

year period of prohibition, Mr. McDonald shall provide notice to the NRC within 20 days of the acceptance of the name, address, and telephone number of the employer or the entity where he is, or will be, involved in the NRC-licensed activities, and certify that he will comply with NRC regulatory requirements in such employment. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. McDonald's conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to sections 103, 161b, 161i, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, and 10 CFR 50.5, *it is hereby ordered*, effective immediately, that:

1. (a) Mr. Donald J. McDonald, Jr., is prohibited from engaging in NRC-licensed activities and from obtaining unescorted access to protected and vital areas of facilities licensed by the NRC for a period of three years from the date of this Order. For the purposes of this Order, licensed activities include the activities licensed or regulated by: (1) NRC; (2) an Agreement State, limited to the licensee's conduct of activities within NRC jurisdiction pursuant to 10 CFR 150.20; and (3) an Agreement State where the licensee is involved in the distribution of products that are subject to NRC jurisdiction.

(b) If Mr. McDonald is currently involved in NRC-licensed activities with an employer, he shall immediately cease such activities, inform the NRC of the name, address and telephone number of the employer, and provide a copy of this Order to the employer.

2. Following the three year period of prohibition, at the time of his first acceptance of an employment offer involving NRC licensed activities as defined in Paragraph IV.1 above, or the first assumption of duties in an existing job that involve licensed activities, Mr. McDonald shall provide notice to the NRC within 20 days of the acceptance or assumption of duties of the name, address, and telephone number of the employer or the entity where he is, or will be, involved in the NRC-licensed activities. This notice (a) shall be provided to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, and (b) shall certify Mr. McDonald's commitment to compliance with regulatory requirements and provide the basis as to why the Commission should have confidence that Mr. McDonald will

now comply with applicable NRC requirements.

The Director, OE, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. McDonald of good cause.

V

In accordance with 10 CFR 2.202, Mr. McDonald must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission Washington, D.C. 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Mr. McDonald or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attn: Chief, Docketing and Service Section, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, IL 60532-4351, and to Mr. McDonald if the answer or hearing request is by a person other than Mr. McDonald. If a person other than Mr. McDonald requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Mr. McDonald or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Mr. McDonald, or any other person adversely affected by this Order, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the

immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated at Rockville, Maryland this 27th day of March 1996.

For the Nuclear Regulatory Commission.

James L. Milhoan,

Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations, and Research.

[FR Doc. 96-8101 Filed 4-3-96; 8:45 am]

BILLING CODE 7590-01-P

[Docket No. 50-286]

Power Authority of the State 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. DPR-64 issued to New York Power Authority for operation of the Indian Point Nuclear Generating Unit No. 3 (IP3) located in Westchester County, New York.

The proposed amendment would allow a one-time extension of the test intervals for the pressurizer safety valve (PSV) setpoint and snubber functional testing that is due in May 1996.

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:

A. Pressurizer Safety Valves

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

Response

The proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. As discussed in Section II, "Evaluation of Changes," based on the analysis of the test results for the past four outages, there is a high level of confidence that PSV setpoint drift at IP3 is not time dependent. Past test results also indicate that out of 69 set pressure "pops", 46 were within plus or minus 1% of the 2485 psig setpoint and only two test results exceeded plus or minus 3% allowance. These test results indicate a high degree of reliability for the PSVs. Therefore, a one-time extension of the test interval for the PSVs till the next refueling outage but no later than May 31, 1997 is not expected to adversely affect the functioning of the PSVs and will not involve a significant increase in the probability or consequences of an accident previously evaluated.

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

Response

The proposed license amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change does not involve the addition of any new or different type of equipment, nor does it involve operating equipment required for safe operation of the facility in a manner different than addressed in the Final Safety Analysis Report. Also, as stated, the increased surveillance interval (one-time only) is not expected to adversely affect the functioning of the PSVs and will not result in any new failure modes. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

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

Response

The proposed license amendment does not involve a significant reduction in a margin of safety. The proposed change, for one-time extension of the test interval, for the PSVs does not adversely affect the performance of any safety related system, component or

instrument or safety system setpoints and does not result in increased severity of any of the accidents considered in the safety analysis. Based on past test results, the one-time extension for the PSV testing should not adversely affect the lift settings or the relieving capacities of the valves, and the safety limit of 2735 psig (110% of design pressure) as described in Section 2.2 of the Technical Specifications will be protected. Therefore, this change does not create a significant reduction in a margin of safety.

B. Snubbers

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

Response

The proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. An inoperable snubber could cause an increase in probability of structural damage to piping in the event of thermal or dynamic loads. As discussed in Section II, "Evaluation of Changes," based on the last six snubber functional tests, 136 snubbers were functionally tested and only 1 snubber failure was noted. Thus, past snubber functional test results indicate a high degree of reliability for the snubbers. Furthermore, past test results also indicate a high level of confidence that snubber failure at IP3 is not time dependent. Therefore, a one-time extension of the functional test interval for the snubbers till the next refueling outage but no later than May 31, 1997, will not significantly increase the probability of snubber inoperability and will not involve a significant increase in the probability or consequences of an accident previously evaluated.

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

Response

The proposed license amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change does not involve the addition of any new or different type of equipment, nor does it involve the operation of equipment required for safe operation of the facility in a manner different from those addressed in the Final Safety Analysis Report. Also, as stated, the proposed one-time interval extension is not expected to adversely affect the functioning of the snubbers and will not result in any new failure modes. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

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

Response

The proposed license amendment does not involve a significant reduction in a margin of safety. The proposed change, for one-time extension of the test interval, for the snubber functional testing does not adversely affect the performance of any safety related system,

component or instrument or safety system setpoints and does not result in increased severity of any of the accidents considered in the safety analysis. Also, snubber visual inspection frequency is based on maintaining a constant level of snubber protection to systems, and the visual inspection frequency will remain the same. Therefore, this one-time functional testing extension has no adverse effect on any margin of safety and, therefore, does not create 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 Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, 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 May 3, 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 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, 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 Susan F. Shankman: 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, and to Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019, 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 14, 1996, 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 28th day of March 1996.

For the Nuclear Regulatory Commission.

George F. Wunder,

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

[FR Doc. 96-8098 Filed 4-2-96; 8:45 am]

BILLING CODE 7590-01-P

[Docket Nos. 50-373 and 50-374]

**Commonwealth Edison Company;
Lasalle County Station, Units 1 and 2
Environmental Assessment and
Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix J to 10 CFR Part 50 for Facility Operating License Nos. NPF-11 and NPF-18, issued to Commonwealth Edison Company (ComEd, the licensee), for