



OFFICE OF THE SECRETARY

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DOCKETED
USNRC

February 10, 1997

'97 FEB 11 P1:58

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MEMORANDUM TO : B. Paul Cotter, Jr.
Chief Administrative Judge
Atomic Safety and Licensing Board Panel

FROM: *John C. Hoyle*
John C. Hoyle, Secretary

SUBJECT: REQUEST FOR HEARING SUBMITTED
BY JOHN FRANCIS DARKE

Attached is a request for hearing submitted by John Francis Darke dated January 30, 1997. The request was submitted in response to a notice in the Federal Register of a request by the Atlas Corporation (Docket No. 40-3453) for an amendment to its license to change a milestone completion date for the reclamation effort at its Moab, Utah facility. The proposed change would extend by four years the completion date for placement of the final radon barrier on the pile. The notice was published in the Federal Register at 62 Fed. Reg. 3313 (January 22, 1997). Copy attached.

The request for hearing is being referred to you for appropriate action in accordance with 10 C.F.R. §2.1261.

cc: Commission Legal Assistants
OGC
CAA
OPA
EDO
NMSS
Richard Blubaugh
Atlas Corporation
John Francis Darke

18161

January 30, 1997
Moab, Utah

DOCKETED
USNRC

'97 JAN 30 P4:53

Mr. Joseph J. Holonich
Chief, High-Level Waste
and Uranium Recovery
Projects Branch
DWM-ONMSS
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555-0001

EDO, U.S. NRC
Secretary, U.S. NRC
Attn: Docketing and
Service Branch

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Chairman of the Commission

Richard E. Blubaugh
Atlas Corporation
Denver, Colorado 80202

Re: 62 FR 3313-3314, January 22, 1997 (No. 14)
Docket No. 40-3453
License No. SUA-917

Pursuant Part 2, subpart G of the Commission's Rules of Procedure, Section 2.1205 notwithstanding, the undersigned, by way of response to the above referenced Federal Register Notice, hereby requests a formal hearing.

Contemplated NRC Staff licensing action is without factual or legal basis. The slippage which the applicant/licensee 961220 application however imperfectly documents is responsive to U.S. Nuclear Regulatory Commission (NRC), DWM-ONMSS, programmatic regulatory breakdown. Imperitia culpae adnumeratur Imperitia est maxima mechanicorum poena

The ammendment to SUA-917, as contemplated by the 961220 application, should not be issued.

The pertinent "factors" set out in 62 FR 3313-3314 are predominately adverse to the health and safety of the requestor and his family, who reside in the vicinity of the subject site.

Requestor will supplement this request promptly upon establishment of NRC Local Public Document Room at an appropriate office near the site at Moab, Grand County, Utah.

John Francis Darke

Box 9999

Moab, Utah 84532

Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate SBIR Phase II proposals, Topic 19: Information, Robotics, Intelligent Systems, as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: January 15, 1997.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97-1467 Filed 1-21-97; 8:45 am]

BILLING CODE 7555-01-M

Committee on Equal Opportunities in Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Committee on Equal Opportunities in Science and Engineering (#1173).

Date and Time: February 5-6, 1997, 9:00 a.m. to 5:00 p.m. and 9:00 a.m. to noon.

Place: Room 1235, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Open.

Contact Person: Sue Kemnitzer, Executive Secretary, Room 585, NSF, 4201 Wilson Blvd., Arlington, VA 22230. Phone: (703) 306-1382.

Minutes: May be obtained from the contact person at the above address.

Purpose of Meeting: To advise NSF on policies and activities of the Foundation to encourage full participation of women, minorities, and persons with disabilities currently underrepresented in scientific, engineering, professional, and technical fields and to advise NSF concerning implementation of the provisions of the Science and Engineering Equal Opportunities Act.

Agenda

1. To discuss and work on Committee's Report to Congress;
2. Follow up on development of a strategic plan for the Committee and other items from previous meetings; and
3. Briefing on the FY 1998 budget.

Dated: January 15, 1997.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97-1466 Filed 1-21-97; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Physiology and Ethology; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name: Advisory Panel for Physiology and Ethology (#1160).

Date and Time: February 10-11, 1997, 8:30 a.m.-5:00 p.m.

Place: NSF, Rooms 310 and 320, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Part Open.

Contact Persons: Dr. John A. Phillips, Program Director, Ecological and Evolutionary Physiology; Dr. George Uetz, Program Director, Animal Behavior, Division of Integrative Biology and Neuroscience, Suite 685, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306-1421.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Minutes: May be obtained from the contact persons listed above.

Agenda: Open Session: February 10, 1997; 4:00 p.m. to 5:00 p.m.—Discussion on research trends, opportunities and assessment procedures in integrative Biology and Neuroscience with Dr. May E. Clutter, Assistant Director, Directorate for Biological Sciences.

Closed Session: February 10, 1997, 8:30 a.m.-4:00 p.m.; February 11, 1997, 8:30 a.m. to 5:00 p.m. To review and evaluate Ecological and Evolutionary Physiology and Animal Behavior proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: January 15, 1997.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97-1468 Filed 1-21-97; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-3453]

Atlas Corporation

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt of a request from Atlas Corporation to revise a site-reclamation milestone in License No. SUA-917 for the Moab, Utah facility and notice of opportunity for a hearing.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory

Commission (NRC) has received, by letter dated December 20, 1996, a request from Atlas Corporation (Atlas) to amend License Condition (LC) 55 A.(3) of Source Material License SUA-917 for the Moab, Utah facility. The license amendment request proposes to modify LC 55 A.(3) to change the completion date for placement of the final radon barrier on the pile. The date proposed by Atlas would extend completion of the final radon barrier by four years.

FOR FURTHER INFORMATION CONTACT: Myron Fliegel, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555. Telephone (301) 415-6629.

SUPPLEMENTARY INFORMATION: The portion of LC 55 A.(3) with the proposed change would read as follows:

A. To ensure timely compliance with target completion dates established in the Memorandum of Understanding with the Environmental Protection Agency (56 FR 55432, October 25, 1991), the licensee shall complete reclamation to control radon emissions as expeditiously as practicable, considering technological feasibility, in accordance with the following schedule:

(3) Placement of final radon barrier designed and constructed to limit radon emissions to an average flux of no more than 20 pCi/m²/s above background—December 31, 2000.

Atlas' request to amend LC 55 A.(3) of Source Material License SUA-917, which describes the proposed changes to the license condition and the reason for the request, is being made available for public inspection at the NRC's Public Document Room at 2120 L Street, NW (Lower Level), Washington, DC 20555.

The NRC hereby provides notice of an opportunity for a hearing on the license amendment under the provisions of 10 CFR Part 2, Subpart L, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(c), a request for hearing must be filed within 30 days of the publication of this notice in the Federal Register. The request for a hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory

Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

In accordance with 10 CFR 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, Atlas Corporation, Republic Plaza, 370 Seventeenth Street, Suite 3050, Denver, Colorado 80202, Attention: Richard Blubaugh; and

(2) The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852 or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

(3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

Dated at Rockville, Maryland, this 14th day of January 1997.

For the Nuclear Regulatory Commission.

Daniel M. Gillen,

Assistant Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 97-1485 Filed 1-21-97; 8:45 am]

BILLING CODE 7590-01-P

[Docket No. 40-8903]

Homestake Mining Company; Notice

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of licensee request to amend source material license.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has received, by letter dated December 18, 1996, an application from Homestake Mining Company (HMC) to amend License Condition (LC) 36 of Source Material License No. SUA-1471 to

change certain reclamation milestone dates.

The license amendment application proposes to modify LC 36 to change the completion dates for two site reclamation milestones. The new dates proposed by HMC would extend completion of (1) placement of final radon barrier on the Large Tailings Pile (LTP) by seven years, (2) placement of erosion protection on the LTP by five years, (3) placement of final radon barrier on the Small Tailings Pile (STP) by eleven years, and (4) shorten completion of placement of erosion protection on the STP by one year. The application cites technical infeasibility as precluding completion in accordance with the present license dates due to incomplete settlement of the LTP and evaporation ponds associated with the groundwater corrective action program initiated on the STP.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth R. Hooks, Uranium Recovery Branch, Mail Stop TWFN 7-19, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone 301/415-7777.

SUPPLEMENTARY INFORMATION: HMC's application to amend Condition 36 of Source Material License SUA-1471, which describes the proposed changes to the license condition and the reason for the request is being made available for public inspection at the Commission's Public Document Room at 2120 L Street, NW (Lower Level), Washington, DC.

The NRC hereby provides notice of an opportunity for a hearing on the license amendment under the provisions of 10 CFR Part 2, Subpart L, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(c), a request for hearing must be filed within 30 days of the publication of this notice in the *Federal Register*. The request for a hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

In accordance with 10 CFR 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, Homestake Mining Company, P.O. Box 98, Grants, New Mexico 87020; and

(2) The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852 or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

(3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

Dated at Rockville, Maryland, this 14th day of January 1997.

For the Nuclear Regulatory Commission.

Daniel M. Gillen,

Assistant Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 97-1484 Filed 1-21-97; 8:45 am]

BILLING CODE 7590-01-P

[Docket No. 999-00004, General License Pursuant to Part 110, EA 96-342]

NDC Systems, Irwindale, California; Confirmatory Order Modifying License (Effective Immediately)

I

NDC Systems (NDC or Licensee) has been granted a General License pursuant to the provisions of 10 CFR 110.19, 110.20, and 110.23. The General License authorizes the Licensee to export licensed material in accordance with the provisions contained therein.

II

Based on the NRC's investigation conducted from April 12 through