

1. Review and approval of Certificate Holder PIECP applications;
2. Monitoring to determine compliance status of operations within all CACs;
3. PIECP exception status termination or suspension for cause related to substantial non-compliance;
4. Liaison with other Federal agencies that may affect PIECP operations;
5. Provision of compliance-related technical assistance; and
6. Any and all other functions necessary to administer the program in compliance with 18 U.S.C. 1761(c).

e. PIECP Exception Status Suspension/Termination

1. Notice of Possible Compliance Violation. Alleged facts indicative of non-compliance shall be communicated in writing by BJA to the involved Certificate Holder and the involved designated CAC. These parties must respond to the allegations, in writing, within 15 days after receipt of the notice of non-compliance determination. Immediate corrective action must be taken to address determinations of non-compliance.
2. Voluntary Compliance Agreements. If BJA determines that noncompliant practices persist, BJA may, in its discretion, propose a voluntary compliance agreement to the involved Certificate Holder.
3. Failure to Achieve Compliance and Effect of Non-Compliance. If a voluntary compliance agreement is not presented by BJA or is not accepted or adequately implemented by the Certificate Holder within 30 days after receipt of such an agreement, BJA may suspend the Certificate Holder's certification and/or CAC exception status.
4. PIECP Exception Status Suspension and Termination. A certification may be terminated by BJA if it has been inactive (no production within a designated CAC) or suspended for six consecutive months. A certification and/or designation may be suspended, and six months thereafter, terminated upon: (1) Issuance of a notice of a determination that the Certificate Holder and/or designated CAC is not acting in compliance with the requirements of 18 U.S.C. 1761, this Guideline or the conditions set forth in its certificate; or (2) in the discretion of the Director of BJA and upon a re-definition of a PIECP Project authorized under 18 U.S.C. 1761(c). Termination or suspension of the exception status of one designated CAC will not automatically impact the PIECP exception status of other CACs under the same certification unless the PIECP Project certification is suspended or terminated. The hearing and appeal procedures set forth in 28 C.F.R. Part 18

do not apply to PIECP applicants or participants who have had PIECP exception status suspended or terminated under this provision.

Dated: June 26, 1998.

**Nancy Gist,**

*Director, Bureau of Justice Assistance.*

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 98-087]

### NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC); Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee.

**DATES:** Wednesday, July 29, 1998, 8:30 a.m. to 5:30 p.m.; Thursday, July 30, 1998, 8:00 a.m. to 6:00 p.m.; Friday, July 31, 1998, 8:30 a.m. to 12:30 p.m.

**ADDRESSES:** MIC 6, NASA Headquarters, 300 E Street, SW, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Dr. Jeffrey Rosendhal, Code S, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-2470.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the capacity of the room. The agenda for the meeting is as follows:

- OSS Program and Budget Status
- Science Metrics/FY 2000 Performance Plan
- Final Report of the R&A and MO&DA Task Force
- Theme Status Reports/Reports from Subcommittees
- Research Program Update
- Technology Program Status and Planning

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: June 24, 1998.

**Matthew Crouch,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-295 and 50-304]

### Commonwealth Edison Company; (Zion Nuclear Power Station, Units 1 and 2); Exemption

#### I

Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating License Nos. DPR-39 and DPR-48, which authorize operation of the Zion Nuclear Power Station, Units 1 and 2. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

#### II

In its letter dated March 12, 1998, ComEd requested an exemption from the Commission's regulations. Pursuant to 10 CFR 50.34(b), each application for a license to operate a facility shall include a Final Safety Analysis Report (FSAR). This report shall include information that describes the facility, presents the design bases and the limits on its operation and presents a safety analysis of the structure, systems and components of the facility.

Title 10 of the *Code of Federal Regulations*, Part 50, Section 71 (10 CFR 50.71), "Maintenance of records, making of reports," states that all light-water nuclear power reactors shall update their FSAR periodically. Pursuant to 10 CFR 50.71(e)(4), the time interval for the subsequent FSAR updates must not exceed 24 months. The last full update of the Zion FSAR was submitted to the NRC on July 5, 1996. Consequently, the next update would be required to be submitted no later than July 1998. However, ComEd is requesting an exemption from this requirement to allow them to update the FSAR to reflect the present condition of the units.

By letters dated February 13, 1998, and March 9, 1998, ComEd informed the NRC that Zion Nuclear Power Station, Units 1 and 2, have permanently ceased operations and both units are completely defueled and all fuel has been placed in the spent fuel pool for long-term storage. By letter dated May 4, 1998, the NRC acknowledged Zion's permanent cessation of power operation and permanent removal of fuel from the reactor vessels.

Many of the systems and components previously required for safety are no longer needed because the Zion units are permanently shut down. Therefore, updating the current FSAR will provide

a description of components and systems that are no longer relevant to safety. Instead ComEd has proposed and committed to prepare and submit an update to the FSAR reflecting the permanently defueled condition of Zion, Units 1 and 2, by December 31, 1998. This update will become Zion's Defueled Safety Analysis Report (DSAR).

Because ComEd's board decision on January 14, 1998, to shut down Zion was unexpected, ComEd staff did not have adequate time to develop the DSAR. Therefore, ComEd is requesting an extension of the update interval to allow sufficient time to develop and submit the DSAR. In their letter dated March 12, 1998, ComEd stated that many of the technical, administrative, and management resources needed to develop a DSAR are the same as those that would be involved in updating the FSAR. Consequently, updating the current FSAR by July 1998, would result either in a delay in developing a DSAR or in the expenditure of significant additional resources to develop a DSAR while preparing an FSAR update submittal in parallel.

### III

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 (1) when the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. Special circumstances are present whenever, according to 10 CFR 50.12(a)(2)(ii), "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. \* \* \*"

The underlying purpose of 10 CFR 50.71 is to provide updated information and descriptions which are needed to permit understanding of the system designs and their relationships to safety evaluations. The last update to the Zion FSAR was submitted on July 5, 1996. Therefore, the next update is due no later than July 1998. However, because ComEd has permanently ceased operation of the Zion Nuclear Power Station, Units 1 and 2, many of the systems and components that were

previously required for the safe operation of the plants are no longer needed. Therefore, by updating the current FSAR, ComEd would be providing information on equipment and systems that are no longer relevant to the safety of the plant. ComEd has committed to providing Zion's DSAR by December 1998. This DSAR update will meet the underlying purpose of the rule in which the status of equipment and systems relevant to a non-operating plant will be provided to NRC and docketed. Furthermore, this exemption will have no impact on the ability of structures, systems, and components to perform the safety functions required with the plant permanently shut down and defueled.

### IV

For the foregoing reasons, the NRC staff has concluded that the licensee's proposed use of the alternate date for submittal of the DSAR will not present an undue risk to public health and safety and is consistent with the common defense and security. The NRC staff has determined that there are special circumstances present, as specified in 10 CFR 50.12(a)(2)(ii), in that the DSAR will provide the required information relevant to the current status of the plant.

Accordingly, the Commission has determined that pursuant to 10 CFR 50.12(a), an exemption is authorized by law, will not endanger life or property or the common defense and security and is, otherwise, in the public interest. Therefore, the Commission hereby grants an exemption from the requirements of 10 CFR 50.71(e)(4) in that ComEd may extend its Updated Final Safety Analysis Report submittal date from July 1998 to December 31, 1998.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this exemption will not have a significant effect on the quality of the human environment (63 FR 35294).

This exemption is effective upon issuance.

Dated at Rockville, MD, this 30th day of June 1998.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

### Atomic Safety and Licensing Board Panel

[Docket No. 55-22234-SP; ASLBP No. 98-745-01-SP]

### Randall L. Herring, Operator License for Catawba Nuclear Station; Notice of Hearing

June 30, 1998.

Notice is hereby given that, by Memorandum and Order dated June 30, 1998, the Presiding Officer has granted the request of Mr. Randall L. Herring for a hearing on the NRC Staff's denial of his application for an operator license for the Catawba Nuclear Station. The hearing is to be conducted under the Commission's informal hearing procedures set forth in 10 CFR Part 2, Subpart L. Administrative Judge Charles Bechhoefer has been designated Presiding Officer to conduct this hearing, and the Presiding Officer has appointed Administrative Judge Richard F. Cole to serve as his Special Assistant in developing a suitable record. 63 FR 34197 (June 23, 1998). The parties to this proceeding are limited to Mr. Herring and the NRC Staff.

Further details are provided in the Presiding Officer's Memorandum and Order (Hearing File and Specification of Claims), dated June 30, 1998. As there set forth, this informal adjudication may be decided entirely on the basis of the parties' written filings, together with relevant documents. In addition, the Presiding Officer has discretion to entertain oral presentations from the parties, as authorized by 10 CFR 2.1235, should he determine that such course of action would be necessary or useful in creating an adequate record for decision.

Materials concerning this proceeding are on file at the Commission's Public Document Room, 2120 L. St. N.W., Washington D.C. 20555.

Rockville, Maryland, June 30, 1998.  
Presiding Officer.

**Charles Bechhoefer,**

*Administrative Judge.*

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