

4. The costs of processing and distributing Class I, fluid milk products within the territorial region of the six participating New England states by plants located within the region.

5. The costs of delivering and marketing bulk, Class I, fluid milk to plants located within the territorial region of the six participating New England states from within and outside the region.

6. The costs of delivering and distributing packaged, Class I, fluid milk products within the territorial region of the six participating New England states processed outside the region.

7. The purchasing power of the general public.

8. The nature and function of all government programs providing food assistance in the form of Class I, fluid, milk products, such as the Women, Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1996, and the potential impact of compact over-order price regulation on such programs.

9. The costs of retailing Class I fluid milk products.

10. The econometrics of price transmission from the farm to retail price for Class I, fluid milk products.

11. The prices needed to yield a reasonable return to producers of milk and distributors of Class I, fluid, milk products.

12. Feasible actions which may be taken to ensure that compact over-order price regulation, if imposed, does not create an incentive for producers to generate additional supplies of milk.

#### IV. Dates, Times and Locations of Hearing

The Northeast Dairy Compact Commission will hold hearings:

1. Tuesday, December 17, 1996, at 10:00 am at the Lebanon Elks Lodge, Heater Road, Lebanon, NH.

2. Thursday, December 19, 1996 at 11:00 am at the Northborough Grange Hall, School Street, Northborough, MA.

#### V. Right to Provide Written Comment

Pursuant to Article VI(D) of the Bylaws, any person may participate in the rulemaking proceeding independent of the hearing process by submitting written comments and exhibits to the Northeast Dairy Compact Commission. The comment and/or exhibits may be submitted at any time until January 2, 1997. Comments and exhibits will be made part of the record of the rulemaking proceeding if they identify the author's name, address and occupation and if they include a sworn, notarized statement indicating that the

comment and/or exhibit is presented based upon the author's personal knowledge and belief.

Comments and exhibits should be sent to: Northeast Dairy Compact Commission, 43 State Street, P.O. Box 1058, Montpelier, VT 05601, (802) 229-2028 (fax).

For more information, contact a New England state department of agriculture or the Compact Commission offices—(802) 229-1941.

Daniel Smith,

*Executive Director.*

[FR Doc. 96-31835 Filed 12-12-96; 8:45 am]

BILLING CODE 1650-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-369 And 50-370]

### Duke Power Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-9 and NPF-17 issued to Duke Power Company (the licensee) for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The proposed amendments would allow a one-time only change necessary to replace the existing 125-volt D.C. battery cells with new cells.

Before issuance of the proposed license amendments, 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 amendments 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 license has provided its analysis of the issue of no significant hazards consideration, which is presented below:

#### First Standard

Operation of the facility in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The 125 volt DC Vital Instrumentation and Control Power System is not an accident initiator. It serves as an accident mitigation system. The new battery will be seismically mounted. There is no change in cabling required for the new battery and no change in the physical and electrical separation provisions for the battery. The performance of plant safety functions will not be degraded by the new battery.

The replacement battery consists of conventional low specific gravity cells which will be purchased to meet the same plant requirements as the installed battery. The replacement batteries will be purchased from a 10CFR21 Supplier whose 10 CFR 50 Appendix B Program has been audited by Duke's Supplier Verification Group.

Implementation of each battery bank replacement will require approximately 30 days. During the replacement period, a temporary battery bank, procured through the Commercial Grade Program for 1E usage, will be connected in place. The temporary battery will be installed in the Service Building due to space limitations in the Battery Room in Auxiliary Building. During each battery replacement period, the remaining three vital battery banks and their associated equipment will remain in their normal configuration and will not be reconfigured for preplanned activities or routine maintenance. The performance of their safety functions will not be degraded. The 125VDC Vital I&C Power System will be restored to the fully qualified configuration following each battery replacement period.

The ability to cross-tie the electrical buses for the batteries (as allowed by TS [Technical Specification] LCO [Limiting Condition for Operation] Action Statements) by manual action per procedure remains available as a backup in the event that the temporary battery is rendered unavailable during the replacement period. Each vital battery is sized to carry the continuous emergency and anticipated monetary loads of its own vital bus, and to also assume the loads of another vital bus (in a backup capacity), all for a one hour duty cycle.

The ambient temperature surrounding the temporary battery will be periodically monitored to ensure it remains with the battery specifications. Available ventilation in the temporary battery area is sufficient to prevent accumulation of excess hydrogen.

For the above reasons, it can be concluded that the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

#### Second Standard

The amendment would not create the possibility of a new or different kind of accident from any kind of accident previously evaluated.

There are no new or common failure modes created by the use of low specific gravity cells. The low specific gravity battery

has exhibited consistently high reliability and will perform the same function as the existing batteries.

The GNB Type NCN stationary battery \* \* \* has been chosen as the first option to replace the AT&T round cells. The GNB Type NCN battery is of a conventional rectangular cell design with a traditional vertical plate design. The second option is to use new low specific gravity round cells for replacement. Both options for battery replacement are sized in accordance with IEEE Std. 485-1983.

The temporary battery will be comprised of new low specific gravity cells. The temporary battery and its rack will be the same equipment that is normally used with the exclusion of the seismic bracing and mounting apparatus. With the temporary battery connected, there are no new failure modes for the distribution equipment associated with the battery being replaced.

The temporary battery installation creates a potentially new failure mode due to lack of seismic mounting and the location of the temporary batteries (outside of the Vital Area in a non-Seismic Category 1 structure). This new failure mode is considered insignificant due to the short duration for which the temporary configuration will be in place. Duke Power has analyzed the temporary battery configuration from a probabilistic risk assessment standpoint and has found the temporary battery has no significant impact on the CDF [core damage frequency] at McGuire.

For these reasons, the possibility of a new or different kind of accident from any kind of accident previously evaluated is not created.

### *Third Standard*

The amendment would not involve a significant reduction in a margin of safety.

The vital batteries are required to power emergency and safe shutdown loads for safety related instrument and control equipment during certain accident conditions. Ultimately, safety related equipment required to maintain the integrity of fission product barriers depend upon proper performance of the new battery. The new low specific gravity battery will meet the current licensing basis and will perform the same safety function as the existing vital battery. As such, the replacement battery will not affect any fission product barriers. The temporary battery is also fully capable of performing the safety function of the system if required and, thus, will have no detrimental impact on any fission product barriers. All required procedures and training will be developed and implemented prior to battery replacement. During the periods of battery replacement, if the temporary battery should become unavailable, the affected 125VDC channel will be declared inoperable and the normal TS LCO will be applied.

Since the acceptance limits with respect to the required redundancy and functional capability of the battery system are not affected by this change, there is no reduction in the margin of safety.

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 Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, 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 January 13, 1997, 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 Atkins Library, University of North Carolina, Charlotte, (UNCC Station), North Carolina. 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 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 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 20555-0001, 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 Herbert N. Berkow: 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 Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242, 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 amendments dated November 26, 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 Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina.

Dated at Rockville, Maryland, this 9th day of December, 1996.

For the Nuclear Regulatory Commission.  
Victor Nerses,  
*Senior Project Manager, Project Directorate II-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 96-31662 Filed 12-12-96; 845 am]

BILLING CODE 7590-01-M

### **Advisory Committee on Reactor Safeguards; Revised Candidate Deadline**

The deadline for seeking candidates for the NRC's Advisory Committee on Reactor Safeguards is extended from December 31, 1996 to January 31, 1997. Notice of this request for résumés was published in the Federal Register on Thursday, November 21, 1996 (61 FR 59250). All other information pertaining to this request remains the same.

For application materials, call 1-800-952-9678. Please refer to Announcement Number 97-001.

Dated: December 9, 1996.  
Andrew L. Bates,  
*Advisory Committee Management Officer.*  
[FR Doc. 96-31661 Filed 12-12-96; 8:45 am]

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### **PENSION BENEFIT GUARANTY CORPORATION**

#### **Interest Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of interest rates and assumptions.

**SUMMARY:** This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's home page (<http://www.pbgc.gov>).

**DATES:** The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in December 1996. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in January 1997.

**FOR FURTHER INFORMATION CONTACT:** Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024 (202-326-4179 for TTY and TDD).

#### **SUPPLEMENTARY INFORMATION:** Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is a specified percentage (currently 80 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the "premium payment year"). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in December 1996 (*i.e.*, 80 percent of the yield figure for November 1996) is 5.18 percent. The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning