

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By November 14, 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 University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, LA 70122. 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 N.S. Reynolds, Esq., Winston & Strawn, 1400 L Street, N.W. Washington, DC, 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 October 7, 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 University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, LA 70122.

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

For the Nuclear Regulatory Commission.

**Chandu P. Patel,**

*Project Manager, Project Directorate, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.*

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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 Public Meeting to Receive Comment on Post- Shutdown Decommissioning Activities Report

The U.S. Nuclear Regulatory Commission has scheduled a public meeting to receive comments on the Post-Shutdown Decommissioning Activities Report (PSDAR) for the Maine Yankee Atomic Power Station (Maine Yankee) located in Lincoln County, Maine. The meeting will be held on November 6, 1997, beginning at 7:00 p.m. at the Wiscasset Senior High School in Wiscasset, Maine. The purpose of this informational meeting is

to (1) describe the licensee's planned activities, (2) describe the regulatory process for decommissioning, (3) hear public comments regarding health and safety, and protection of the environment during decommissioning, and (4) provide an opportunity for State and local representatives to participate. The licensee will discuss their plans to decommission the Maine Yankee facility. The NRC will discuss the PSDAR and the license termination process, and describe the program for future plant oversight. The public will have an opportunity to comment on the PSDAR and the meeting will be transcribed by a court reporter. Notice of receipt of and availability for public comment of the Maine Yankee PSDAR was published in the **Federal Register** on September 19, 1997 (62 FR 49261). Prior to the public meeting, comments regarding the Maine Yankee PSDAR may be submitted in writing to Mr. Michael Webb, Mail Stop 11-B-20, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

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

For the Nuclear Regulatory Commission.

**Ronald B. Eaton,**

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

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## NUCLEAR REGULATORY COMMISSION

### Information to Licensees Regarding NRC Inspection Manual Section on Resolution of Degraded and Nonconforming Conditions; Issue

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of issuance.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) has issued Generic Letter 91-18, Revision 1 to notify all holders of operating licenses for nuclear power reactors and non-power reactors, including those power reactor licensees who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel, and non-power reactor licensees whose licenses no longer authorize operation, of the issuance of a revised section of Part 9900, "Technical Guidance," of the NRC inspection manual. This generic letter is for information only; no specific action or written response is required. Conformance with the guidance

provided in the generic letter is voluntary.

This generic letter is a "rule" for purposes of the Small Business Regulatory Enforcement Fairness Act (5 U.S.C., Chapter 8). The staff has received confirmation from the Office of Management and Budget that the generic letter is not a "major rule".

The generic letter is available in the NRC Public Document Room under accession number 9710060322.

**DATES:** The generic letter was issued on October 8, 1997.

**ADDRESSEES:** Not applicable.

**FOR FURTHER INFORMATION CONTACT:** Eileen M. McKenna at (301) 415-2189.

**SUPPLEMENTARY INFORMATION:** The revised section of Part 9900 of the NRC inspection manual is entitled "Resolution of Degraded and Nonconforming Conditions." The revisions to this section more explicitly discuss the role of the 10 CFR 50.59 evaluation process in the resolution of degraded and nonconforming conditions. In particular, a change in NRC staff guidance is addressed which states that the need to obtain NRC approval for the final resolution of a degraded or nonconforming condition does not affect the licensee's authority to continue facility operation (or effect a restart from a shutdown condition), provided that necessary equipment is operable and the degraded equipment is not in conflict with any technical specification. Nevertheless, it is noted that the NRC will take enforcement action if it determines that licensee corrective action (which may include the submittal of a license amendment request) is not prompt, or that operability determinations are not sound. Enforcement action may also be taken for the circumstances that led to the existence of the degraded or nonconforming condition.

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

For the Nuclear Regulatory Commission.

**Jack W. Roe,**

*Acting Director, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

### 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 November 5, 1996, 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 matters the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows: *Tuesday, November 5, 1996—12:00 noon until 1:30 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 and the status of appointment of new members 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. (EDT). 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