

**PURPOSE OF MEETING:** To provide advice for the National Science Foundation's 50th Anniversary celebration.

Agenda: Wednesday, May 12, 1999

1. Introductory Remarks and Welcome New Committee Members
2. Dr. Rita Colwell, remarks, Q's & A's
3. Report on NSF 50th anniversary
4. Internal Public Advisory Committee business
5. Other business

Dated: April 8, 1999.

**Julia A. Moore,**

*Director, Office of Legislative and Public Affairs, National Science Foundation.*

[FR Doc. 99-9215 Filed 4-13-99; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-440]

### FirstEnergy Nuclear Operating Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted a request by the FirstEnergy Nuclear Operating Company (the licensee) to withdraw its April 9, 1997, application for an amendment to Facility Operating License No. NPF-58 for the Perry Nuclear Power Plant, Unit 1, located in Lake County, Ohio. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on May 21, 1997 (62 FR 27794).

The purpose of the licensee's amendment request was to revise the Technical Specifications to extend the existing surveillance interval for performing the Channel Functional Tests for the refueling equipment interlocks and for the one-rod-out interlock.

Subsequently, by letter dated March 10, 1999, the licensee informed the staff that the amendment was being withdrawn and would be resubmitted in the future based on an approved Standard Technical Specification Change Traveler, Number TSTF-225. Thus, the amendment application is considered to be withdrawn by the licensee.

For further details with respect to this action, see the application for amendment dated April 9, 1997, and the licensee's withdrawal letter dated March 10, 1999. These documents 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 Perry Public Library, 3753 Main Street, Perry, OH 44081.

Dated at Rockville, Maryland, this 5th Day of April 1999.

For the Nuclear Regulatory Commission.

**Anthony J. Mendiola,**

*Chief, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 99-9290 Filed 4-13-99; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Public Service Electric and Gas Company; Salem Nuclear Generating Station, Unit Nos. 1 and 2; Exemption

[Docket Nos. 50-272 and 50-311]

#### I

Public Service Electric and Gas Company (the licensee) is the holder of Facility Operating License Nos. DPR-70 and DPR-75 for the Salem Nuclear Generating Station, Unit Nos. 1 and 2, respectively. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

This facility consists of two pressurized water reactors located in Salem County, New Jersey.

#### II

Title 10 of the *Code of Federal Regulations* (10 CFR), section 50.71, "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "Subsequent revisions [to the Updated Final Safety Analysis Report (UFSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates [to the UFSAR] does not exceed 24 months." The two units at the Salem plant share a common UFSAR; therefore, this rule requires the licensee to update the same document annually or within 6 months after each unit's refueling outage (approximately every 9 months).

#### III

Section 50.12(a) of 10 CFR, "Specific exemptions," states that:

The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are—(1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an

exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when "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 licensee has proposed updating the unified Salem UFSAR 6 months after each Unit 1 refueling outage, provided the interval between successive updates does not exceed 24 months. The underlying purpose of the rule was to relieve licensees of the burden of filing annual UFSAR revisions while assuring that such revisions are made at least every 24 months. The Commission reduced the burden, in part, by permitting a licensee to submit its UFSAR revisions 6 months after refueling outages for its facility, but did not provide in the rule for multiple unit facilities sharing a common UFSAR. Rather, the Commission stated that "With respect to \* \* \* multiple facilities sharing a common UFSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis" (57 FR 39355 (1992)).

The Salem units are on an 18-month fuel cycle. As noted in the NRC Staff's Safety Evaluation, the licensee's proposed schedule for the Salem UFSAR updates will ensure that the UFSAR will be maintained current for both units within 24 months of the last revision. The proposed schedule satisfies the maximum 24-month interval between UFSAR revisions specified by 10 CFR 50.71(e)(4). The requirement to revise the UFSAR annually or within 6 months after refueling outages for each unit, therefore, is not necessary to achieve the underlying purpose of the rule. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security, and is otherwise in the public interest.

The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the Salem UFSAR annually or within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the Salem UFSAR within 6 months after each Salem Unit 1 refueling outage, not

to exceed 24 months between successive revisions.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (64 FR 16764).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 7th day of April, 1999.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 99-9291 Filed 4-13-99; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### DEPARTMENT OF THE INTERIOR

#### Bureau of Indian Affairs

#### Bureau of Land Management

[Docket No. 72-22]

#### **Private Fuel Storage, L.L.C., Independent Spent Fuel Storage Installation, Skull Valley Indian Reservation, Tooele County, UT; Notice of Intent to Prepare Environmental Impact Statement and Notice of Public Scoping Meeting**

Private Fuel Storage, L.L.C. (PFS or the applicant) proposes to construct and operate an independent spent fuel storage installation (ISFSI) at the Skull Valley Indian Reservation, which is bordered on all sides by Tooele County, Utah. The proposed Private Fuel Storage Facility (PFSF) would be constructed on an 820-acre site that would store spent nuclear fuel (SNF) received from commercial U.S. nuclear power plants. The applicant proposes constructing a rail line on land managed by the U.S. Bureau of Land Management (BLM) as the preferred route for transportation of SNF to its site. To construct and operate the facility, the applicant must obtain a license from the U.S. Nuclear Regulatory Commission (NRC), a right-of-way (ROW) for its proposed rail line over public lands from BLM, and approval from U.S. Bureau of Indian Affairs (BIA) for the proposed lease agreement between the Skull Valley Band of Goshute Indians and PFS.

On June 20, 1997, pursuant to 10 CFR Part 72, PFS submitted an application to NRC for a license to receive, possess, store, and transfer SNF at an ISFSI to be constructed and operated on the Reservation of the Skull Valley Band of Goshute Indians. A notice of

consideration of issuance of an NRC materials license for the proposed PFSF and notice of opportunity for hearing were published in the **Federal Register** on July 31, 1997 (62 FR 41099).

The applicant executed a lease agreement with the Skull Valley Band of Goshute Indians to permit construction and operation of its proposed facility on the Skull Valley Band Reservation. On May 23, 1997, BIA conditionally approved the lease agreement, contingent upon the completion of an Environmental Impact Statement (EIS), the inclusion of mitigation measures identified in the Record of Decision, and the issuance of an NRC license to construct, maintain, and operate the PFSF. The lease includes 820 acres of land where the PFSF is proposed to be located, a 202-acre utility and road ROW from the Skull Valley Road to the PFSF facility, and a buffer zone adjacent to the PFSF to the south and east of the facility including five sections of land, on the Skull Valley Indian Reservation.

By letter dated August 28, 1998, the applicant submitted an application for a ROW to BLM, to construct a rail line and related facilities for a distance of approximately 32 miles on the western side of Skull Valley, along the base of the Cedar Mountains from Skunk Ridge, Utah, to the PFSF site. The rail line would traverse land that is included within the BLM Pony Express Resource Management Plan (RMP) and would be utilized for the transportation of SNF to the proposed PFSF site. The current Pony Express RMP does not allow for major ROWs such as a rail line in this area, and the PFSF proposal would, therefore, require an amendment to the RMP prior to granting on the requested ROW. BLM will publish in the **Federal Register** a notice of intent to prepare an RMP amendment. By a separate letter dated August 28, 1998, PFS also submitted a revision to its application for an NRC license to reflect its proposal to construct and utilize a rail line over public lands managed by BLM for the transportation of SNF to its site.

The National Environmental Policy Act of 1969 requires all Federal agencies to consider the environmental impacts of their actions. Because NRC, BIA, and BLM required actions for the construction and operation of the PFSF are related, the Agencies have agreed to cooperate in the preparation of an EIS for these actions. In preparing the EIS, NRC will serve as the lead agency and BLM and BIA will serve as cooperating agencies. The NRC published a notice of intent to prepare an EIS and conduct a scoping process in the **Federal Register** on May 1, 1998 (63 FR 24197). As a part of the scoping process, a public scoping

meeting was conducted on June 2, 1998, in Salt Lake City, Utah. The scoping process also provided interested parties with an opportunity to provide written comments. At the conclusion of that initial scoping process, NRC issued a scoping report, dated September 1998.

NRC's initial scoping process was based on the description of the PFSF contained in the applicant's submittal of June 20, 1997, which did not include the proposed rail line on public land administered by BLM. This rail line proposal was submitted to NRC on August 28, 1998, as an amendment to the PFS application. Similarly, BIA's conditional approval of the proposed lease agreement was issued prior to the applicant's proposal of a rail line over BLM lands adjacent to the Skull Valley Reservation.

As a result of the applicant's August 28, 1998, revision of its transportation proposal, NRC, BIA, and BLM have determined that additional scoping meetings should be conducted. Therefore, public scoping meetings will be held on April 29, 1999, from 8 a.m. to 11 a.m. at the Ballroom of the Little America Inn, 500 South Main Street, Salt Lake City, Utah 84101 and April 29, 1999, from 6:30 p.m. to 9:30 p.m. at the Tooele High School, 240 West Buffalo Boulevard, Tooele, UT 80474. The focus of the scoping meetings will be an environmental issues associated with the rail line proposed in the applicant's August 28, 1998, license application amendment, the request for issuance of a ROW over public lands managed by BLM, and any environmental concerns associated with the proposed lease agreement that may not have been addressed in the NRC's initial scoping process. Each meeting will include an NRC briefing on the proposed license and a summary of the comments received at the previous scoping meeting; a BLM briefing on the land use plan amendment and the proposed ROW; and a BIA briefing on the lease agreement. The scoping meetings will afford an opportunity for interested agencies, organizations, and individuals to submit comments or suggestions on environmental issues related to the proposed rail line and the lease agreement. Written comments on these issues will be accepted until May 28, 1999.

Persons may register to present oral comments at the scoping meeting by writing to (1) Scott C. Flanders, Sr. Environmental Project Manager, Licensing and Inspection Directorate, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555; (2) Leon