MERIT SYSTEMS PROTECTION BOARD

Opportunity to File Amicus Brief in Forrest v. Department of Agriculture, Docket Number SF–531D–95–0446–I–1

AGENCY: Merit Systems Protection Board.

ACTION: The Merit Systems Protection Board is providing an opportunity for interested parties to submit amicus briefs concerning the issue of whether appellants in Board appeals can receive an award of reimbursement for ''reasonable'' leave time expended to pursue an appeal of an appealable action that is ultimately determined to be unwarranted, or is rescinded or reversed.

SUMMARY: The Merit Systems Protection Board currently has an appeal pending in which it is considering the extent of the relief it can award following the reversal or rescission of a personnel action. The appellant in the appeal Forrest v. Department of Agriculture, Docket No. SF–532D–95–0446–I–1, has argued that he is entitled to an award of reimbursement for ''reasonable'' leave time he expended in pursuing his appeal of a personnel action that was ultimately rescinded by the agency. The appellant argues that his agency should be required to restore eight hours of annual leave he used to consult with his attorney about his case. The Board is inviting interested parties to submit amicus briefs addressing the question of whether the Board has the authority to award such relief.

DATES: All briefs in response to this notice shall be filed with the Clerk of the Board on or before July 29, 1996.

ADDRESSES: All briefs shall include the case name and docket number noted above (*Forrest* v. *Department of Agriculture,* Docket No. SF–531D–95–0446–I–1) and be entitled ''Amicus Brief.'' Briefs should be filed with the Office of the Clerk, Merit Systems Protection Board, 1120 Vermont Avenue, N.W., Washington, DC 20419.

FOR FURTHER INFORMATION CONTACT: Shannon McCarthy, Deputy Clerk of the Board, or Matthew Shannon, Counsel to the Clerk, (202) 653–7200.

Dated: June 21, 1996.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 96–16316 Filed 6–25–96; 8:45 am]

BILLING CODE 7400–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Meeting

SUMMARY: NASA will conduct an open forum to solicit questions, views, and options of interested persons/firms concerning NASA's procurement policies and practices. The purpose of the meeting is to have an open discussion between NASA's Associate Administrator for Procurement, industry and the public.

DATES: August 22, 1996, from 2 p.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Teague Auditorium, Building 2, located at the NASA Johnson Space Center, 2101 NASA Road 1, Houston, Texas.

FOR FURTHER INFORMATION CONTACT: Barbara Kirkland, NASA Johnson Space Center, Industry Assistance Office, Code BD35, 2101 NASA Road 1, Houston, TX 77058, (713) 483–4512, e-mail: bkirklan@bal.jsc.nasa.gov.

SUPPLEMENTARY INFORMATION:

Format

There will be a presentation by the Associate Administrator for Procurement, followed by a question and answer period. Procurement issues will be discussed including NASA policies used in the award and administration of contracts.

Admittance

Doors will open at 1:30 p.m. Admittance will be on a first-come, first-served basis. Reservations will NOT be accepted. Questions for the open forum should be presented at the meeting and should not be submitted in advance. Position papers are not being solicited.

Initiatives

In addition to the general discussion mentioned above, NASA invites comments or questions relative to its ongoing procurement initiatives, some of which include the following:

Cost Control. NASA is developing this initiative to increase the emphasis on cost control with its contractors and within the Agency.

Source Selection. NASA is working to reduce the time and effort that contractors and source selection personnel spend on a contract.

Performance-Based Contracting: NASA's newest procurement initiative is focused on structuring an acquisition around the purpose of the work to be performed instead of how the work is to be performed, on broad and imprecise statements of work.

Change Order Reduction and Process Change. NASA is attempting to improve overall change order management through the use of better technical direction, realistic cost estimates and more effective and timely negotiations.

MidRange Procurement Procedures: A test program for a third category of procurements (between the simplified acquisition threshold and $1,000,000 annually) has been implemented at all NASA centers.

Thomas S. Luedtke,

Deputy Associate Administrator for Procurement.

[FR Doc. 96–16262 Filed 6–25–96; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–443]

North Atlantic Energy Service Company, et al., Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Considering 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. NPF–86 issued to North Atlantic Energy Service Corporation (the licensee) for operation of the Seabrook Station, Unit No. 1 located in Rockingham County, New Hampshire.

The proposed amendment would modify the Appendix A Technical Specifications (TSs) for the Electrical Power Systems, Onsite Power Distribution. Specifically, the proposed amendment would change Seabrook Station Appendix A Technical Specification 3.8.3.1, Action a. to increase from 8 hours to 7 days the allowable time that 480-volt Emergency Bus #E64 may be less than fully energized.

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. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below.

A. The changes do not involve a significant increase in the probability or consequences of an accident previously evaluated (10 CFR 50.92(c)(1)) because, even with bus E64 inoperable, there remains redundant, operable equipment within the same Train which is capable of supporting continued plant operation. Bus E64 supplies electrical power to components associated with service water cooling tower loop Train B only. The inoperability of bus E64 does not affect any of the components associated with ocean service water loop Train B nor does it affect any Train A components. Thus, if bus E64 is inoperable, the Train B ocean service water loop remains operable and capable of providing cooling during normal and accident conditions in addition to the Train A ocean service water and cooling tower service water loops. Therefore, since the response of the plant to an accident is unchanged, the proposed changes will not result in a significant increase in either the probability or consequences of an accident previously evaluated.

B. The changes do not create the possibility of a new or different kind of accident from any accident previously evaluated (10 CFR 50.92(c)(2)) because the changes do not cause the associated structures, systems, or components to be operated outside their original design envelope. No changes are made to the design or manner of operation of structures, systems, or components, and no new failure mechanisms are introduced. The proposed changes merely make the allowed outage time for bus E64 equivalent to the allowed outage time for one service water cooling tower loop being inoperable.

C. The changes do not involve a significant reduction in a margin of safety (10 CFR 50.92(c)(3)) because, even with bus E64 inoperable, there remains redundant, operable equipment within the same Train capable of supporting continued plant operation. The Bases for Technical Specification 3.8.3.1 states in part that the operability of the AC power sources and distribution systems ensures that sufficient power is available to supply safety-related equipment required for the safe shutdown of the facility, and the mitigation and control of accident conditions within the facility, and that the action requirements specified for the levels of degradation provide restriction for continued plant operation commensurate with the level of degradation. Therefore, the assumptions in the Bases of the Technical Specifications are not affected and the proposed changes will not result in a significant reduction in the margin of safety.

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 July 26, 1996, 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 Exeter Public Library, Founders Park, Exeter, New Hampshire. 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 Phillip F. McKee: 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 Lillian M. Cuoco, Esquire, Northeast Utilities Service Company, Post Office Box 270, Hartford CT 06141–0270, 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 June 20, 1996, 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 Exeter Public Library, Founders Park, Exeter, New Hampshire.

Dated at Rockville, Maryland, this 20th day of June 1996.

For the Nuclear Regulatory Commission.

Albert W. De Agazio, Sr.

Project Manager, Northeast Utilities Project Directorate, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 96–16269 Filed 6–25–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–397]

Washington Public Power Supply System; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–21, issued to Washington Public Power Supply System (the licensee), for operation of the Washington Nuclear Project No. 2 (WNP–2), located in Benton County, Washington.

The proposed amendment, requested by the licensee by letter of December 8, 1995, would represent a full conversion from the current Technical Specifications (TS) to a set of TS based on NUREG–1434, ''Improved BWR/6 Technical Specifications,'' Revision 1, April 1995. NUREG–1434 has been developed through working groups composed of both NRC staff members and the BWR/6 owners and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve TS. As part of this submittal, the licensee has applied the criteria contained in the Final NRC Policy Statement on Technical Specification Improvements to the current WNP–2 Technical Specifications utilizing BWR Owners' Group (BWROG) report NEDO–31466, ''Technical Specification Screening Criteria Application and Risk Assessment,'' (and Supplement 1) as incorporated in NUREG–1434.

The licensee has categorized the proposed changes into four general groupings. These groups are characterized as administrative changes, relocated changes, more restrictive changes, and less restrictive changes.

Administrative changes are those that involve reformatting, renumbering and rewording of the existing TS. The reformatting, renumbering and rewording process reflects the attributes of NUREG–1434 and do not involve technical changes to the existing TS. Such changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accidents or transient events.

Relocated changes are those involving relocation of requirements and surveillances for structures, systems, components or variables that do not meet the criteria of inclusion in TS as identified in the Application of Selection Criteria to the WNP–2 TS. The affected structures, systems, components or variables are not assumed to be initiators of analyzed events and are not assumed to mitigate accident or transient events. The requirements and surveillances for these affected structures, systems, components or variables will be relocated from the TS to administratively controlled documents. Changes to these documents will be made pursuant to 10 CFR 50.59. In addition, the affected structures, systems, components or variables are addressed in existing surveillance procedures which are subject to 10 CFR 50.59 and subject to the change control