

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 close of business on 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 Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072-3999, 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).

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPAct), 42 U.S.C. 10154. Under section 134 of the NWPAct, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties."

The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules and the designation, following argument of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPAct are found in 10 CFR part 2, subpart K, "Hybrid Hearing Procedures for

Expansion of Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41662 dated October 15, 1985). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. The presiding officer must grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application must be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding timely requests oral argument, and if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR part 2, subpart G apply.

For further details with respect to this action, see the application for amendment dated June 8, 1999, 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 Phoenix Public Library, 1221 N. Central Avenue, Phoenix, Arizona 85004.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 9th day of September, 1999.

**Nageswaran Kalyanam,**

*Project Manager, Section 2, Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

### Draft Federal Register Notice; U.S. Nuclear Regulatory Commission Seeks Qualified Candidates for the Advisory Committee on Nuclear Waste

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Request for résumés.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is seeking qualified candidates for appointment to its Advisory Committee on Nuclear Waste (ACNW).

**ADDRESSES:** Submit résumés to: Ms. Robin Avent, Office of Human Resources, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

**FOR APPLICATION MATERIALS, CALL:** 1-800-952-9678. Please refer to Announcement Number 9999902.

**SUPPLEMENTARY INFORMATION:** The Commission established the ACNW to provide independent technical review of and advice on the disposal of nuclear waste, including all aspects of nuclear waste disposal facilities, as directed by the NRC. This includes activities related to both high- and low-level radioactive waste disposal facilities including the licensing, operation, and closure of the facilities and associated rulemakings, regulatory guides, and technical positions developed to clarify the intent of NRC's high- and low-level waste regulations. The ACNW also reviews performance assessment evaluations of waste disposal facilities.

A wide variety of engineering and scientific skills are needed to conduct the broadly based review processes required in the committee's work. Engineers and scientists with work experience in the high- and low-level radioactive waste disposal programs, coupled with broad experience in a pertinent technical field such as nuclear chemistry, nuclear science and technology, risk assessment, or systems engineering, are being sought.

Criteria used to evaluate candidates include education and experience, demonstrated skills in nuclear waste matters, and the ability to solve problems. Additionally, the Commission considers the need for specific expertise in relationship to current and future tasks. Consistent with the requirements of the Federal Advisory Committee Act, the Commission seeks candidates with varying views so that the membership on the Committee will be fairly balanced in terms of the points of view represented and functions to be performed by the Committee.

Because conflict-of-interest regulations restrict the participation of members actively involved in the regulated aspects of the nuclear industry, the degree and nature of any such involvement will be weighed. Each qualified candidate's financial interests must be reconciled with applicable Federal and NRC rules and regulations prior to final appointment. This might

require divestiture of securities issued by nuclear industry entities, or discontinuance of industry-funded research contracts or grants.

Copies of a résumé describing the educational and professional background of the candidate, including any special accomplishments, professional references, current address and telephone number should be provided. All qualified candidates will receive careful consideration.

Appointment will be made without regard to such factors as race, color, religion, national origin, sex, age, or disabilities. Candidates must be citizens of the United States and be able to devote approximately 50–100 days per year to Committee business. Applications will be accepted until November 30, 1999.

Dated: September 14, 1999.

**Andrew L. Bates,**

*Advisory Committee Management Officer.*

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## **NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50–369 and 50–370]

### **Duke Energy Corporation; McGuire Nuclear 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 exemptions from Facility Operating Licenses Nos. NPF–9 and NPF–17, issued to Duke Energy Corporation (the licensee), for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

#### **Environmental Assessment**

##### *Identification of Proposed Action*

The proposed action would exempt McGuire Nuclear Station, Units 1 and 2, from certain requirements of Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix A, General Design Criterion (GDC) 57, regarding isolation of main steam branch lines penetrating the containment. The proposed action is in response to the licensee's application dated April 20, 1999.

##### *The Need for the Proposed Action*

The licensee requested an exemption from GDC 57 for Containment Penetrations M261 and M393. GDC 57 imposes isolation requirements on lines that penetrate primary reactor containment and are neither part of the

reactor coolant pressure boundary nor connected directly to the containment atmosphere. These are penetrations on main steam branch lines. These lines penetrate the containment and are not part of the reactor coolant pressure boundary or connected directly to the containment atmosphere. Outside of containment, these lines branch into various separate, individual lines before reaching the respective main steam isolation valves. From each of these main steam lines, one branch supplies main steam to the turbine-driven auxiliary feedwater (TDCA, using the licensee's abbreviation) pump.

Valves SA–1, SA–2, SA–77, and SA–78 are locally operated, locked open, manual gate valves. Valves SA–5 and SA–6 are stop check valves. All of these valves are located in the branch lines that supply main steam to the TDCA. Valves SA–1, SA–2, SA–77, and SA–78 are required to be open, and SA–5 and SA–6 are required to be capable of opening for Engineered Safety Features (ESF) operations of the TDCA pump by Technical Specifications (TS). The TDCA is also part of the ESF. Valves SA–1, SA–2, SA–77, and SA–78 are not identified as Containment Isolation Valves in the TS or the Updated Final Safety Analysis Report, but perform that function. To comply literally with GDC 57, the licensee would have to add motor operators to valves SA–1, SA–2, SA–77, and SA–78, such that they become automatic or capable of remote operation. The licensee has requested an exemption from literal compliance with GDC 57. The licensee would rely instead on manual action to close the valves SA–1, SA–2, SA–77, and SA–78, or valves SA–5, and SA–6. The time needed to do so has been factored into the accident analyses. Further, the applicable design-basis accident scenarios and consequences continue to be bounding.

##### *Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the proposed action and concludes that there is no significant environmental impact if the exemptions are granted. No changes will be made to the as-built design, and existing applicable procedures at the two units at the McGuire Nuclear Station will remain the same.

The proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or public radiation exposure. Therefore, there are no significant

radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

##### *Alternatives to the Proposed Action*

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the “no action” alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

##### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the Final Environmental Impact Statement related to the McGuire Nuclear Station.

##### *Agencies and Persons Contacted*

In accordance with its stated policy, on September 13, 1999, the staff consulted with the North Carolina State official, Mr. John James, of the Bureau of Land and Waste Management Department of Health and Environmental Control, regarding the environmental impact of the proposed action. The State official had no comments.

##### **Finding of No Significant Impact**

On the basis of the environmental assessment, the Commission concludes that the proposed exemptions will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's request for the exemptions dated April 20, 1999, 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 J. Murrey Atkins Library, University of North Carolina at Charlotte, 9201 University City Boulevard, Charlotte, North Carolina.