

or being unknown, and long enough to allow the tests to be conducted during scheduled refueling outages. This interval was originally published in Appendix J when refueling cycles were conducted at approximately annual intervals and has not been changed to reflect 18-month or 2-year operating cycles. It is not the intent of the regulation to require a plant shutdown solely for the purpose of conducting the periodic leak rate tests. As indicated above, based on past local leakage rate testing data, the 180-day extension of the test interval will not affect the performance of the containment. To require a shutdown solely for surveillance testing would not serve the underlying purpose of the rule.

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12(a), that this exemption is authorized by law and will not present an undue risk to the public health and safety, and is consistent with the common defense and security. In addition, the Commission has found special circumstances in that application of the regulation in these particular circumstances would not serve the underlying purpose of the rule. Therefore, the Commission hereby grants the exemption from 10 CFR Part 50, Appendix J, Sections III.D.2(a) and III.D.3 to the extent that the Appendix J test interval for performing Type B tests (except for air locks) and Type C tests may be extended for 180 days until July 16, 1995, on a one-time only basis, for Dresden, Unit 2, as described in Section III above.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the quality of the human environment (60 FR 3277).

Dated at Rockville, Maryland this 13th day of January 1995.

For the Nuclear Regulatory Commission.

Jack W. Roe,

*Director, Division of Reactor Projects—III/IV,
Office of Nuclear Reactor Regulation.*

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[Docket No. 50-286]

Power Authority of the State of New York; 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. DPR-64, issued to the Power Authority of the State of New York (the licensee) for operation of the Indian Point Nuclear Generating Unit No. 3 located in Westchester County, New York.

The proposed amendment would revise Section 3.10.8 and the associated Bases of the Indian Point Nuclear Generating Unit No. 3 Technical Specifications. Specifically, the proposed revision would reduce the maximum allowable control rod drop time from 2.4 to 1.8 seconds. The change would remove, for testing purposes, the allowance for a seismic event (0.6 seconds), which had been integral to the 2.4 second safety analysis basis. Since a seismic event cannot be simulated during the rod drop time test, the more conservative testing acceptance criteria value of 1.8 seconds is needed to ensure that the plant is within its design basis. This proposed revision will support control rod testing which is required during startup from the current outage.

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.

The Commission has made a proposed determination 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:

Consistent with the criteria of 10 CFR 50.92, the enclosed application is judged to involve no significant hazards based on the following information:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

The proposed amendment will reduce the allowable measured drop time in order to ensure that during a seismic event coincident with a reactor scram, the drop times do not exceed the design basis drop time of 2.4 seconds. Since this change results in a more restrictive

drop time requirement, the proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

Changing the allowable control rod drop time to a value which does not include a seismic allowance will clarify the operating requirements for the system and ensure that the Technical Specifications are consistent with the safety analysis and the [Final Safety Analysis Report] FSAR.

Therefore, the proposed license amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

The proposed change to Technical Specification 3.10.8 is more restrictive than the specification as it is currently written. The proposed amendment to the basis for Section 3.10 will clarify the requirements for rod drop testing. Therefore, the proposed amendment would not involve a significant reduction in a 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 30 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 30-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 30-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 and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, 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 February 21, 1995, 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 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 Michael J. Case: 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 November 16, 1994, 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 13th day of January 1995.

For the Nuclear Regulatory Commission.

Michael J. Case,

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

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OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Federal Acquisition Regulation (FAR) REWRITE

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Core Guiding Principles for the Federal Acquisition System.

SUMMARY: The Board of Directors for the FAR Rewrite Project finalizes the core guiding principles for the federal acquisition system.

DATES: Effective January 20, 1995.

FOR FURTHER INFORMATION CONTACT: Susan E. Alesi, Special Assistant for Regulations, Office of Federal Procurement Policy, 202-395-6803.

SUPPLEMENTARY INFORMATION: On September 7, 1993, the Vice President released the report of the National Performance Review (NPR) which, among other things, requires the Administration to simplify the procurement process through reform of the federal acquisition regulatory system. In response to the report, Steve Kelman, the Administrator for Federal Procurement Policy, established a Board of Directors, comprised of senior level individuals from the Executive Branch, to develop a plan for regulatory reform.

As a first step the Board decided to formulate a set of core guiding principles intended as a vision statement for the federal acquisition system. The Board also decided to supplement the basic principles with accompanying discussion and performance standards for the system.

The first drafts of principles (59 FR 26772 and 59 FR 52844) drew on the concepts espoused by the NPR and what the Board considered to be good business practices such as greater reliance on the good sense and business judgment of the procurement workforce; satisfying the needs of the customer; reducing unnecessary layers of review; emphasizing the importance of timeliness in the procurement process; and an orientation to best value judgments in making contract awards.

The final version of the principles clarifies the principles set forth in the first draft and includes an additional concept, suggested through the public comment process, which the Board believes would significantly increase the opportunity for innovation in procurement. Thus, the revised set of principles make it clear that if a policy is not specifically addressed in the FAR, Government members of the acquisition team should not assume that it is prohibited.

It is intended that the core principles be used in a twofold manner; first, they will be issued in the preface to the FAR not only as a statement of the goals of the system but also to guide future changes to the FAR; and second, they will be used by the drafting teams in the actual rewrite of the FAR.

We encourage agencies to make this statement of core guiding principles available to program customers and contractors, and to make the core principles a part of the basic training materials provided to all personnel involved in the acquisition process.

Statement of Guiding Principles Federal Acquisition System

The vision for the Federal Acquisition System is to deliver on a timely basis the best value product or service to the customer, while maintaining the public's trust and fulfilling public policy objectives. Participants in the acquisition process should work together as a team and should be empowered to make decisions within their area of responsibility.

The Federal Acquisition System will:

- * satisfy the customer in terms of cost, quality, and timeliness of the delivered product or service, by, for example,

- ** maximizing the use of commercial products and services,
- ** using contractors with a track record of successful past performance or who demonstrate a current superior ability to perform, and
- ** promoting competition;
- * minimize administrative operating costs;
- * conduct business with integrity, fairness, and openness; and
- * fulfill public policy objectives.

The Acquisition Team consists of all participants in Government acquisition including not only representatives of the technical, supply and procurement communities but also the customers they serve, and the contractors who provide the products and services.

The role of each member of the Acquisition Team is to exercise personal initiative and sound business judgment in providing the best value product or

service to meet the customer's needs. In exercising initiative, Government members of the Acquisition Team may assume that if a specific strategy, practice, policy or procedure is in the best interests of the Government and is not addressed in the FAR, nor prohibited by law (statute or case law), Executive Order or other regulation, that the strategy, practice, policy or procedure is a permissible exercise of authority.

Discussion

Introduction

The Statement of Acquisition Guiding Principles for the Federal Acquisition System (System) represents a concise statement designed to be user-friendly for all participants in Government acquisition. The following discussion of the principles is provided in order to illuminate the meaning of the terms and phrases used. The framework for the System includes the Guiding Principles for the System and the supporting policies and procedures in the Federal Acquisition Regulation (FAR).

Vision

All participants in the System are responsible for making acquisition decisions that deliver the best value product or service to the customer. Best value must be viewed from a broad perspective and is achieved by balancing the many competing interests in the System. The result is a system which works better and costs less.

Performance Standards

- Satisfy the Customer in Terms of Cost, Quality, and Timeliness of the Delivered Product or Service

The principle customers for the product or service provided by the System are the users and line managers, acting on behalf of the American taxpayer.

The System must be responsive and adaptive to customer needs, concerns, and feedback. Implementation of acquisition policies and procedures, as well as consideration of timeliness, quality, and cost throughout the process, must take into account the perspective of the user of the product or service.

When selecting contractors to provide products or perform services, the government will use contractors who have a track record of successful past performance or who demonstrate a current superior ability to perform.

The government must not hesitate to communicate with the commercial sector as early as possible in the acquisition cycle to help the