

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman Administrative Judge.

[FR Doc. 97-24914 Filed 9-18-97; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-309]

Office of Nuclear Reactor Regulation, Maine Yankee Atomic Power Company, Maine Yankee Atomic Power Station; Notice of Receipt of and Availability for Comment of Post-Shutdown Decommissioning Activities Report

The U.S. Nuclear Regulatory Commission (the Commission) is in receipt of and is making available for public inspection and comment, the Post-Shutdown Decommissioning Activities Report (PSDAR) for the Maine Yankee Atomic Power Station (Maine Yankee) located in Lincoln County, Maine.

Maine Yankee has been shut down since December 6, 1996, and the reactor has been defueled since June 20, 1997. By letter dated August 7, 1997, Maine Yankee Atomic Power Company (the licensee) certified to the Commission permanent cessation of power operation at Maine Yankee and that fuel had been permanently removed from the reactor. By letter dated August 27, 1997, the licensee submitted its PSDAR to the Commission in accordance with the requirements of 10 CFR 50.82.

In the PSDAR the licensee has described the planned decommissioning activities and schedule for the Maine Yankee facility, provided an estimate of expected costs and discussed the reasons for concluding that the environmental impacts associated with site-specific decommissioning activities are bounded by the appropriate previously issued environmental impact statements. The licensee has chosen to decontaminate and dismantle the facility in a manner that results in the prompt removal of the existing nuclear plant. This approach is referred to as the DECON alternative. The licensee intends to complete the decontamination and dismantlement of the majority of plant structures within approximately seven years of cessation of operations. The licensee intends to construct an independent facility to store the spent fuel on site until the fuel can be permanently transferred offsite to a Department of Energy facility.

The PSDAR is available for public inspection at the local public document room located at the Wiscasset Public

Library, High Street, Wiscasset, Maine and at the Commission's public document room located at The Gelman Building, 2120 L Street, NW, Washington, DC.

The Commission will schedule a public meeting in the vicinity of the Maine Yankee facility to solicit public comments on the Maine Yankee PSDAR. A notice will be published in the **Federal Register** and in the local media announcing the date, time and location of this meeting.

Comments regarding the Maine Yankee PSDAR should be submitted in writing to Mr. Singh Bajwa, Mail Stop 11-B-20, U.S. Nuclear Regulatory Commission, Washington, DC 20555 within 30 days after the date of this notice.

Dated at Rockville, Maryland, this 12th day of September 1997.

For the Nuclear Regulatory Commission.

Albert W. DeAgazio,

Acting Director, Project Directorate I-3, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 97-24918 Filed 9-18-97; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-282 and 50-306]

Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, Notice of Partial Denial of Amendments to Facility Operating Licenses and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied a portion of a request by Northern States Power Company (the licensee) for amendments to Facility Operating Licenses Nos. DPR-42 and DPR-60 issued to the licensee for operation of the Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, located in Goodhue County, Minnesota. Notice of Consideration of Issuance of these amendments was published in the **Federal Register** on July 2, 1997 (62 FR 35850).

The purpose of the licensee's amendment request was to revise the Technical Specifications to delete limitations on crane operations in the spent fuel pool enclosure relating to spent fuel pool special ventilation system operability and conform the Technical Specifications to the guidance of NUREG-1431, "Standard Technical Specifications, Westinghouse Plants."

The NRC staff has concluded that a portion of the licensee's request cannot be granted. The licensee was notified of

the Commission's denial of the proposed change by a letter dated September 15, 1997.

By October 20, 1997, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, 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 any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jay Silberg, Esq., Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW, Washington, DC 20037, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendments dated May 7, 1997, as supplemented May 30, July 29, and September 12, 1997, and (2) the Commission's letter to the licensee dated September 15, 1997.

These 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 Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Dated at Rockville, Maryland, this 15th day of September 1997.

For the Nuclear Regulatory Commission.

Beth A. Wetzel,

Senior Project Manager, Project Directorate III-1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 97-24917 Filed 9-18-97; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-482]

Wolf Creek Nuclear Operating Corporation; 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. NPF-42, issued to Wolf Creek Nuclear Operating Corporation (the licensee), for operation of the Wolf Creek Nuclear Generating Station, Unit 1 located in Coffey County, Kansas.

The proposed amendment would change the technical specifications to allow one-time testing of certain relay contacts while the plant is in MODE 1 and to allow a one-time addition of 24 hours to the shutdown action statement to provide time to perform the testing.

On September 4, 1997, as a result of reviews undertaken in response to Generic Letter 96-01, "Testing of Safety Related Logic Circuits," and information received from another plant, Wolf Creek Nuclear Operating Corporation (WCNOC) determined certain relay contacts that open had not been monitored during performance of surveillance procedure, STS KJ-001A/B, "Integrated Diesel Generator Safeguards Actuation Test Train A/B." The current testing process implemented through STS KJ-001A/B had not demonstrated the function of the contacts because there are other contacts in series that could also be open.

The relay contacts provide a blocking/time delay function for start of the component cooling water (CCW), essential service water (ESW) and motor driven auxiliary feedwater pumps (MDAFWP). On a loss of offsite power the CCW, ESW, and MDAFWP are shed from the safety busses and then loaded in sequence to the EDGs. The contacts blocking/time delay function assure that no matter what the start demand is for the pumps, they are not started until the parallel contacts of the load sequencer close to start the pumps in the required sequence.

Technical Specification 4.0.3 was entered at 1906 CDT on September 4, 1997, for missed surveillances. Technical Specification 4.0.3 allows the action requirements to be delayed for up to 24 hours to permit the completion of the surveillance when the allowable outage time limits of the action requirements are less than 24 hours. However, Technical Specification 4.8.1.1.2.g requires that the surveillance testing be performed once every 18 months during shutdown.

Without the proposed change, the plant would have had to shut down to perform this surveillance test. A Notice of Enforcement Discretion was issued on September 5, 1997, to allow a one time test of the unmonitored contacts in Mode 1 and to allow an additional 24 hours to complete the testing.

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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. The proposed amendment does not involve a significant increase in the probability of consequences of an accident previously evaluated.

This proposed change does not change the function or performance requirements for the Load Shedding and Emergency Load Sequencing System, as described in the Updated Safety Analysis Report (USAR) and the Technical Specifications. Testing these relays at power will not cause any degradation in system performance, nor will it increase the number of challenges to equipment assumed to function during an accident situation. The testing will require related equipment to be declared inoperable for the duration of each test, but these durations will be much less than those allowed by the applicable Technical Specification Action Statements. Further, the proposed change would prevent an unnecessary unit shutdown which could result in a reactor transient and a unwarranted challenge of the safety-related systems. This is a one-time test, and future testing will be performed in accordance with the requirements specified in the Technical Specifications.

Thus, the proposed change will not result in an increase in the consequences of, or an increase in the probability of occurrence of, any 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.

The Load Shedding and Emergency Load Sequencing System will continue to perform in a manner consistent with the assumptions in the USAR. No new scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced. There will be no adverse effects or challenges imposed on any safety-related system as a result of this request. Therefore, the possibility of a new or different kind of accident is not created.

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

The purpose of this request is to allow WCNOC the ability to perform a one-time partial test of the subject Load Shedding and Emergency Load Sequencing System relay contacts while at power. This testing will demonstrate complete compliance with Technical Specification 3/4.8.1 without having to shut down the unit. This activity will not affect any system or component setpoints or safety limit settings associated with the Load Shedding and Emergency Load Sequencing System. No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced. There will be no significant adverse effects or challenges imposed on any safety-related system as a result of this request. This request will not result in 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 14 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 14-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 14-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. 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 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 October 20, 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 Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621. 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, Esq., 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 September 8, 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 Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621.

Dated at Rockville, Maryland, this 15th day of September 1997.

For the Nuclear Regulatory Commission.

William H. Bateman,

Director, Project Directorate IV-2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 72-22-ISFSI; ASLBP No. 97-732-02-ISFSI]

Private Fuel Storage, LLC; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and sections 2.105, 2.700,