz,**

*Assistant Archivist for Record Services—Washington, DC.*

[FR Doc. 99-23396 Filed 9-8-99; 8:45 am]

BILLING CODE 7515-01-P

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## NUCLEAR REGULATORY COMMISSION

Docket No. 50-003

### Consolidated Edison Company of New York, Inc.; Indian Point Nuclear Generating Station, Unit 1; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-5 issued to Consolidated Edison Company of New York, Inc. (the licensee), for the permanently shutdown Indian Point Nuclear Generating Station, Unit 1, located in Buchanan, New York.

The proposed amendment would revise Technical Specification (TS) Section 3.2.1.i. to be consistent with a similar TS for Indian Point, Unit 2. Specifically, Indian Point, Unit 1, Section 3.2.1.i would be revised to change the requirement that the operations manager or assistant operations manager be a licensed senior reactor operator. The revision would allow an individual who does not hold a current senior reactor operator license to be appointed as operations manager or assistant operations manager provided all other qualification requirements of ANSI N18.1-1971 are met.

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:

The proposed change does not involve a significant hazards consideration because:

1. [The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.]

\* \* \* This proposed change [to the TS Section 3.2.1.i] is administrative in nature.

\* \* \* This change does not affect possible initiating events for accidents previously evaluated or alter the configuration or operation of the facility. The Limiting Safety System Settings and Safety Limits specified in the current Technical Specifications remain unchanged. Therefore, the proposed change would not involve a significant increase in the probability or in the consequences of an accident previously evaluated.

2. [The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.]

No. The proposed change is administrative in nature. The safety analysis of the facility remains complete and accurate. There are no physical changes to the facility and the plant conditions for which design basis accidents have been evaluated are still valid. The operating procedures and the emergency procedures are unaffected. Consequently no new failure modes are introduced as a result of the proposed change. Therefore, the proposed changes would not create the possibility of a new or different kind of accident from any new accident previously evaluated.

3. [The proposed change does not involve a significant reduction in a margin of safety.]

No. The proposed change is administrative in nature. Since there are no changes to the operation of the physical design of the facility, the Updated Final Safety Analysis Report (UFSAR) design basis, accident assumptions, or Technical Specification Bases are not affected. Therefore, the proposed change does not involve a significant reduction in a 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 and Directives Branch, Division of Administrative 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 6D59, 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 12, 1999, 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, 10601. 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: Rulemakings and Adjudications Staff, or 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 Brent L. Brandenburg, Esq., 4 Irving Place, 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 July 20, 1999, 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 10601.

Dated at Rockville, Maryland, this 2nd day of September 1999.

For The Nuclear Regulatory Commission.

**John L. Minns,**

*Project Manager, Decommissioning Section,  
Project Directorate IV & Decommissioning  
Division of Licensing Project Management,  
Office of Nuclear Reactor Regulation.*

[FR Doc. 99-23409 Filed 9-8-99; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### State of Ohio: Discontinuance of Certain Commission Regulatory Authority Within the State

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of agreement with the State of Ohio.

**SUMMARY:** On August 11, 1999, Greta J. Dicus, Chairman of the U.S. Nuclear Regulatory Commission (NRC) and on August 18, 1999, Governor Bob Taft of the State of Ohio signed an Agreement as authorized by section 274b of the Atomic Energy Act. The Agreement provides for the Commission to discontinue its regulatory authority over source, byproduct and special nuclear materials (in quantities not sufficient to form a critical mass) in the State of Ohio, and for Ohio to assume the regulatory authority.

Under the Agreement, a person in Ohio possessing these materials is exempt from certain Commission regulations. The exemptions have been previously published in the **Federal Register** and are codified in the Commission's regulations as 10 CFR part 150. The Agreement is published here as required by section 274e of the Act.

#### FOR FURTHER INFORMATION CONTACT:

Richard L. Blanton, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone (301) 415-2322 or e-mail RLB@NRC.GOV.

The draft Agreement was published in the **Federal Register** for comment once a week for four consecutive weeks (see, e.g. 64 FR 12187, March 11, 1999) as required by the Act. The public comment period ended on April 12, 1999. A total of 25 comment letters were received and were considered by the NRC staff. After considering the comments, the request for an Agreement by the Governor of Ohio, the supporting documentation submitted with the request for an Agreement, and its interactions with the staff of the Ohio Department of Health, Bureau of Radiological Health, the NRC staff completed an assessment of the Ohio program. Based on the staff's assessment, the Commission determined on August 4, 1999, that the proposed Ohio program for the control of radiation hazards is adequate to protect public health and safety and compatible with the Commission's program. NRC will retain jurisdiction over 19 materials licensees including certain Federal facilities and exempt distribution. In addition, NRC will retain jurisdiction over the gaseous diffusion plant in Portsmouth, Ohio and two nuclear power plants near Toledo and Painesville.

Copies of the comment analysis by the NRC staff, the staff assessment, and the Commission's decision may be viewed at the NRC website, <http://www.nrc.gov>. To view the documents, click on the "News and Information" icon, then select "Staff Papers" under the "Commission" heading. The documents are contained in the Commission paper numbered SECY-99-179.

An Agreement Between the United States Nuclear Regulatory Commission and the State of Ohio for the Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, The United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials as defined in Sections 11e.(1) and (2) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and,