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'92 JUN 17 P5:11

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of	)	
	)	
NORTHEAST NUCLEAR ENERGY COMPANY, *et. al.*	)	
	)	Docket No. 50-336 OLA
(Millstone Nuclear Power Station, Unit 2)	)	
	)	

NRC STAFF RESPONSE TO MARY MARUCCI'S REQUEST FOR HEARING

John T. Hull
Counsel for NRC Staff

June 17, 1992

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INTRODUCTION

On April 28, 1992, a notice of opportunity for hearing was published in the *Federal Register* regarding an April 16, 1992 application by Northeast Nuclear Energy Company ("Licensee") seeking authorization to change the design of the spent fuel pool at Millstone Unit 2 from a two-region to a three-region configuration. 57 Fed. Reg. 17934. The notice included a proposed no significant hazards consideration determination[1] and specified that "any person whose interest may be affected by this proceeding and who wishes to

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[1] On June 4, 1992, the NRC Staff made a final No Significant Hazards Consideration ("NSHC") determination and issued a license amendment authorizing the Licensee to make the spent fuel pool storage design change. Under Section 189(a) of the Atomic Energy Act ("AEA"), 42 U.S.C. § 2239(a), and 10 C.F.R. §§ 50.90-50.92, a license amendment may be issued and made immediately effective during the pendency of a request for hearing based on a determination that the action involves NSHC. Any hearing on the design change would thus properly be a post-effectiveness hearing.

Under the license amendment at issue, the design of the spent fuel assemblies remains unchanged, as does the design of the spent fuel storage racks in the pool. The present pool's storage capacity of 1,112 fuel assemblies is reduced to a capacity of 1,072 fuel assemblies using the new design. *See* June 4, 1992 Safety Evaluation, at 1-2.

participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene" by May 28, 1992. *Id.* The notice further described the requirements of 10 C.F.R § 2.714 applicable to petitions for leave to intervene. *Id.* at 17934-35.

By letter postmarked May 28, 1992, Mary Ellen Marucci requested that a hearing be held regarding the proposed amendment.[2] As further discussed below, the May 28, 1992 letter fails to particularize any injury from the design change so as to demonstrate standing, fails to raise any issues within the scope of the April 28, 1992 *Federal Register* notice, and otherwise fails to meet the requirements for intervention set forth in 10 C.F.R. § 2.714. The request for hearing should, therefore, be denied.

DISCUSSION

A. Legal Standards Applicable To Intervention Petitions

Section 189(a), 42 U.S.C. §2239(a), of the AEA provides, in pertinent part, that:

> In any proceeding under this chapter, for the granting, suspending, revoking, or amending of any license or construction permit, or application to transfer control,...the Commission shall grant a hearing upon the request of any person *whose interest may be affected by the proceeding*, and shall admit any such person as a party to such proceeding (emphasis added).

Under NRC regulations implementing the AEA, "any person whose interest may be affected by a proceeding and who desires to participate as a party shall file a written petition for

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[2] While the letter states that Ms. Marucci is the "co-ordinator for the Co-operative Citizen's Monitoring Network," her request for a hearing is made on behalf of herself only.

leave to intervene." 10 C.F.R. § 2.714(a)(1). Such petition must satisfy the following requirements:

> The petition shall set forth *with particularity* the interest of the petitioner in the proceeding, *how that interest may be affected by the results of the proceeding*, including the reasons why petitioner should be permitted to intervene, with particular reference to the factors in paragraph (d)(1) of this section, and the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes to intervene.

10 C.F.R. § 2.714(a)(2) (emphasis added).[3]

In determining whether a person or organization has sufficiently established an interest, protected by the AEA, that may be affected by the proceeding, the Commission applies contemporaneous judicial concepts of standing. *See, e.g., Sacramento Municipal Utility District* (Rancho Seco Nuclear Generating Station), CLI-92-2, 35 NRC 47, 56 (1992); *Metropolitan Edison Co.* (Three Mile Island Nuclear Station, Unit 1), CLI-83-25, 18 NRC 327, 332 (1983); *Portland General Electric Co.* (Pebble Springs Nuclear Plant, Units 1 and 2), CLI-76-27, 4 NRC 610, 614 (1976). These judicial concepts require a petitioner to "establish that he or she will suffer a distinct and palpable harm that constitutes

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[3] 10 C.F.R. § 2.714(d)(1) provides that, in considering petitions for leave to intervene or requests for hearing, the Commission or presiding officer shall consider, among other matters, the following factors:

> (i) The nature of the petitioner's right under the AEA to be made a party to the proceeding.
>
> (ii) The nature and extent of the petitioner's property, financial, or other interest in the proceeding.
>
> (iii) The possible effect of any order that may be entered in the proceeding on the petitioner's interest.

the injury in fact, that the injury can be traced fairly to the challenged action, and that the injury is likely to be redressed by a favorable decision in the proceeding." *Public Service Co. of New Hampshire* (Seabrook Station, Unit 1), CLI-91-14, 34 NRC 261, 266-67 (1991). *Accord, Foundation on Economic Trends v. Lyng*, 943 F.2d 79, 82 (D.C. Cir. 1991) ("*Lyng*"); *Nuclear Engineering Co.* (Sheffield, Illinois, Low-Level Radioactive Waste Disposal Site), ALAB-473, 7 NRC 737, 743 (1978) (there must be a concrete demonstration that harm could flow from the result of the licensing action).

In a license amendment proceeding, one must allege a clear potential for offsite consequences that would cause an injury in fact to the petitioner in order to establish standing to intervene. *See Florida Power & Light Co.* (St. Lucie Nuclear Power Plant, Units 1 and 2), CLI-89-21, 30 NRC 325, 329-30 (1989).

Mere academic interest in a matter or a result is not sufficient to establish standing. *Sierra Club v. Morton*, 405 U.S. 727, 739 (1972); *Edlow International Co.* (Agent for the Government of India on Application to Export Special Nuclear Material), CLI-76-6, 3 NRC 563, 572 (1976). One must show he would be actually harmed by the outcome of the proceeding in order to intervene. *Id.* at 573-74; *Lyng*, 943 F.2d at 85.

The Supreme Court recently indicated that unless a statute provides a specific right of judicial review, one must premise an action upon the Administrative Procedure Act, 5 U.S.C. § 555 *et seq.* (APA), and show not only that he is within the zone of interests protected by the statute involved, but that he will suffer a palpable "legal wrong because of the challenged agency action or [be] adversely affected or aggrieved by that action within the meaning of a relevant statute." *Lujan v. National Wildlife Federation*, ___ U.S. ___,

110 S. Ct. 3177, 3185-86 (1990) ("*Lujan*"). *See* APA, 5 U.S.C. § 702. A relevant statute is one "whose violation is the gravamen of the complaint." *Lujan*, 110 S.Ct. at 3187. To show that one is adversely affected or aggrieved by agency action within the meaning of a relevant statute, one must provide specific facts showing the manner in which the agency action causes harm. *Id.* at 3186-87. Making general or conclusory allegations of harm without detailing specific agency acts causing harm is not enough to establish standing. *Id.* at 3186-88.

Section 189 of the AEA, 42 U.S.C. 2239, was amended in 1983 to generally provide that the Commission may issue license amendments without a hearing or prior notice if it determines that the amendment involve NSHC. Pub. L. 97-415 § 12, 96 Stat. 2073 (1983). This amendment, generally known as the "Sholly Amendment" provided the statutory basis for the Commission's prior practice of allowing amendments not involving significant hazards considerations to become effective prior to a hearing. *See Final Procedures and Standards on No Significant Hazards Consideration,* 51 Fed. Reg. 7744-46 (March 6, 1986) ("Sholly Rule").

Acting under that amendment, the Commission adopted 10 C.F.R. §§ 50.91, 50.92, 50.58(b)(6) and 2.105(a)(4)(i), which permitted the issuance of license amendments involving NSHC prior to a hearing and provided a limited review of such determinations. *Notice and State Consultation*, 48 Fed. Reg. 14873 (April 6, 1983); 48 Fed. Reg. 14864 (April 6, 1983); 51 Fed. Reg. 7744. As the Commission stated in issuing the final rules:

> [T]here is no intrinsic safety significance to the "no significant hazards consideration" standard. Neither as a notice standard nor as a standard about when a hearing may be held does it have a substantive safety significance.

> Whether or not an action requires prior notice or a prior hearing, no license and no amendment may be issued unless the Commission concludes that it provides reasonable assurance that the public health and safety will not be endangered and that the action will not be inimical to the common defense and security or to the health and safety of the public. . . . In short, the "no significant hazards consideration" standard is a procedural standard which governs whether an opportunity for a prior hearing must be provided before action is taken by the Commission. . . .

51 Fed. Reg. 7744, 7746.

Under 10 C.F.R. § 50.91, where it is determined that a license amendment request involves NSHC, the NRC will issue a notice which describes the requested amendment, sets forth the proposed NSHC finding, requests comments on that proposed finding, and gives notice of an opportunity for hearing. If requests for hearing are filed pursuant to such notice, the NRC will make a final determination on whether the amendment involves a significant hazards consideration. If the final determination is that the proposed amendment involves NSHC, the NRC may (upon making the requisite health and safety findings) issue the requested amendment despite the pendency of a hearing request. A final NSHC determination is not subject to review except by the Commission on its own initiative. 10 C.F.R. § 50.58(b)(6); *see Pacific Gas & Electric Co.* (Diablo Canyon Nuclear Power Plant, Units 1 and 2), CLI-86-12, 24 NRC 1, 4, *rev'd in part on other grounds, San Luis Obispo Mothers for Peace v. NRC*, 799 F.2d 1268 (9th Cir. 1986); *see also* 48 Fed. Reg. 14873, 14876; 51 Fed. Reg. 7744, 7746, 7759.

For any licensing action, the matters outlined in the *Federal Register* notice of opportunity for hearing define the scope of the proceeding on the action. *See Wisconsin Electric Power Co.* (Point Beach Nuclear Plant, Units 1 and 2), ALAB-739, 18 NRC 335,

339 (1983); *Northern Indiana Public Service Co.* (Bailly Generating Station, Nuclear-1), ALAB-619, 12 NRC 558, 565 (1980). Thus, parties may not seek to litigate issues that are not within the scope of the notice of opportunity for hearing.

B. The May 28, 1992 Letter Fails To Satisfy The Requirements for Intervention

Treating the May 28, 1992 letter requesting a hearing as a petition for leave to intervene, intervention must be denied because, contrary to 10 C.F.R. § 2.714, Ms. Marucci has failed to show either an interest or an effect on an interest that may arise from the license amendment. The letter simply fails to identify any individual interest of Ms. Marucci that would be adversely affected by the spent fuel pool design change.

Ms. Marucci lives over 40 miles away from the Millstone facility. By its terms, the amendment reduces, rather than expands, the spent fuel pool's storage capacity, and there is no identification of offsite consequences resulting from the spent fuel pool storage design change. Thus, Ms. Marucci cannot be presumed to have standing. *See St. Lucie, supra*, 30 NRC at 329; *cf. Virginia Electric & Power Co.* (North Anna Nuclear Power Station, Units 1 and 2), ALAB-522, 9 NRC 54 (1979).

Ms. Marucci states her concern regarding "a significant unacceptable hazards risk" relating to "planned conditions to occur on June 14, 1992." This "ruling of no significant hazard will allow [the Licensee] to proceed with a full core download on June 14." If by these words Ms. Marucci seeks to litigate the Staff's NSHC determination, that determination is not subject to review and is outside the scope of the proposed hearing. 10 C.F.R. § 50.58(b)(6); *Diablo Canyon, supra*. Similarly, the alleged "removal of criticality monitors" as part of an earlier fuel consolidation program is not within the scope

of the April 28, 1992 *Federal Register* notice, and does not seem to be relevant to the license amendment at issue.

Ms. Marucci also questions whether the "criticality calculations" issue has been resolved. The simple fact that one has questions does not establish that one can be affected by the amendment and cannot provide a basis for standing. *See TMI, supra*, 18 NRC at 332; *Houston Lighting and Power Co.* (Allens Creek Nuclear Generating Station, Unit 1), ALAB-582, 11 NRC 239, 242-44 (1980); *Sheffield, supra*, 7 NRC at 743.[4] Ms. Marucci further expresses concern regarding a "spent fuel pool release accident." However, she provided no basis for any relationship between the amendment at issue and possible injury to her. Without any indication of how the amendment could cause an accident or adversely affect her, no basis is provided for standing. *See St. Lucie, supra; Rancho Seco, supra.*

In summary, the May 28, 1992 letter request for hearing: (1) fails to establish any "injury in fact"; (2) fails to show any interest within the "zone of interest" protected by the AEA or any other relevant statute; and (3) does not raise any issues within the scope of the *Federal Register* notice.[5]

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[4] As explained in the Staff's June 4, 1992 Safety Evaluation, at 3, for the spent fuel pool regions affected by the design change, the maximum k-effectiveness limit ranged from 0.9179 to 0.9381, well within the 0.95 limiting criterion. *See Boston Edison Co.* (Pilgrim Nuclear Power Station), ALAB-816, 22 NRC 461, 463 (1985).

[5] The May 28, 1992 letter similarly fails to address whether discretionary intervention may be evaluated. *See Portland General Electric Co.* (Pebble Springs Nuclear Plant, Units 1 and 2), CLI-76-27, 4 NRC 610, 616 (1976). In particular, the letter provides no evidence of: (1) any expertise which would help develop a sound record; (2) any property, financial, or other interest Ms. Marucci may have in the proceeding; (3) any adverse effect any order entered in the proceeding might have on any of her interests; (4) the availability

(continued...)

CONCLUSION

For the reasons set forth above, the May 28, 1992 letter request for hearing does not satisfy the requirements for intervention pursuant to 10 C.F.R. § 2.714, and Ms. Marucci's request should be denied.

Respectfully submitted,

John T. Hull
Counsel for NRC Staff

Dated in Rockville, Maryland
this 17th day of June, 1992

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[5](...continued)
of other means whereby Ms. Marucci's interests may be protected; (5) the extent to which others may represent Ms. Marucci's interests; and (6) the extent to which Ms. Marucci's participation would cause an undue delay or burden on administrative resources.

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BEFORE THE COMMISSION

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NORTHEAST NUCLEAR ENERGY COMPANY, *et. al.*	)	
	)	Docket No. 50-336 OLA
(Millstone Nuclear Power Station, Unit 2)	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO MARY MARUCCI'S REQUEST FOR HEARING" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 17th day of June, 1992:

Nicholas S. Reynolds
John A. MacEvoy
Winston & Strawn
1400 L Street, N.W.
Washington, DC 20005

Mary E. Marucci
104 Brownell Street
New Haven, CT 06511

Office of the Secretary* (16)
Attn: Docketing and Service
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Office of Commission Appellate Adjudication* (1)
U.S. Nuclear Regulatory Commission
Washington, DC 20555

John T. Hull
Counsel for NRC Staff

Finding of No Significant Impact

Based on the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the exemptions under consideration.

For further details with respect to this action, see the application for exemptions dated January 8, 1992, as supplemented February 26, 1992. These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Dated at Rockville, Maryland, this 21 day of April 1992.

For the Nuclear Regulatory Commission.

Robert A. Capra,

Director, Project Directorate I-1, Division of Reactor Projects-I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92-9830 Filed 4-27-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Co.; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-65 issued to Northeast Nuclear Energy Company (the licensee) for operation of the Millstone Nuclear Power Station, Unit No. 2, located in New London County, Connecticut.

The proposed amendment would modify the existing two region spent fuel pool design of Millstone, Unit No. 2, modified by amendment 109, dated January 15, 1986, and amendment 128, dated March 31, 1988, to a three region configuration.

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, which is presented below:

The proposed change does not involve a significant hazards consideration because the change would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

Radiological consequences of the fuel handling accident are not impacted by the formation of Regions A and B because the fuel assembly design is unchanged. However, the probability of occurrence of a fuel misplacement error has increased slightly. The increase is not significant because the types of controls being put into place in Regions A and B are of the same type as already in place in Region C. Furthermore, a fuel assembly misplacement error is not considered an accident, as defined in the Final Safety Analysis Report.

2. Create the possibility of a new or different kind of accident from any previously evaluated.

No changes are being made to the fuel assemblies or the storage racks, and controls used in the fuel pool will be of the same type as are now in place. As such, there is no possibility of a new or different kind of accident being created. The existing design basis covers all possible accident scenarios in the spent fuel pool.

3. Involve a significant reduction in a margin of safety.

There is no reduction in the margin of safety since Keff [less than or equal to] 0.95 is met under all analyzed conditions using conservative assumptions which do not credit the soluble boron in the spent fuel pool except under some accident conditions, as allowed by NRC guidelines. The original mechanical analyses are unchanged for thermal and seismic/structural considerations.

The NRC staff has reviewed the licensee's analysis and, 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 thirty (30) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Directives Review 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 the **Federal Register** notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, 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 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 28, 1992, 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 20555 and at the local public document room located at the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360. 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, 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 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. 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.

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.

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 20555, by the above date. Where petitions are filed during the last ten (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) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union Operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: 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 Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103-3499, 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 April 16, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Dated at Rockville, Maryland, this 21st day of April 1992.

For the Nuclear Regulatory Commission.

Guy S. Vissing,

Senior Project Manager Project Directorate I-4, Division of Reactor Projects-I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92-9833 Filed 4-27-92; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Committee on Life Sciences and Health/Federal Coordinating Council for Science, Engineering and Technology; Federally Funded Genome Research: Science and Technology Transfer Issues

AGENCIES: Department of Agriculture, Department of Commerce, Department of Energy, Department of Health and Human Services, Department of State, National Science Foundation, and Office of Science and Technology Policy.

ACTION: Notice of public meeting.

SUMMARY: This is an announcement of a public meeting to be held on May 21-22, 1992, in Washington DC to discuss science and technology transfer issues related to Federally funded genome research. The meeting is sponsored by the U.S. Department of Agriculture (USDA), the Department of Commerce (DOC), the Department of Energy (DOE), the Department of Health and Human Services (DHHS), the Department of State (DOS), the National Science Foundation (NSF), the Office of Science and Technology Policy (OSTP). These Departments and Agencies are members of an interagency committee "the Genome Patent Working Group", formed