

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-34610-ML; ASLBP No. 99-768-02-ML]

### Atomic Safety and Licensing Board Panel; Hearing

July 12, 1999.

Before Administrative Judges: Charles Bechhoefer, Presiding Officer; Dr. Linda W. Little, Special Assistant.

In the matter of the Department of the Army, Aberdeen Proving Ground, Maryland; Denial of Materials License for M22/GID-3 Automatic Chemical Agent Detector/Alarm.

Notice is hereby given that, by Memorandum and Order dated July 12, 1999, the Presiding Officer in this proceeding has granted the June 4, 1999 request for a hearing of the Department of the Army (Army or Applicant). On May 17, 1999, the Nuclear Regulatory Commission Staff denied Army's application for registration and licensing of the model M22/GID-3 Automatic Chemical Agent Detector/Alarm for distribution pursuant to 10 CFR 32.26. The hearing will involve Army's appeal from this Staff ruling.

This proceeding will be conducted under the Commission's Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings, set forth in 10 CFR Part 2, Subpart L. Further details appear in the July 12, 1999 Memorandum and Order referenced above. Documents relating to this proceeding are available for public inspection and copying at the Commission's Public Document Room, Gelman Building, 2120 L St. NW, Washington, DC 20555.

The Army and the NRC Staff are parties to this proceeding. As requested by the Staff, the hearing is being deferred to accommodate ongoing settlement negotiations. If settlement is not achieved, a contested proceeding will be conducted.

In accordance with 10 CFR 2.1205(j), and notwithstanding the ongoing settlement negotiations, any person whose interest may be affected by this proceeding may within 30 days of publication of this Notice file a petition for leave to intervene. Such petition must identify (1) the interest of the petitioner in the proceeding, (2) how that interest may be affected by the results of the proceeding, with particular reference to the factors set out in 10 CFR 2.1205(h) (and, in particular, whether the petitioner's specified areas of concern are germane to the subject matter of the proceeding), (3) the petitioner's area of concern about the licensing activity that is the subject matter of the proceeding, and (4) the

circumstances establishing that the request is timely (in accord with the standards set forth in this Notice).

Each petition must be submitted to the Office of the Secretary, Rulemaking and Adjudications Staff, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies should be served upon the Presiding Officer, the Special Assistant, the Assistant General Counsel for Hearings and Enforcement, and the Applicant, through its project manager, Col. Stephen V. Rooves, NBC Defense Systems, U.S. Army Soldier and Biological Chemical Command, 5232 Fleming Road, Aberdeen Proving Ground, MD 21010-5423, and the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Pursuant to 10 CFR 2.1205(k)(2), any party (including the NRC Staff) may file an answer to a petition to intervene within 10 days of service of such petition.

As provided by 10 CFR 2.1211(b), within 30 days of publication of this Notice, the representative of an interested State, county, municipality, or an agency thereof, may request an opportunity to participate in this proceeding. The request for an opportunity to participate must state with reasonable specificity the requestor's areas of concern about the licensing activity involved in this proceeding. Upon receipt of a properly filed request, the Presiding Officer will afford the representative a reasonable opportunity to make written and oral presentations in accordance with 10 CFR 2.1233 and 2.1235, without requiring the representative to take a position with respect to the issues.

In addition, pursuant to 10 CFR 2.1211(a), any member of the public who is not a party to the proceeding may make a limited appearance in order to state his or her views on the issues involved in this proceeding. Although these statements are not evidence and do not become part of the decisional record, the Presiding Officer may ask the Staff to consider in its licensing review information concerning matters raised in such limited appearance statements and not directly covered by issues identified by the parties. Limited appearances are usually in writing although, if the Presiding Officer conducts an oral argument or in-person prehearing conference, the Presiding Officer may hear oral statements. Written statements, and requests to make oral statements, should be submitted to the Office of the Secretary, Rulemaking and Adjudications Staff, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of

statements and requests should also be forwarded to the Presiding Officer.

Dated: July 12, 1999, Rockville, MD.

**Charles Bechhoefer,**

*Presiding Officer, Administrative Judge.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-272 and 50-311]

### Public Service Electric and Gas Company; Denial of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied a request by the Public Service Electric and Gas Company (the licensee) for an amendment to Facility Operating License Nos. DPR-70 and DPR-75 issued to the licensee for operation of the Salem Nuclear Generating Station, Unit Nos. 1 and 2, located in Salem County, New Jersey. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on September 9, 1998 (63 FR 48264).

The purpose of the licensee's amendment request was to revise Technical Specification 3/4.7.6, "Control Room Emergency Air Conditioning System." Specifically, the licensee requested that the acceptance criteria for the control room envelope be revised to maintain a 1/8-inch positive pressure with respect to the outside atmosphere, the work control center and control room equipment rooms, and a 1/20-inch water gauge positive pressure with respect to the relay rooms and the auxiliary building.

The NRC staff has concluded that the licensee's request cannot be granted. The licensee was notified of the Commission's denial of the proposed change by a letter dated July 9, 1999.

By August 16, 1999, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or 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.