

has been appointed to assist the Presiding Officer in taking evidence and in preparing a suitable record for review.

All correspondence, documents and other materials shall be filed with Judge Bloch and Judge Kelber in accordance with 10 CFR 2.701. Their addresses are: Administrative Judge Peter B. Bloch,

Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Dr. Charles N. Kelber, Special Assistant, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Issued at Rockville, Maryland, this 9th day of October 1997.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 97-27423 Filed 10-15-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Number 40-0299]

Umetco Minerals Corporation; Notice of Opportunity for a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt of application from Umetco Minerals Corporation to change six site-reclamation milestones in Condition 59 of Source Material License SUA-648 for the Gas Hills, Wyoming Uranium Mill.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has received, by letter dated October 3, 1997, an application from Umetco Minerals Corporation (Umetco) to amend License Condition (LC) 59 of its Source Material License No. SUA-648 for the Gas Hills, Wyoming uranium mill. The license amendment application proposes to modify LC 59 to extend the completion dates for placement of the final radon barrier and the erosion protection cover for the Inactive, the A-9, and the Heap Leach impoundments.

FOR FURTHER INFORMATION CONTACT: Mohammad W. Haque, Uranium Recovery Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415-6640.

SUPPLEMENTARY INFORMATION: The portion of LC 59 with the proposed changes would read as follows:

A. (3) Placement of final radon barrier designed and constructed to limit radon

emissions to an average flux of no more than 20 pCi/m.²/s above background:

for the Inactive impoundment (enhanced barrier)—December 31, 1999;

for the A-9 impoundment—December 31, 2003;

for the Heap Leach impoundment—December 31, 1998.

B. (1) Placement of erosion protection as part of reclamation to comply with Criterion 6 of Appendix A of 10 CFR Part 40:

for the Inactive impoundment—

December 31, 2002;

for the A-9 impoundment—December 31, 2004;

for the Heap Leach impoundment—December 31, 2001.

Umetco's application to amend LC 59 of Source Material License SUA-648, which describes the proposed changes to the license condition and the reasons for the request is being made available for public inspection at the NRC's Public Document Room at 2120 L Street, NW (Lower Level), Washington, DC 20555.

The NRC hereby provides notice of an opportunity for a hearing on the license amendment under the provisions of 10 CFR Part 2, Subpart L, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(c), a request for hearing must be filed within 30 days of the publication of this notice in the **Federal Register**. The request for a hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

In accordance with 10 CFR 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, Umetco Minerals Corporation, 2754 Compass Drive, Suite 280, Grand Junction, Colorado 81506-8741, Attention: John S. Hamrick; and

(2) The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852 or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

(3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

Dated at Rockville, Maryland, this 8th day of October 1997.

Joseph J. Holonich,

Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 97-27418 Filed 10-15-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Evaluation of Agreement State Radiation Control Programs

AGENCY: Nuclear Regulatory Commission.

ACTION: Implementation of the Integrated Materials Performance Evaluation Program and rescission of a final general statement of policy.

SUMMARY: The Nuclear Regulatory Commission (NRC) is implementing the Integrated Materials Performance Evaluation Program (IMPEP) for the evaluation of Agreement State programs. NRC is rescinding the May 28, 1992, General Statement of Policy "Guidelines for NRC Review of Agreement State Radiation Control Programs, 1992," since it is now superseded.

The NRC has issued the final policy statements: "Statement of Principles and Policy for the Agreement State Program" and "Policy Statement on the Adequacy and Compatibility of Agreement State Programs," (See 62 FR 46517; September 3, 1997). Conforming revisions to IMPEP in connection with these two policy statements have been completed and are reflected in the implementing procedure, Management Directive 5.6, Integrated Materials Performance Evaluation Program.

EFFECTIVE DATE: October 1, 1997.

ADDRESSES: Interested persons may obtain a single copy of Management Directive 5.6 by contacting Nancy Belmore, Office of State Programs, U.S. Nuclear Regulatory Commission, Document Control Desk, P1-37, Washington, DC 20555, telephone (301)-415-2326.

FOR FURTHER INFORMATION CONTACT: Kathleen N. Schneider, Office of State Programs, U.S. Nuclear Regulatory Commission, Document Control Desk, P1-37, Washington, DC 20555, telephone (301)-415-2320.

SUPPLEMENTARY INFORMATION: In 1995, NRC implemented, on an interim basis, a process to evaluate NRC regional licensing and inspection programs and Agreement State radiation control programs that regulate the use of radioactive materials in an integrated manner using common performance indicators (see 60 FR 54734; October 25, 1995). The NRC staff conducted the interim program using Management Directive 5.6, "Integrated Materials Performance Evaluation Program" dated September 12, 1995. On June 30, 1997, the Commission approved SECY-97-054, Final Recommendations on Policy Statements and Implementing Procedures for: "Statement of Principles and Policy for the Agreement State Program" and "Policy Statement on the Adequacy and Compatibility of Agreement State Programs." NRC is implementing IMPEP with the corresponding revisions as a result of the final policy statements. The revised Management Directive is currently being prepared in final form to incorporate the final policy statements and comments received during interim implementation of IMPEP from the Regions and the Agreement States.

NRC is rescinding the May 28, 1992, "NRC Review of Agreement State Radiation Control Programs: Final General Statement of Policy," on October 1, 1997. This policy is superseded by IMPEP, which is no longer considered an interim program.

SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT: In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that Management Directive 5.6 is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of the Office of Management and Budget.

Dated at Rockville Maryland this 7th day of October, 1997.

For the Nuclear Regulatory Commission.
John C. Hoyle,
Secretary of the Commission.
[FR Doc. 97-27424 Filed 10-15-97; 8:45 am]
BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corporation, Vermont Yankee Nuclear Power Station; Issuance of Partial Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action with regard to a Petition dated December 6, 1996, submitted by Mr. Jonathan M. Block, on behalf of the Citizens Awareness Network, Inc. (CAN). The Petition requested evaluation of certain Memoranda enclosed with the Petition relating to the Vermont Yankee Nuclear Power Station operated by the Vermont Yankee Nuclear Power Corporation (Licensee) to see if enforcement action is warranted.

The first document enclosed with the Petition is a CAN Memorandum dated December 5, 1996, that reviews information presented by the Licensee at an enforcement conference held on July 23, 1996, involving the minimum flow valves in the Vermont Yankee residual heat removal system. CAN raises a concern that the corrective action taken by the Licensee in opening these valves may have introduced an unreviewed safety question with regard to containment isolation.

The second document enclosed with the Petition is a CAN Memorandum dated December 6, 1996, that contains a review of certain Licensee Event Reports (LERs) submitted by the Licensee in the latter part of 1996. Various issues are presented, such as fire protection, tornado protection, thermal protection for piping lines, equipment operability, and equipment testing. On the basis of its analysis of the LERs, CAN reaches certain conclusions regarding the performance of the Licensee and actions that should be taken.

On the basis of these documents, CAN requests that the NRC determine whether enforcement action is warranted pursuant to 10 CFR 2.206.

The Director of the Office of Nuclear Reactor Regulation has granted the Petition in that the NRC staff has evaluated the majority of issues and LERs raised in these Memoranda to see if enforcement action is warranted based upon the information contained therein.

The conclusion of the evaluation is that no further enforcement action is warranted for those issues and LERs that are closed. LERs which remain open will be resolved through the normal inspection and enforcement process and will be addressed in a Final Director's Decision after the NRC staff has completed its evaluations. The reasons for the staff's conclusions are provided in the "Partial Director's Decision Pursuant to 10 CFR 2.206" (DD-97-25), the complete text of which follows this notice and is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20037, and at the local public document room located at Brooks Memorial Library, 224 Main Street, Brattleboro, VT 05301. A copy of the Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided for by this regulation, the Decision will become the final action of the Commission 25 days after the date of issuance, unless the Commission, on its own motion, institutes a review of the decision in that time.

Dated at Rockville, Maryland, this 8th day of October 1997.

For the Nuclear Regulatory Commission.
Samuel J. Collins,
Director, Office of Nuclear Reactor Regulation.

Partial Director's Decision Pursuant to 10 CFR 2.206

I. Introduction

On December 6, 1996, Mr. Jonathan M. Block, submitted a Petition to the Office of the Secretary of the U.S. Nuclear Regulatory Commission (NRC) pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206). The Petition was submitted on behalf of the Citizen's Awareness Network, Inc. (CAN or Petitioner), and contained two Memoranda from CAN. The first Memorandum enclosed with the Petition is dated December 5, 1996. It reviews information presented by the Vermont Yankee Nuclear Power Corporation (Licensee) at a predecisional enforcement conference held on July 23, 1996, involving the minimum flow valves in the residual heat removal (RHR) system at the Vermont Yankee Nuclear Power Station (Vermont Yankee facility). CAN raises a concern that the corrective action taken by the Licensee in opening these valves may have introduced an unreviewed safety question with regard to containment isolation.