

For the Nuclear Regulatory Commission.
 Gerald F. Cranford,
*Designated Senior Official for Information
 Resources Management.*
 [FR Doc. 96-8102 Filed 4-2-96; 8:45 am]
 BILLING CODE 7590-01-P

**Agency Information Collection
 Activities: Submission for OMB
 Review; Comment Request**

AGENCY: Nuclear Regulatory
 Commission (NRC).

ACTION: Notice of the OMB review of
 information collection and solicitation
 of public comment.

SUMMARY: The NRC has recently
 submitted to OMB for review the
 following proposal for the collection of
 information under the provisions of the
 Paperwork Reduction Act of 1995 (44
 U.S.C. Chapter 35). The NRC hereby
 informs potential respondents that an
 agency may not conduct or sponsor, and
 that a person is not required to respond
 to, a collection of information unless it
 displays a currently valid OMB control
 number.

1. Type of submission, new, revision,
 or extension: Revision/Extension.
2. The title of the information
 collection: Exercise of Discretion for an
 Operating Facility, NRC Enforcement
 Policy (NUREG-1600).
3. The form number if applicable: Not
 applicable.
4. How often the collection is
 required: On occasion.
5. Who will be required or asked to
 report: Nuclear power reactor licensees.
6. An estimate of the number of
 responses: 1.
7. The estimated number of annual
 respondents: 36.
8. An estimate of the total number of
 hours needed annually to complete the
 requirement or request: 2,160.
9. An indication of whether Section
 3507(d), Pub. L. 104-13 applies: Not
 applicable.
10. Abstract: The NRC's revised
 Enforcement Policy includes the
 circumstances in which the NRC may
 exercise enforcement discretion. This
 enforcement discretion is designated as
 a Notice of Enforcement Discretion
 (NOED) and relates to circumstances
 which may arise where a licensee's
 compliance with a Technical
 Specification Limiting Condition for
 Operation or with other license
 conditions would involve an
 unnecessary plant transient or
 performance of testing, inspection, or
 system realignment that is inappropriate
 for the specific plant conditions, or
 unnecessary delays in plant startup

without a corresponding health and
 safety benefit. A licensee seeking the
 issuance of a NOED must provide a
 written justification, which documents
 the safety basis for the request and
 provides whatever other information the
 NRC staff deems necessary to decide
 whether or not to exercise discretion.

A copy of the submittal may be
 viewed free of charge at the NRC Public
 Document Room, 2120 L Street, NW
 (Lower Level), Washington, DC.
 Members of the public who are in the
 Washington, DC, area can access the
 submittal via modem on the Public
 Document Room Bulletin Board (NRC's
 Advanced Copy Document Library) NRC
 subsystem at FedWorld, 703-321-3339.
 Members of the public who are located
 outside of the Washington, DC, area can
 dial FedWorld, 1-800-303-9672, or use
 the FedWorld Internet address:
 fedworld.gov (Telnet). The document
 will be available on the bulletin board
 for 30 days after the signature date of
 this notice. If assistance is needed in
 accessing the document, please contact
 the FedWorld help desk at 703-487-
 4608. Additional assistance in locating
 the document is available from the NRC
 Public Document Room, nationally at 1-
 800-397-4209, or within the
 Washington, DC, area at 202-634-3273.

Comments and questions should be
 directed to the OMB reviewer by May 3,
 1996: Peter Francis, Office of
 Information and Regulatory Affairs
 (3150-0136), NEOB-10202, Office of
 Management and Budget, Washington,
 DC 20503.

Comments can also be submitted by
 telephone at (202) 395-3084.

The NRC Clearance Officer is Brenda
 Jo. Shelton, (301) 415-7233.

Dated at Rockville, Maryland, this 27th day
 of March 1996.

For the Nuclear Regulatory Commission.
 Gerald F. Cranford,
*Designated Senior Official for Information
 Resources Management.*

[FR Doc. 96-8103 Filed 4-2-96; 8:45 am]

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[Docket Nos. 50-498 and 50-499]

**Houston Lighting and Power
 Company, City Public Service Board of
 San Antonio Central Power and Light
 Company, City of Austin, Texas; Notice
 of Consideration of Issuance of
 Amendments to Facility Operating
 Licenses; Proposed Involves No
 Significant Hazards; Consideration,
 Determination, and Opportunity for a
 Hearing**

The U.S. Nuclear Regulatory
 Commission (the Commission) is

considering issuance of an amendment
 to Facility Operating License Nos. NPF-
 76 and NPF-80, issued to Houston
 Lighting & Power Company, et. al., (the
 licensee) for operation of the South
 Texas Project, Units 1 & 2, located in
 Matagorda County, Texas. The original
 application dated May 30, 1995, was
 previously published in the Federal
 Register on July 19, 1995 (60 FR 37092).
 That application was supplemented by
 letter dated February 8, 1996.

The proposed amendment would
 increase the spent fuel pool heat load
 licensing basis to provide greater
 flexibility for normal refueling practices.

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:

1. The proposed changes do not involve a
 significant increase in the probability or
 consequences of an accident previously
 evaluated because:

(a) The Spent Fuel Pool conditions are not
 indicative of accident initiators.

(b) Design and operability requirements of
 equipment important to safety are not
 affected.

(c) Spent Fuel Pool boiling will not occur
 and the Spent Fuel Pool components will
 remain within their design bases.

(d) The complete loss of Spent Fuel Pool
 cooling event has previously been analyzed
 and described in Supplement 6 to the Safety
 Evaluation Report, Appendix BB. The dose
 consequences for this event have been
 evaluated and the safety evaluation is
 described in Updated Final Safety Analysis
 Report Section 9.1.3.3.4. The results of the
 evaluation show that the Spent Fuel Pool
 components would remain within their
 design bases. Also, the dose consequences of
 iodine release as a result of Spent Fuel Pool
 boiling are significantly below the allowable
 dose limits of 10 CFR 100.

2. The proposed changes do not create the
 possibility of a new or different kind of
 accident from any accident previously
 because:

- (a) The operability of safety-related equipment is not impacted.
 - (b) The probability of safety-related equipment malfunctioning is not increased.
 - (c) The scope of the change does not establish a potential new accident precursor.
 - (d) The Spent Fuel Pool design considers design basis heat loads for the modified refueling procedure which includes a full-core offload.
 - (e) For the design basis case, the integrity of the Spent Fuel Pool Boraflex is not adversely impacted.
3. The proposed changes do not involve a significant reduction in a margin of safety because:
- (a) No fuel damage would occur as a result of the proposed change.
 - (b) Technical Specification operability and surveillance requirements are not reduced.
 - (c) The Spent Fuel Pool boiling doses would be significantly below the allowable dose limits of 10 CFR 100.
 - (d) The modified refueling procedure (full-core offload) continues to have acceptable margins of safety.
 - (e) The integrity of the Spent Fuel Pool Boraflex is not adversely impacted.

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 30 days after the date of publication of this notice will be considered in making any final determination.

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.

Written comments may be submitted by mail to the Rules Review and Directives 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 this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, 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.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 3, 1996, 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, and at the local public document room located at the Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488. 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 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.

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.

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 William D. Beckner, Director, Project Directorate IV-1: 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 Jack R. Newman, Esq., Newman & Holtzinger, P.C., 1615 L Street, N.W., Washington, D.C. 20036, 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 May 30, 1995, as supplemented by letter dated February 8, 1996, 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 Wharton County Junior College, J.M. Hodges Learning Center, 911 Boling Highway, Wharton, TX 77488.

Dated at Rockville, Maryland, this 27th day of March 1996.

For the Nuclear Regulatory Commission
Thomas W. Alexion,

*Project Manager, Project Directorate IV-1,
Division of Reactor Projects III/IV, Office of
Nuclear Reactor Regulation.*

[FR Doc. 96-8100 Filed 4-2-96; 8:45 am]

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[IA 96-018]

Donald J. McDonald, Jr.; Order Prohibiting Involvement in NRC- Licensed Activities (Effective Immediately)

I

Mr. Donald J. McDonald, Jr., was employed as an Authorized Nuclear In-service Inspector for Factory Mutual Engineering, which is owned by Arkwright Mutual Insurance Company, Inc., a contractor of the Illinois Power Company (Licensee). Licensee is the holder of License No. NPF-62 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50 on April 17, 1987. The license authorizes the operation of Clinton Power Station (facility) in accordance with the conditions specified therein. The facility is located on the Licensee's site in Clinton, Illinois.

II

Mr. McDonald first applied for unescorted access to the Clinton Power Station by completing a background screening questionnaire on March 22, 1994. In response to a question on the questionnaire as to whether he had ever been convicted of a felony or misdemeanor, he listed one driving while under the influence conviction (DWI). However, unescorted access was not pursued further at the time. Mr. McDonald completed a second background screening questionnaire on November 3, 1994, in which he listed no criminal history in response to the same question. Subsequently, the Licensee submitted fingerprint cards to the Federal Bureau of Investigations (FBI) and was informed that Mr. McDonald had a record of three convictions. Illinois Power Company denied Mr. McDonald unescorted access to the Clinton Power Station. The investigation also determined that Mr. McDonald had falsified his educational record.

The NRC Office of Investigations conducted a transcribed interview of Mr. McDonald on November 30, 1995. When asked by the NRC Investigator about the failure to list the convictions on the background screening questionnaires, Mr. McDonald admitted

that he knowingly provided inaccurate and incomplete information.

III

Based on the above, Mr. McDonald engaged in deliberate misconduct on March 22, 1994, and November 3, 1994, in that he deliberately provided incomplete and inaccurate information on two different access authorization applications. The Commission's regulations in 10 CFR 50.5, in part, prohibit any employee of a contractor of a licensee from deliberately submitting to the licensee information that the employee knows to be incomplete or inaccurate in some respect material to the NRC. Information concerning criminal history and educational history is material to the determination the licensee must make in granting or denying unescorted access to its facility pursuant to 10 CFR 73.56(b)(2). Mr. McDonald's actions constituted a violation of 10 CFR 50.5(a).

The NRC must be able to rely on the Licensee, its contractors, and contractor employees to comply with NRC requirements, including the requirement to provide information that is complete and accurate in all material respects. Mr. McDonald's actions in deliberately providing incomplete and inaccurate information to the Licensee constituted deliberate violations of Commission regulations and raised serious doubt as to whether he can be relied upon to comply with NRC requirements and to provide complete and accurate information to the NRC in the future.

Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the health and safety of the public will be protected if Mr. McDonald were permitted at this time to be involved in NRC-licensed activities or were permitted unescorted access to protected or vital areas of NRC-licensed facilities. Therefore, the public health, safety and interest require that Mr. McDonald be prohibited from any involvement in NRC-licensed activities and be prohibited from obtaining unescorted access for a period of three years from the date of this Order and, if Mr. McDonald is currently involved with an employer in NRC-licensed activities, he must immediately cease such activities, inform the NRC of the name, address and telephone number of the employer, and provide a copy of this Order to the employer. Additionally, for his first acceptance of an employment offer involving NRC-licensed activities or the assumption of duties in an existing job involving NRC-licensed activities following the three