

MAR 20 1986

Ms. Lisa A. Benedetti
Deputy Clerk of Council
Mayfield Heights, Ohio 44124

Dear Ms. Benedetti:

Your letter of February 18, 1986, to Chairman Palladino with an enclosed Resolution of the Council of the City of Mayfield Heights has been referred to me. This is to inform you of the action which is being taken by the NRC in response to the expressions of public concern which have been received regarding the approval to bury potentially radioactively contaminated sludge at the Davis-Besse Nuclear Power Station site.

On February 20, 1986, the Commission issued an Order which refers the various requests for hearings which have been presented to the NRC regarding this issue to an Administrative Judge for consideration of an informal adjudicatory proceeding. Judge Helen Hoyt, the presiding officer, has published a notice in the Federal Register on March 14, 1986, regarding these proceedings. This notice informs interested parties about the opportunity for hearing and invites all interested persons desiring to intervene to file a petition to intervene within thirty days of publication of the notice. Please refer to the attached notice for additional details.

Sincerely,

Original Signed by
H. R. Denton

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosure:
As Stated

Docket File or Central File
NRC PDR w/inc.
L PDR w/inc.
EDO #001461
EDO Rdg
H. Denton/D. Eisenhut
PBD-6 Rdg w/copy of inc.
OELD
SECY-3
WDircks
PPAS, D. Mossburg #001461
FMiraglia/MSchaaf
ADe Agazio w/copy of inc.
RIngram
PBD-6 Green ticket file, P-214
G. Cunningham
JKeppler
Davis
Kerr, SP

B603250460 B60320
PDR ADOCK 05000346
H PDR

*See previous white for concurrences.

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|----------------|-------------|---------|------------|------------|---------|
| PBD-6 | PBD-6 | PBD#6 | D-PWR-B | DD:NRR | D:NRR |
| ADe Agazio;cf* | CMcCracken* | JStolz* | FMiraglia* | DEisenhut* | HDenton |
| 3/14/86 | 3/14/86 | 3/14/86 | 3/14/86 | 3/17/86 | 3/18/86 |

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PBD-6 *[Signature]*
ADe Agazio;cf
3/14/86

PBD-6 *[Signature]*
CMcCracken
3/14/86

PBD-6 *[Signature]*
JStolz
3/14/86

D-*[Signature]*
FMiraglia
3/14/86

[Signature]
3/17

DD: *[Signature]*
DEisenhut
3/17/86

D:NRR
HDenton
3/18/86

Secretary's Conference Room, S-2508, FPB.

Items to be discussed are:

- Private Sector Involvement
- Public Sector Coordination
- Homeless Veterans

The public is invited.

Signed at Washington, DC, this 7th day of March 1986.

Donald E. Shasteen,

Assistant Secretary for Veterans' Employment and Training.

[FR Doc. 86-5664 Filed 3-13-86; 8:45 am]

BILLING CODE 4510-79-M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities Under Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Extension.
2. The title of the information collection: Survey of Users of Devices Under General License.
3. The form number if applicable: Not applicable.
4. How often the collection is required: One time.
5. Who will be required or asked to report: A sample of persons that use devices containing byproduct material under general license.
6. An estimate of the number of responses: 400.
7. An estimate of the total number of hours needed to complete the requirement or request: 280.
8. An indication of whether section 3504(h), Pub. L. 96-511 applies: Not applicable.
9. Abstract: Devices containing radioactive byproduct material are used in a number of industrial applications, under a general license established by the Commission, for producing light, performing analytical measurements, or elimination of static. NRC will conduct a survey of a sample of users to acquire data for a study of the effectiveness of the general license in protecting public health and safety.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395-7340.

The NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland, this 10th day of March 1986.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 86-5683 Filed 3-13-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346-ML; ASLBP No. 86-525-01-ML]

Toledo Edison Co., et al., (Davis-Besse Nuclear Power Station, Unit No. 1; Memorandum and Order; Informal Hearing and Opportunity To Become a Party

March 10, 1986.

I. Introduction

On February 20, 1986, the U.S. Nuclear Regulatory Commission issued an Order instituting an informal hearing in this matter. Pursuant to the Commission's Order the undersigned was appointed presiding officer for this matter on February 25, 1986 by the Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

The Commission instituted this proceeding in response to petitions for a hearing filed by Save Our State from Radioactive Waste (SOS), Toledo Coalition for Safe Energy (TCSE) and Susan A. Carter, the Western Reserve Alliance (WRA), the Consumers League of Ohio (CLO), Ohio Citizens for Responsible Energy (OCRE), and City of Mentor, Ohio. The hearing will concern the application of Toledo Edison Company (TEC) for authorization under 10 CFR 20.302(a) to dispose of byproduct material on the site of its Davis-Besse Nuclear Power Station, Unit 1. The materials in question are radioactively contaminated resins from the plant's secondary system denumeralizer.

II. How To Participate

The Commission's Order directed the presiding officer to request from SOS, TCSE, Susan A. Carter,¹ WRA, CLO,

¹ The Petition of TCSE and Susan A. Carter dated November 8, 1985 properly detailed standing to participate. By this order, revisions of complaints to that Petition, if deemed to contribute to the record, may be filed.

OCRE, and City of Mentor, Ohio filings detailing their standing to participate and their complaints concerning the license amendment. The Order also directed the presiding officer to provide a similar opportunity to petition to be heard of other interested persons. The Order authorized the presiding officer to request written submissions and documents; set schedules; entertain limited appearance statements on any issue in the proceeding from persons who do not desire to become parties or cannot fulfill the requirements for party status at times specified by the presiding officer; and to entertain oral presentations at the presiding officer's discretion.

The Commission directed that those who wish to become parties, (other than the NRC Staff and TEC), must set forth with particularity and in writing (1) the interest of that person in the proceeding; (2) how that interest may be affected by the results of the proceeding, including a delineation of the reasons why that person should be permitted to intervene that makes particular reference to (a) the nature of the person's right under the Atomic Energy Act to be made a party, (b) the nature of the extent of the person's property, financial, or other interest in the proceeding, and (c) the possible effect of any order that may be entered in the proceeding on the person's interest; (3) the *specific* aspect or aspects of the subject matter of the proceeding that the person seeks to have litigated; and (4) relief sought with respect to each complaint. Each of the foregoing points shall be addressed in separate, concisely stated paragraphs.

In submitting the information called for in items 3 and 4 above, petitioners are to describe *specifically* any deficiencies in the application, cite particular sections or portions of the application which relate to the deficiency, and state in detail the reasons why a particular section or portion of the application is deficient. Petitioners must also submit all data and material in their possession which supports or illustrates each of the deficiencies complained of. Data and material from generally available publications may be cited rather than furnished. Petitioners must also state what relief they seek with respect to each of their complaints. A broad statement requesting denial or rescission of the license or its amendment without stating why such extreme relief is appropriate will not satisfy the requirement to state the relief sought.

A determination that petitioners have standing to participate as parties to the proceeding will be governed by existing

agency precedents pursuant to 10 CFR 2.714(d). See the Commission's Order and *Rockwell International Corp.* (Energy Systems Group Special Nuclear Materials License No. SNM-21), LBP-83-65, 18 NRC 774 (1983). The *Rockwell* case relied on *Nuclear Engineering* (Sheffield, Illinois Low Level Radioactive Waste Disposal Site) ALAB-473, 7 NRC 737 (1978), and stated at page 3 that:

* * * The practical tests are that the petition must show (1) that the petitioner will or might be injured in fact by one or more of the possible outcomes of the proceeding, and (2) that the asserted interest of the petitioner in achieving a particular result is at least arguably within the zone of interests protected by the statute involved.

(10) If the presiding officer finds that the hearing petitions or any intervention petition should be denied *in toto* for lack of standing or any other reason, that determination, which must be in writing, will become the final agency action within thirty days unless the Commission, on its own initiative, undertakes a review of that decision.

On or before April 14, 1986, SOS, TCSE Susan A. Carter, WRA, CLO, OCRE, City of Mentor, Ohio, and anyone else, including governmental entities, who wishes to become a party shall file the information called for above. On or before April 28, 1986, the NRC Staff, if it wishes to participate as a party, shall so notify the petitioners, TEC, and the presiding officer in writing.

III. How and Where To File

A. Information Called for by This Notice and Order

The original and two copies of information called for by this Notice and Order is to be filed with the Docketing and Service Branch of the Office of the Secretary, U.S. Nuclear Regulatory Commission, 1717 H Street, NW., Washington, DC 20555. Single copies of such filings shall also be served on TEC, Charles A. Barth—NRC Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and the presiding officer by either personally delivering it or mailing it, properly addressed and stamped, by April 14, 1986.

B. Other Written Submissions

The original and two copies of all other written submissions made by a party shall also be filed with Docketing and Service Branch with single copies mailed or personally delivered to the presiding officer, TEC, Mr. Barth, and all other parties on or before the due date. Attorneys representing a party or

petitioner must file the original and two copies of their notice of appearance with the Docketing and Service Branch, with service on all other parties, upon being retained.

C. Service List

In Memorandum and Order identifying the parties to this proceeding, the presiding officer will establish an official service list of parties who are to receive copies of written submissions in this proceeding.

IV. Duty of the Applicant

In order to permit petitioners to comply with the 30-day deadline to submit the information required, TEC must ensure that the application, the license sought to be amended, and all correspondence pertaining to its application, are immediately upon receipt of this Notice and Order: (1) Made available to petitioners for inspection and copying, and (2) forwarded to the Presiding Officer. This material shall be made available at a convenient location in the vicinity of the TEC facility and at such other locations as may be indicated by requests. The material shall be available for inspection and copying during business hours and during reasonable periods in evenings and during weekends. This material, together with the material submitted by petitioners, and any other material called for by the presiding officer, will form the Hearing File on which the presiding officer will base her decision.

V. Presiding Officer's Initial Ruling

Upon receipt of petitioner's submissions, the presiding officer will evaluate the material in the Hearing File. The presiding officer will then rule on each petitioner's rights to become a party to this proceeding. The presiding officer will also review petitioners' complaints and supporting material. In making this review, the presiding officer may rule that the petitioners' complaints: (1) Are admissible for consideration; (2) are beyond the scope of this proceeding; (3) constitute requests for relief which the presiding officer lacks the power to grant; (4) are too vague to permit consideration; or (5) are otherwise inadmissible. If necessary, the presiding officer will call for additional submissions prior to making the rulings contemplated by this paragraph. In the absence of such a request, no further submissions are to be made.

Petitioners are hereby put on notice that the presiding officer may rule on the merits of the entire matter based on petitioners' initial submission.

VI. Informal Hearing

To the extent the presiding officer finds petitioners' complaints admissible, he either may order additional submissions from the parties, or schedule an oral presentation, or both. If an oral presentation is scheduled, it will take place in the vicinity of the TEC facility. The parties will be permitted to present testimony and argument, but cross-examination will not be permitted. The parties may, however, suggest questions to the presiding officer to be posed by her. Discovery is not permitted.

If the NRC Staff does not elect to participate as a party to this proceeding, the presiding officer may seek information from the Staff directly. In that event, any information received will be served on the parties to the proceeding by the presiding officer.

VII. Limited Appearances

Those who do not wish to become parties but wish to submit a statement to the presiding officer may do so by mailing their statement to the Commission's Secretary, properly addressed and stamped, on or before April 14, 1986. Should the presiding officer determine that a petitioner may not be a party to this proceeding, the material submitted by that petitioner will be treated as a limited appearance statement. Limited appearance statements are not part of the Hearing File.

VIII. Schedule for Decision

The presiding officer intends to issue a decision in this proceeding as promptly as feasible following receipt of petitioners' submissions, with a goal of 120 days if additional submissions are required following receipt of initial petitions. No petition for review will be entertained by the Commission regarding the presiding officer's decision. However, the Commission may review the decision on its own initiative.

Order

For all the foregoing reasons and upon consideration of the entire record in this matter, it is, this 10th day of March 1986.

Ordered

1. That on or before April 14, 1986, SOS, TCSE, Susan A. Carter, WRA, CLO, OCRE and the City of Mentor, Ohio shall file a petition to participate as described in the foregoing memorandum;

2. That any other person wishing to participate shall file a similar petition by the same date;

3. That on or before April 28, 1986, the NRC Staff shall notify the presiding officer if it wishes to participate as a party to this proceeding; and

4. That this informal hearing shall be conducted in accordance with the procedures described in the foregoing memorandum.

Bethesda, Maryland, March 10, 1986.

Helen F. Hoyt,

Administrative Judge.

[FR Doc. 86-5685 Filed 3-13-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-412]

**Duquesne Light Co. et al.;
Environmental Assessment and
Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an extension of Construction Permit No. CPPR-105 to Duquesne Light Company, Cleveland Electric Illuminating Company, Ohio Edison Company and Toledo Edison Company (the Permittees), for the Beaver Valley Power Station, Unit No. 2 located in Shippingport, Pennsylvania.

Environmental Assessment

Identification of Proposed Action

The extension would extend the expiration date of the Construction Permit CPPR-105 from December 31, 1984, to December 31, 1986.

The extension is responsive to Duquesne Light Company's application for extension dated November 8, 1984.

The Need for the Proposed Action

The proposed extension is needed because the completion date of Beaver Valley Unit 2 has been postponed for the following reasons:

- (1) Reduced projected electric power need;
- (2) Increased regulatory requirements;
- (3) The permittees' financial problems;
- (4) Additional time needed to fully test and evaluate portions of the project.

Environmental Impacts of the Proposed Action

The proposed extension will not allow any work to be performed that is not already allowed by the existing construction permit. The probability of accidents has not been increased and post-accident radiological releases will not be greater than previously determined, nor does the proposed extension otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental

impacts associated with this proposed extension.

With regard to potential non-radiological impacts, the proposed extension involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with this proposed extension.

Alternatives to the Proposed Action

As required by section 102(2)(E) of NEPA (42 U.S.C. 4332(2)(E)), the staff has considered possible alternatives to the proposed action. The only possible alternative to the proposed action is not to renew the construction permit. This alternative would have led to a change in status and would result in a greater impact on Duquesne Light personnel and the environment (the project is currently more than 90% complete).

Therefore, there is no appropriate alternative to the proposed action.

Alternative Use of Resource

This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Beaver Valley Power Station, Unit No. 2.

Agencies and Persons Consulted

The NRC staff reviewed the permittees' request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed extension.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for the extension dated November 8, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the B. F. Jones Memorial Library, 683 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Dated at Bethesda, Maryland, this 6th day of March 1986.

For the Nuclear Regulatory Commission,

Lester S. Rubenstein,

*Director, PWR Project Directorate No. 2,
Division of PWR Licensing-A.*

[FR Doc. 86-5684 Filed 3-13-86; 8:45 am]

BILLING CODE 7590-01-M

**Nuclear Waste Policy Act; Availability
of Draft Technical Position in Low-
Level Waste Program**

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability.

SUMMARY: The Nuclear Regulatory Commission (NRC) is announcing the availability of a "Draft Branch Technical Position on Standard Format and Content of License Applications for Near Surface Disposal of Radioactive Waste."

DATE: The comment period expires May 13, 1986.

ADDRESSES: Send comments to R. John Starmer, Low-Level Waste and Uranium Recovery Projects Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Mail Stop 623-SS, Washington, DC 20555. Copies of this document may be obtained free of charge upon written request to Linda Luther, Docket Control Center, Division of Waste Management, U.S. Nuclear Regulatory Commission, Mail Stop 623-SS, Washington, DC 20555, Telephone 1/800/368-5642, Ext. 74426 or 427-74426 for Washington area callers.

FOR FURTHER INFORMATION CONTACT: Clayton L. Pittiglio, Low-Level Waste and Uranium Recovery Projects Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 427-4793.

SUPPLEMENTARY INFORMATION: This announcement notices availability and solicits comments on the "Branch Technical Position on Standard Format and Content of License Applications for Near Surface Disposal of Radioactive Waste."

The Branch Technical Position on Standard Format and Content of License Applications for Near Surface Disposal of Radioactive Waste represents a format for license applications that is acceptable to NRC staff. However, conformance with the Standard Format is not required. License applications with different formats will be accepted by the staff if they provide an adequate basis for the findings requisite to issuing a license.

The purpose of the Branch Technical Position on Standard Format and Content of License Applications for Near Surface Disposal of Radioactive Waste is to explain in more detail the information to be provided in the application for a license. Use of the standard format will (1) aid the applicant and NRC staff in ensuring that the information is complete, (2) help



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

EDC PRINCIPAL CORRESPONDENCE CONTROL

FROM:

DUE: 3/24/86

EDC CONTROL: 001461
DOC DT: 02/18/86
FINAL REPLY:

LISA A. BENEDETTI
CITY OF MAYFIELD HEIGHTS, OHIO

TO:

CHAIRMAN PALLADINO

FOR SIGNATURE OF:

** GREEN **

SFCY NO: 86-168

DESC:

ENCLOSES RESOLUTION NO. 1986-12 REQUESTING NRC TO
RESCIND APPROVAL FOR THE DISPOSAL OF RADIOACTIVE
WASTE AT DAVIS-BESSE PLANT SITE

ROUTING:

KERR, SP
DAVIS
KEPPLER
GCUNNINGHAM

DATE: 02/25/86

ASSIGNED TO: NRR CONTACT: DENTON

SPECIAL INSTRUCTIONS OR REMARKS:

FOR APPROPRIATE ACTION.

NRR RECEIVED: 02/26/86
ACTION: PWR-B: MIRAGLIA
NRR ROUTING: DENTON/EISENHUT
PPAS
MOSSBURG/TOMS

570/3

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-86-0168 LOGGING DATE: Feb 24 86
ACTION OFFICE: EDO
AUTHOR: L.A. Benedetti
AFFILIATION: OHIO
LETTER DATE: Feb 13 86 FILE CODE: ID&R-5 Davis-Besse
SUBJECT: Resolution No. 1986-12 req the NRC to rescind
approval for the dis-posal of radioactive waste at
the Davis-Besse plant site
ACTION: Appropriate
DISTRIBUTION: Docket
SPECIAL HANDLING: None
NOTES:
DATE DUE:
SIGNATURE: . DATE SIGNED:
AFFILIATION:

Rec'd On. EDO
Date... 2-25-86
Time... 1:45 P