

would hold a public meeting on May 24, 1995. The purpose of that meeting was to review the Section 106 documentation which identifies affected historic properties, assesses the potential impacts, and discusses potential measures to mitigate or avoid the adverse effects, including consideration of alternative sites.

The date of that meeting has changed. The meeting will now be held on July 10, 1995 at 10:00 a.m., 441 4th Street NW. (#1 Judiciary Square), Room 220 South (Zoning Commission Hearing Room).

The documentation to be considered will be available to the Board and to the general public on or after June 9, 1995 and may be reviewed by calling the Historic Preservation Division.

FOR FURTHER INFORMATION CONTACT:

Nancy Witherell, National Capital Planning Commission, 801 Pennsylvania Ave. NW., Suite 301, Washington, DC 20576, Phone: (202) 724-0174 or Steve Raiche, D.C. Department of Consumer & Regulatory Affairs, 614 H Street NW., Room 305, Washington, DC 20001, Phone: (202) 727-7360.

Sandra H. Shapiro,
General Counsel.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-424-OLA-3; 50-425-OLA-3]

Atomic Safety and Licensing Board; Evidentiary Hearing

Before Administrative Judges: Peter B. Bloch, Chairman, Dr. James H. Carpenter, Thomas D. Murphy.

Re: License Amendment (Transfer to Southern Nuclear)

ASLBP No. 93-671-01-OLA-3
May 9, 1995.

In the matter of: Georgia Power Company, *et al.* (Vogtle Electric Generating Plant, Units 1 and 2).

An evidentiary hearing will be held in Augusta, Georgia beginning on May 22 from 1 pm to 5 pm. Thereafter, ordinary times for the hearing are from 9 am to 5 pm. The principal location of the hearing is:

Savannah Rapids Pavilion, 3300 Evans-to-Locks Road, Martinez, Georgia 30907, (706) 868-3349 or 3431.

The week of May 22-26 the proceeding will be in the Loblolly Pine Room. On May 31-June 2 and June 6-9, we will be located in the White Oak Room. On June

3, we will be in the Red Cedar Room. On June 5 we will be located at:

The Summerville Ballroom, The Partridge Inn, 2110 Walton Way, Augusta, GA 30904, (706) 737-8888.

There will be no hearing on May 29-30. Evening sessions are expected on May 24, June 1 and June 7. All dates and times are subject to revision in order to meet the needs of the proceeding.

For the Atomic Safety and Licensing Board.

Peter B. Bloch,
Chairman.

[FR Doc. 95-11858 Filed 5-12-95; 8:45 am]
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[Docket No. 50-356]

University of Illinois at Urbana-Champaign Low Power Reactor Assembly; Notice of Proposed Issuance of Orders Authorizing Disposition of Component Parts

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an Order authorizing the University of Illinois at Urbana-Champaign (the licensee) to partially dismantle the Low Power Reactor Assembly (LOPRA). This would return the reactor to a subcritical assembly. After transfer of all LOPRA byproduct and special nuclear material to the Illinois Advanced TRIGA Reactor (TRIGA), Facility License No. R-115, the Commission would consider an Order authorizing termination of Facility License No. R-117, for the LOPRA, in accordance with the licensee's application dated February 10, 1995.

The first of these Orders would be issued following the Commission's review and approval of the licensee's disposition plan for the LOPRA. This Order would authorize implementation of the approved plan. Following completion of the authorized activities and verification by the Commission that transfer of all radioactive material to the TRIGA license has been achieved, the Commission would issue a second Order terminating the LOPRA facility license. Prior to issuance of each Order, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By June 14, 1995, the licensee may file a request for a hearing with respect to issuance of the subject Orders 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. 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 a 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 a 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 fifteen (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 fifteen (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, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the action under consideration. 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 in the conduct of the hearing, including the opportunity to

present evidence and cross-examine witnesses.

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 ten (10) days of the notice period, it is requested that the petitioner or representative for 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 Dataram Identification Number N1023 and the following message addressed to Seymour H. Weiss: petitioner's name and telephone number; date petition was mailed; the University of Illinois LOPRA; 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, D.C. 20555, and to Mr. Byron H. Higgins, University Legal Counsel, 258 Henry Administration Building, 506 South Wright Street, Urbana, Illinois 61801, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a 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 licensee's application dated February 10, 1995, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC.

Dated at Rockville, Maryland this 9th day of May 1995.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactors and Decommissioning Project Directorate, Division of Project Support, Office of Nuclear Reactor Regulation.

[FR Doc. 95-11859 Filed 5-12-95; 8:45 am]

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[Docket No. 50-245]

Exemption

In the Matter of Northeast Nuclear Energy Company (Millstone Nuclear Power Station, Unit No. 3).

I

Northeast Nuclear Energy Company, (NNECO, the licensee) is the holder of Facility Operating License No. NPF-49, which authorizes operation of Millstone Nuclear Power Station, Unit No. 3 (the facility). The license provides, among other things, that Millstone Unit 3 is subject to all rules, regulations, and Orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

The facility is a pressurized water reactor located at the licensee's site in New London County, Connecticut.

II

Section III.D.1.(a) of Appendix J to 10 CFR part 50 requires the performance of three Type A containment integrated leakage rate tests (ILRTs), at approximately equal intervals during each 10-year service period of the primary containment. The third test of each set shall be conducted when the plant is shut down for the 10-year inservice inspection of the primary containment.

III

By letter dated September 28, 1994, as supplemented February 24, 1995, Northeast Nuclear Energy Company requested exemptions from 10 CFR part 50, Appendix J, Section III.D.1.(a) for Millstone Unit 3 (1) to eliminate the requirement to perform the third Type A test coincident with the 10-year American Society of Mechanical Engineers (ASME) inservice inspections, and (2) to extend the 10-year Appendix J test until refueling outage 6, a nominal increase of 12 months. These exemptions would permit the licensee to perform the third Type A test of the first 10-year period during refueling outage 6 scheduled for April 1997 rather than during the refueling outage 5.

The licensee's request cites the special circumstance of 10 CFR 50.12(a)(2)(ii), as the basis for these exemptions. This special circumstance states that the application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule.

IV

Section III.D.1.(a) of Appendix J to 10 CFR part 50 states that a set of three Type A leakage rate tests shall be performed at approximately equal

intervals during each 10-year service period. Section III.D.1.(a) also requires that the third Type A test of each 10-year service period be conducted when the plant is shut down for the 10-year plant inservice inspections.

The licensee proposes two exemptions to this section. These exemptions would (1) extend the 10-year Appendix J test interval to refueling outage 6, a nominal increase of 12 months, and (2) eliminate the requirement to perform the third Type A test coincident with the 10-year ASME inservice inspections.

The Commission has determined, for the reasons discussed below, that pursuant to 10 CFR 50.12(a)(1) this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption; namely, that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The underlying purpose of the requirement to perform Type A containment leak rate tests at intervals during the 10-year service period is to ensure that any leakage through the containment boundary is identified within a limited time span that prevents significant degradation from continuing or becoming unknown.

The NRC staff has reviewed the basis and supporting information provided by the licensee in the exemption request. The NRC staff notes that the licensee has a good record of ensuring a leak-tight containment. All Type A tests have passed with significant margin and the licensee has noted that the results of the Type A testing have been confirmatory of the Type B and C tests which will continue to be performed. The licensee has stated to the NRC Project Manager that the general containment inspection will be performed during refueling outage 5 although it is only required by Appendix J (Section V.A.) to be performed in conjunction with Type A tests. The NRC staff considers that these inspections, though limited in scope, provide an important added level of confidence in the continued integrity of the containment boundary.

The NRC staff has also made use of the information in a draft staff report, NUREG-1493 "Performance-Based Containment Leak-Test Program," which provides the technical justification for the present Appendix J rulemaking results of the effort which includes a 10-year test interval for Type A tests. The integrated leakage rate test,