

UNITED STATES NUCLEAR REGULATORY COMMISSION

MCCLELLAN NUCLEAR RADIATION CENTER

DEPARTMENT OF THE AIR FORCE

DOCKET NO. 50-607

NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF

FACILITY OPERATING LICENSE

AND ISSUANCE OF CONFORMING AMENDMENT,

AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. R-130 for the McClellan Nuclear Radiation Center (MNRC) currently held by the Department of the Air Force, as owner and licensed operator of the MNRC. The transfer would be to the Regents of the University of California. The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

According to an application for approval filed by the Department of the Air Force and the Regents of the University of California, the Regents of the University of California would assume title to the facility following approval of the proposed license transfer, and would be responsible for the operation, maintenance, and eventual decommissioning of the MNRC. No physical changes to the MNRC facility or operational changes are being proposed in the application.

The proposed amendment would replace references to the Department of the Air Force in the license with references to the Regents of the University of California to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming 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.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By December 29, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the

requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon Colonel Robert Gibson, SM-ALC/JA, 5219 Arnold Avenue, McClellan AFB, Sacramento, California 95652-1085, and Kevin M. Smith, Vice Chancellor for Research, Office of the Vice Chancellor for Research, Mark Hall, University of California, One Shields Avenue, Davis, California 95616, attorneys for the licensees; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the FEDERAL REGISTER and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by January 20, 2000, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this FEDERAL REGISTER notice.

For further details with respect to this action, see the application dated April 13, 1999, as supplemented on July 19 and August 4, 1999, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

Dated at Rockville, Maryland this 2nd day of December 1999.

FOR THE NUCLEAR REGULATORY COMMISSION



Ledyard B. Marsh, Chief
Events Assessment, Generic Communications
and Non-Power Reactor Branch
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation