

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 S. Singh Bajwa: 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 January 13, 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

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

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. 97-6882 Filed 3-18-97; 8:45 am]

BILLING CODE 7590-01-P

Advisory Committee on Reactor Safeguards Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on April 2, 1997, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, April 2, 1997—1:30 P.M. Until 3:30 P.M.

The Subcommittee will discuss proposed ACRS activities and related matters. It may also discuss the qualifications of candidates for

appointment to the ACRS. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff person named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the cognizant ACRS staff person, Dr. John T. Larkins (telephone: 301/415-7360) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any changes in schedule, etc., that may have occurred.

Date: March 13, 1997.

Noel F. Dudley,

Acting Chief, Nuclear Reactors Branch.

[FR Doc. 97-6880 Filed 3-18-97; 8:45 am]

BILLING CODE 7590-01-P

Disposition of Cesium-137 Contaminated Emission Control Dust and Other Incident-Related Material; Final Staff Technical Position

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice: final staff technical position.

SUMMARY: The U.S. Nuclear Regulatory Commission is issuing guidance, in the form of a technical position, that may be used, in case-by-case requests, by appropriate licensees, to dispose of a specific incident-related mixed waste. Mixed waste is a waste that not only is radioactive, but also is classified as hazardous under the Resource Conservation and Recovery Act (RCRA). The specific mixed waste addressed in this position is emission control dust from electric arc furnaces (EAFs) or

foundries that has been contaminated with cesium-137 (¹³⁷Cs). The contamination results from the inadvertent melting of a ¹³⁷Cs source that: (1) Has been improperly disposed of by an NRC or Agreement State licensee; (2) has been commingled with the steel scrap supply; (3) has not been detected as it progresses to the steel-producing process; and (4) is volatilized in the production process and thereby can and has contaminated large volumes of emission control dust and the emission control systems at steel-producing facilities.

The position, which has been coordinated with the U.S. Environmental Protection Agency (EPA), provides the possibility of a public health-protective, environmentally sound, and cost-effective alternative for the disposal of a large part of this mixed waste, much of which contains ¹³⁷Cs in concentrations similar to values that frequently occur in the environment. The position provides the bases that, with the approval of appropriate regulatory authorities (e.g., State-permitting agencies) and others (e.g., disposal site operators), and with possible public input, could be used to allow disposal of stabilized waste at Subtitle C, RCRA-permitted, hazardous waste disposal facilities. NRC believes that disposal, under the provisions of the position or other acceptable alternatives, is preferable to allowing this mixed waste to remain indefinitely at steel company sites.

The position has been developed through an open public process in which working draft documents have been routinely shared with EPA, and also placed in NRC's Public Document Room to allow interested party access. NRC published the proposed position in the **Federal Register** for comment (61 FR 1608, dated January 22, 1996). NRC is now publishing the entire final position, together with its responses to the comments received.

FOR FURTHER INFORMATION CONTACT:

Dominick A. Orlando, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, Mail Stop TWFN 8F-37, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 415-6749.

SUPPLEMENTARY INFORMATION:

Disposition of Cesium-137 Contaminated Emission Control Dust and Other Incident-Related Materials; Branch Technical Position

A. Introduction

Emission control (baghouse) dust and other incident-related materials (e.g.,

clean-up materials or recycle process streams) contaminated with ¹³⁷Cs¹ are currently being stored as mixed radioactive and hazardous waste at several steel company sites across the country. At any single site, this material typically contains a total ¹³⁷Cs quantity ranging downward from a little more than 1 curie (Ci) or 37 gigabecquerels (GBq) of activity, distributed within several hundred to a few thousand tons of iron/zinc-rich dust, as well as within much smaller quantities of clean-up or dust-recycle, process-stream materials. In current situations, most, but not all, of this material would be classified as mixed waste and this technical position is intended as a potential disposition alternative for this incident-related material.²

Typically, the radioactivity is not evenly distributed among the incident-related materials. Rather, a small fraction (e.g., one-tenth) of the material contains most (e.g., 95 percent) of the radioactivity. Most of the material contains a small quantity of radioactivity at low concentrations and makes up most of the mixed waste, incident-related material volume. This material is classified as hazardous waste under RCRA because it contains lead, cadmium, and chromium which are common to the recycle metal supply. The ¹³⁷Cs contamination of this hazardous waste results from a series of three principal events: (1) The loss of control of a radioactive source by an NRC or an Agreement State licensee; (2) the inclusion of the source within the recycle metal scrap supply used by the steel producers; and (3) the inability to screen out the radioactive source as it progresses along the typical scrap collection-to-melt pathway (including radiation detectors used at most furnaces, foundries and many ferrous metal recycling facilities). Consequently, irrespective of the quantity or concentration of the radioactivity, most of the current material is subject to joint regulation as mixed waste under RCRA and the Atomic Energy Act of 1954, as amended, or the equivalent law of an Agreement State.

¹ The byproduct material ¹³⁷Cs does not include the ¹³⁷ Cs, from global fallout, that exists in the environment from the testing of nuclear explosive devices (see Footnote 3).

² The term, "incident-related material," is frequently used in this position to refer to the total spectrum of ¹³⁷Cs-contaminated materials resulting from an inadvertent melting event. Because of its widespread use in radioactive devices and its volatility when subjected to steel melting temperatures, the position is directed solely at incident-related materials involving this radioisotope.