Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By July 5, 2001, 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, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland and is accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). 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 must 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 that may be entered in the proceeding on the petitioner's interest. The petition must 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 that must include a list of the contentions that the petitioner seeks to have litigated in the hearing. 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 each contention and a concise statement of the alleged facts or expert opinion that 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. The 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 that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that 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 and petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the request for a hearing and the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mary O'Reilly, Attorney, FirstEnergy Legal Department, FirstEnergy Corporation, 76 S. Main Street, Akron, OH 44308, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer, or the 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 March 19, 2001 (ADAMS Accession No. ML010810433), which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 23rd day of May 2001.

For the Nuclear Regulatory Commission.

Lawrence J. Burkhart,

Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–13899 Filed 6–1–01; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–395]

South Carolina Electric and Gas Company, V. C. Summer Nuclear Station; Exemption

1.0 Background

South Carolina Electric & Gas Company (SCE&G) is the holder of Facility Operating License No. NPF–12, which authorizes operation of the V.C. Summer Nuclear Station (the facility), at steady-state core power levels not in excess of 2900 megawatts thermal. The license provides, among other things, that the V. C. Summer Nuclear Station is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The facility consists of a pressurized water reactor located in Fairfield County in South Carolina.

2.0 Purpose

Pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Section

55.59(a)(1), each licensed operator is required to successfully complete a requalification program developed by the licensee that has been approved by the Commission. This program is to be conducted for a continuous period not to exceed 24 months in duration and upon its conclusion must be promptly followed by a successive requalification program. In addition, pursuant to 10 CFR 55.59(a)(2), each licensed operator must pass a comprehensive requalification written examination and an annual operating test.

The Code of Federal Regulations at 10 CFR 55.11 states that ''The Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property and are otherwise in the public interest.''

3.0 Discussion

By letter dated January 12, 2001, SCE&G requested a change to the cycle dates for the 2-year requalification training program required by 10 CFR 55.59. This request constitutes a request for exemption under 10 CFR 55.11 from the requirements of 10 CFR 55.59(a)(1) and (a)(2). The schedular exemption requested would extend the period for the current cycle of the V. C. Summer Nuclear Station requalification program from May 31, 2001, to August 31, 2001. The next requalification period would begin on September 1, 2001, and end on August 31, 2003, with subsequent requalification periods remaining on a September to August schedule. On October 13, 2000, during routine shutdown inspections, SCE&G discovered a leak in a weld in the reactor coolant system. Activities to determine the root cause and extent of this condition and to repair the leak extended through the end of February 2001, months beyond the original scheduled plant restart. To provide the necessary level of licensed operator support to ensure safety throughout the extended plant outage, SCE&G postponed the training and other requalification program activities originally planned during that time. The affected licensed operators will continue to demonstrate and possess the required levels of knowledge, skills, and abilities needed to safely operate the plant throughout the transitional period via continuation of the current licensed operator requalification program, and the limited 3-month delay in completion of requalification for the current perod will have a negligible effect on operator qualification.

4.0 Conclusion

Accordingly, the Commission has determined that pursuant to 10 CFR 55.11, granting an exemption to SCE&G from the requirements in 10 CFR 55.59(a)(1) and (a)(2) is authorized by law and will not endanger life or property and is otherwise in the public interest.

Therefore, the Commission hereby grants SCE&G an exemption from the schedular requirements of 10 CFR 55.59(a)(1) and (2) to allow the period for current cycle of the V. C. Summer Nuclear Station requalification program to be extended beyond 24 months but not exceeding 27 months, expiring on August 31, 2001. The successive 2-year requalification cycles will continue with September 1 as the start date and August 31 as the end date.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 29187).

This exemption is effective upon issuance, and expires on August 31, 2001.

Dated at Rockville, Maryland, this 29th day of May 2001.

For the Nuclear Regulatory Commission.

Bruce A. Boger,

Director, Division of Inspection Program Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–247]

License No. DPR–26; Consolidated Edison Company of New York, Inc.; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by Petition dated April 24, 2001, as supplemented by letter dated May 3, 2001, Mr. David A. Lochbaum, on behalf of Union of Concerned Scientists, requested that the Nuclear Regulatory Commission (NRC) issue a Demand for Information (DFI) to licensees that use security personnel supplied by Wackenhut Corporation (Wackenhut), requiring them to provide a docketed response explaining how they comply with the requirement of Title 10 of the Code of Federal Regulations (10 CFR) section 26.10 that licensees ''provide reasonable measures for the early detection of persons who are not fit to perform activities within the scope of this part'' and the requirement of 10 CFR 26.20 that ''licensee policy should also address other factors that could affect fitness for duty such as mental stress, fatigue and illness.''

The petitioner also requested that the DFI should require each licensee to generally describe its policy for the aforementioned factors and to explicitly describe its policy for these factors as applied to the security personnel supplied by Wackenhut.

As a basis for this request, the petitioner stated that:

> ''An individual employed by Wackenhut Corporation and assigned duties as a security officer at Indian Point 2 was fired on June 26, 2000 * * *. The individual had worked five straight 12-hour shifts [(12 hours on shift followed by 12 hours off for 5 straight days)] and declined to report for a sixth straight 12-hour shift because he reported to his management—in writing—that it would be ''physically and mentally exhausting.'' The individual reported to his management—in writing—that he was fully aware of his condition and ''would not want to be negligent in performing [his] duties as a security officer.''
>
> The security officer had unescorted access to Indian Point 2 and thus was covered by 10 CFR part 26 as specified in Section 26.2 * * *.''

The petitioner also indicated that Wackenhut employees are required by terms of their employment application, Collective Bargaining Agreement, and the Security Officer's Handbook to report to work when required.

Thus, the petitioner contends that a worker employed by Wackenhut at an NRC-licensed facility reported to his management that he felt unfit for duty, declined to report for mandated overtime, and was terminated.

The petitioner also stated that ''10 CFR 26.20 requires all licensees to have formal policy and written procedures for factors that could render plant workers unfit for duty. Fatigue is specifically mentioned in 10 CFR 26.20.'' The petitioner contends that the Wackenhut's contractual right conflicts with the Federal regulations in 10 CFR 26.10 (a) and (b) and that in the subject case, the individual essentially provided ''reasonable measures for early detection'' of a condition rendering him unfit to perform activities within the scope of part 26. The petitioner further stated that rather than respecting the individual's judgment or seeking another opinion by a Medical Review Officer or other health care professional, Wackenhut fired that individual.

This Petition has been accepted for review pursuant to 10 CFR 2.206 of the NRC's regulations, and has been referred to the Director of the Office of Nuclear Reactor Regulation for action. In accordance with Section 2.206,