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(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 22nd day of December 1995.

For the Nuclear Regulatory Commission.  
Bill M. Morris,

*Director, Division of Regulatory Applications,  
Office of Nuclear Regulatory Research.*

[FR Doc. 96-347 Filed 1-9-96; 8:45 am]

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### **Georgia Power Company, et al.; Vogtle Electric Generating Plant, Units 1 and 2 Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for a Hearing**

[Docket Nos. 50-424 and 50-425]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-68 and NPF-84, issued to the Georgia Power Company, et al. (the licensee), for operation of the Vogtle Electric Generating Plant (VEGP, Vogtle), Units 1 and 2, located at the licensee's site in Burke County, Georgia.

The proposed amendments were initially requested by the licensee in a letter dated May 1, 1995, and a notice of the Commission's consideration of the licensee's proposal was published in the Federal Register on September 7, 1995 (60 FR 46633). On September 26,

1995, the Commission published a revision to 10 CFR Part 50, Appendix J (60 FR 49505), which became effective October 26, 1995. The licensee supplemented the initial May 1, 1995, application by letters dated August 3 and 9, September 20, November 22, and December 21, 1995. The December 21, 1995, letter included information that is outside the scope of the initial application in that it includes a proposal to adopt certain provisions of the revised 10 CFR Part 50, Appendix J, that was published subsequent to the initial Federal Register notice.

As stated in the initial Federal Register notice, the proposed amendments would represent a full conversion from the current Technical Specifications (TS) to a set of TS based on NUREG-1431, "Standard Technical Specifications, Westinghouse Plants," Revision 1, dated April 1995. NUREG-1431 was developed through working groups composed of NRC staff members and industry representatives and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve the TS. As part of this submittal, the licensee has applied the criteria contained in the Commission's Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors of July 22, 1993, to the current Vogtle TS, and, using NUREG-1431 as a basis, developed a proposed set of improved TS for Vogtle. The criteria in the Final Policy Statement were subsequently added to 10 CFR 50.36, "Technical Specifications," in a rule change which became effective on August 18, 1995 (60 FR 36953).

The licensee has categorized the proposed changes to the existing TS into four general groupings. These groupings are characterized as administrative changes, relocated changes, more restrictive changes, and less restrictive changes. The licensee's decision to adopt certain provisions of the revised 10 CFR Part 50, Appendix J, is considered a less restrictive change. Less restrictive changes are those where current requirements are relaxed or eliminated, or new flexibility is provided. The more significant "less restrictive" requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the TS may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of the Owners Groups' comments on the

improved Standard Technical Specifications. Generic relaxations contained in NUREG-1431 were reviewed by the staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. The licensee's design was reviewed to determine if the specific design basis and licensing basis are consistent with the technical basis for the model requirements in NUREG-1431 and thus provides a basis for these revised TS. These less restrictive changes to the requirements of the current TS do not result in operations that will alter assumptions relative to mitigation of an analyzed accident or transient event.

The licensee's proposal would adopt Option B of 10 CFR Part 50, Appendix J, as part of the implementation of the improved standard TS. The proposal adds a specific reference to Regulatory Guide (RG) 1.163, "Performance-Based Containment Leak-Test Program" in the Administrative Controls section of the Vogtle TS. No exceptions to the RG, nor the documents which are endorsed by the RG, are being requested. The licensee does not propose to deviate from the methods approved by the Commission and endorsed in the RG. The amendment proposes that a detailed performance-based leakage-test program will be available for NRC inspection upon implementation of the new TS.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By February 9, 1996, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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 Burke County Library, 412 Fourth Street, Waynesboro, Georgia. 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 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 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.

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 Herbert N. Berkow, Director, Project Directorate II-2: 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 Ernest L. Blake, Jr, Esquire, Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW., Washington, DC 20037, 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).

If a request for a hearing is received, the Commission's staff may issue the amendments after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated May 1, 1995, as supplemented by letters dated August 3

and 9, September 22, November 20, and December 21, 1995, which are 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 Burke County Library, 412 Fourth Street, Waynesboro, Georgia.

Dated at Rockville, Maryland, this 4th day of January 1996.

For the Nuclear Regulatory Commission.

L.A. Wiens,

*Acting Director, Project Directorate II-2,  
Division of Reactor Projects—I/II, Office of  
Nuclear Reactor Regulation.*

[FR Doc. 96-349 Filed 1-9-96; 8:45 am]

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**Confirmatory Order Suspending Authority for and Limiting Power Operation and Containment Pressure; (Effective Immediately); and Demand for Information**

**[Docket No. 50-309; License No. DPR-36 EA-96003]**

In the Matter of Maine Yankee Atomic Power Company; Maine Yankee Atomic Power Station

I

Maine Yankee Atomic Power Company (Licensee) is the holder of Facility Operating License No. DPR-36, issued by the Atomic Energy Commission, predecessor to the Nuclear Regulatory Commission (NRC or Commission), pursuant to 10 CFR Part 50 on September 15, 1972. The license authorizes the operation of Maine Yankee Atomic Power Station (facility or Maine Yankee) in accordance with conditions specified therein. The facility is located on the Licensee's site in Lincoln County, Maine. The facility has been shut down for refueling and repairs to its steam generators since February 6, 1995.

II

On December 4, 1995, the NRC received both technical allegations and allegations of wrongdoing by Yankee Atomic Electric Company (YAEC) and the Licensee. In brief, it is alleged that YAEC, acting as agent for the Licensee, knowingly performed inadequate analyses of the emergency core cooling systems (ECCS) and the containment to support two license amendments to increase the rated thermal power at which Maine Yankee may operate. It is further alleged that the Licensee deliberately misrepresented the analyses to the NRC in seeking the license amendments. Specifically, it is alleged that YAEC management knew that the