

39. LCO 3.5.2—change in suppression pool level requirement in Modes 4 and 5 from 30 ft. 9¾ in. to 18 ft. 6 in.

40. 4.0—change in water level requirement for spent fuel pool from 605 ft. 7 in. to 583 ft. 1¼ in.

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.

By July 26, 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 Richland Public Library, 955 Northgate Street, Richland, Washington 99352. 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 20555-0001, 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

H. Bateman, Director, Project Directorate IV-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 20555-0001, and to M. H. Philips, Jr., Esq., Winston & Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502, 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 amendment 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 amendment dated December 8, 1995, which is 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 Richland Public Library, 955 Northgate Street, Richland, Washington 99352.

Dated at Rockville, Maryland, this 20th day of June 1996.

For the Nuclear Regulatory Commission,
Timothy G. Colburn,
Senior Project Manager, Project Directorate IV-2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

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[Docket Nos. 50-275 and 50-323]

Pacific Gas and Electric Company, Diablo Canyon Power Plant, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations for Facility Operating License Nos. DPR-80 and DPR-82,

issued to Pacific Gas and Electric Company (PG&E, the licensee), for operation of the Diablo Canyon Power Plant (DCPP), Units 1 and 2, located in San Luis Obispo County, California.

Environmental Assessment

Identification of the Proposed Action

The proposed action would allow a one-time extension of 3 months to the period for filing the subsequent revision to the FSAR to 9 months, rather than 6 months, after the completion of the Unit 2 seventh refueling outage.

The proposed action is in accordance with the licensee's application dated May 7, 1996, for exemption from certain requirements of 10 CFR 50.71, "Maintenance of records, making of reports."

The Need for the Proposed Action

Pursuant to 10 CFR 50.71(e)(4), the licensee must file subsequent revisions annually or 6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months. The revision must reflect all changes up to a maximum of 6 months prior to the date of the filing.

Currently, licensees file their revision to the FSAR 6 months following the completion of their Unit 2 refueling outage.

The licensee proposes a one-time exemption to allow Revision 11 of the FSAR update to be filed 9 months, rather than 6 months, after the completion of the Unit 2 seventh refueling outage. The revision will meet the requirement to be current to within 6 months of the time of the filing.

An exemption from certain requirements of 10 CFR 50.71(e)(4) is required to allow PG&E to complete its comprehensive review of the Diablo Canyon Power Plant FSAR update to ensure its completeness and accuracy and to incorporate any inaccuracies into Revision 11 of the FSAR update.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action. The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluent that may be released off site, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed

action does not affect nonradiological plant effluents and would have no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded that the environmental effects of the proposed action are not significant, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative would be to deny the requested exemption. Denial of the exemption would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are identical.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statements for the Diablo Canyon Power Plant dated May 1973.

Agencies and Persons Contacted

In accordance with NRC policy, on June 18, 1996, the staff consulted with the California State official, Mr. Steve Hsu of the Radiologic Health Branch of the State Department of Health Services, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the 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 proposed action.

For further details with respect to the proposed action, see the licensee's letter dated May 7, 1996, which is 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 California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Rockville, Maryland, this 20th day of June 1996.

For the Nuclear Regulatory Commission.
Steven D. Bloom,
*Project Manager, Project Directorate IV-2,
Division of Reactor Projects III/IV, Office of
Nuclear Reactor Regulation.*
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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number 301-92]

Notice of Determinations and Further Monitoring: People's Republic of China's Implementation of the 1995 Agreement on Enforcement of Intellectual Property and Market Access

AGENCY: Office of the United States
Trade Representative.

ACTION: Notice of determinations and
further monitoring.

SUMMARY: On May 15, 1996, based on monitoring carried out pursuant to subsection 306(a) of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2416(a)), the Acting United States Trade Representative (USTR) announced that China was not satisfactorily implementing the 1995 Agreement on Enforcement of Intellectual Property Rights and Market Access (1995 Agreement) and requested public comment on a proposed action in response. See 61 FR 2500 of May 17, 1996. In addition, the USTR directed the Commissioner of Customs to limit, by date of export, entries of textile and apparel products listed in Annex II to the notice in the Federal Register. This action was necessary to prevent import surges and was taken pursuant to a determination under section 304(b)(1) of the Trade Act that expeditious action was necessary. On June 12, 1996, this limitation was extended for a further 30-day period commencing on June 14, 1996.

On June 17, 1996, the USTR announced that, based on the measures that China has taken and will take in the future to implement key elements of the 1995 Agreement, the proposed sanctions would not be imposed. In addition, the USTR determined to revoke China's designation as a "Priority Foreign Country" under section 182 of the Trade Act (19 U.S.C. 2242). The USTR has also determined that the limitation on textile and apparel imports to prevent import surges should be terminated upon publication of this Notice and has directed the Commissioner of Customs accordingly.

The USTR will continue to monitor China's implementation of the 1995