White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738, between 7:45 am and 4:15 pm Federal workdays; or

2. By mail or telegram addressed to Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Attention: Rulemakings and Adjudications Staff.

In addition to meeting other applicable requirements of part 2 of the NRC's regulations, a request for a hearing filed by a person other than the applicant must describe in detail:

1. The interest of the requester in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requester should be permitted a hearing, with particular reference to the factors set out in § 2.1205(h);

3. The requester's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(d).

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, Shieldalloy Metallurgical Corporation, West Boulevard P.O. Box 768, Newfield, NJ 08344, Attention: Mr. James P. Valenti, and;

2. NRC staff, by delivery to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738, between 7:45 am and 4:15 pm Federal workdays, or by mail, addressed to Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For further details with respect to this action, the application for amendment is available for inspection at NRC's Public Document Room, 2120 L Street NW., Washington, DC 20003–1527.

FOR FURTHER INFORMATION CONTACT: James E. Kennedy, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: (301) 415–6668. Fax: (301) 415–5398.

Dated at Rockville, MD, this 17th day of November, 1998.

For the Nuclear Regulatory Commission.

John W. N. Hickey,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 98–31335 Filed 11–23–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of November 23, 30, December 7, and 14, 1998.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of November 23

Tuesday, November 24

10:30 a.m. Affirmation Session (Public Meeting) *

a: Final rule, Part 2, Subpart J, ''Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository''

b: International Uranium (USA) Corporation Commission Review of Presiding Officer's Memorandum and Order (Aug. 19, 1998) Dismissing Envirocare

c: Final Rule, Part 2, Subpart M; Public Notification, Availablity Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications

d: North Atlantic Energy Corporation (Seabrook Station Unit No. 1); Motion to Withdraw Applications and to terminate Proceedings

Week of November 30—Tentative

Monday, November 30

2:00 p.m. Meeting on DC Cook (Public Meeting) (Contact: John Stang, 301–415–1345)

3:30 p.m. Affirmation Session (Public Meeting) (if needed)

Week of December 7—Tentative

Tuesday, December 8

9:00 a.m. Briefing on EDO Program (Public Meeting) (Contact: Irene Little, 303–415–7380)

11:00 a.m. Affirmation Session (Public Meeting) (if needed)

Week of December 14—Tentative

Tuesday, December 15

11:30 a.m. Affirmation Session (Public Meeting) (if needed)

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1661). In addition, distribution of this meeting notice over the internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

* * * * *

Dated: November 20, 1998.

William M. Hill, Jr.,

Secretary, Tracking Officer, Office of the Secretary.

[FR Doc. 98–31530 Filed 11–20–98; 2:14 pm]

BILLING CODE 7590–01–M

* THE SCHEDULE FOR COMMISSION MEETINGS IS SUBJECT TO CHANGE ON SHORT NOTICE. TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING)—(301) 415–1292. CONTACT PERSON FOR MORE INFORMAITON: Bill Hill, (301) 415–1661.

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–213 (10 CFR 2.206); DD–98–12]

Connecticut Yankee Atomic Power Company (Haddam Neck); Director's Decision Under 10 CFR 2.206

I. Introduction

On March 13, 1998, Mr. Jonathan M. Block submitted a petition pursuant to Title 10 of the *Code of Federal Regulations* Section 2.206 (10 CFR 2.206) on behalf of the Citizens Awareness Network (Petitioner) requesting that NRC (1) take immediate action to suspend Connecticut Yankee Atomic Power Company's (CYAPCO's) license to operate the Haddam Neck reactor and (2) investigate CYAPCO's intention to use an air cooling method as a backup cooling method for spent fuel.

In support of his request, the Petitioner offers the following five bases: (1) CYAPCO has not resolved longstanding failures to exercise adequate radiological controls, (2) the nitrogen intrusion event of August 1996 demonstrates that CYAPCO is unable to

maintain operations in a shutdown condition, (3) CYAPCO's plan to use air cooling of the spent fuel pool (SFP) as a backup cooling method would constitute an unmonitored, unplanned release into the environment, (4) the proposal to use the air cooling method is a violation of CYAPCO's license, and (5) the proposal to use the air cooling method reveals CYAPCO's lack of comprehension of the defense-in-depth approach to safety systems.

II. Background

Connecticut Yankee Atomic Power Company is the holder of Facility Operating License No. DPR–61, which authorizes the licensee to possess the Haddam Neck Plant (HNP). The license states, among other things, that the facility is subject to all the rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect. The facility consists of a pressurized-water reactor located at the licensee's site in Middlesex County, Connecticut. On December 5, 1996, CYAPCO submitted written certifications of permanent cessation of operation and that all nuclear fuel had been permanently removed from the reactor vessel. The certifications were docketed on December 11, 1996, and therefore, in accordance with § 50.82(a)(2), the facility is permanently shut down and defueled and is no longer authorized to operate or place fuel in the reactor.

Additional background relevant to the five bases offered by the Petitioner to support its requests is outlined below.

The Petitioner's first basis regarding the adequacy of the Haddam Neck Plant's (HNP's) radiological controls program has been evaluated by the NRC. The Petitioner notes that (1) in November 1996, the licensee allowed two workers to become contaminated during an entry into the fuel transfer canal, (2) in February 1997, the licensee released contaminated equipment to an unlicensed facility, and (3) on numerous occasions during the operating phase of the HNP, the licensee released contaminated materials to unrestricted areas. The first two items noted were included in the basis for issuing a confirmatory action letter (CAL) to the licensee on March 4, 1997, which documented the licensee's commitments to improve its radiation controls program. Subsequently, on May 5, 1998, the NRC issued the results of an inspection of the changes to the licensee's radiation controls program and concluded that the licensee had met the commitments listed in the CAL. The third item noted was addressed by the NRC in the Haddam Neck Historical Review Team Report, dated March 1998. The report concluded, that based on dose assessments completed thus far, radiation exposure to members of the public from the release of contaminated materials to offsite locations did not exceed the regulatory limits of 10 CFR Part 20.

The Petitioner's second basis, that CYAPCO is unable to maintain operations in the shutdown condition, is based on an August 1996 event. At that time, the reactor was shut down with the head in place and contained a full core of fuel. However, operators allowed nitrogen to collect in the reactor vessel, displacing water contained in the top of the reactor vessel head. The NRC conducted an augmented inspection team (AIT) review of the event and concluded that the event, in combination with other events that took place at the same time, was safety significant. However, there were no actual public health and safety consequences. The AIT issued its report on October 30, 1996. A ''Notice of Violation and Proposed Imposition of Civil Penalties—$650,000'' was issued to the licensee by NRC on May 5, 1997, due, in part, to the nitrogen intrusion event.

The Petitioner's third, fourth, and fifth bases pertain to modifications to the HNP spent fuel cooling system. CYAPCO submitted its Post Shutdown Decommissioning Activities Report (PSDAR) on August 22, 1997. The licensee plans to keep its spent fuel in wet storage in the spent fuel pool (SFP) until it can be transferred to the Department of Energy (DOE). In the interim period, the spent fuel building and systems necessary to accomplish fuel cooling will remain on site, separate from the rest of the site's mechanical and electrical systems. This arrangement is referred to as the ''spent fuel pool island.'' On March 11, 1998, at a public meeting at the Haddam Neck site, the licensee reported on the status of establishing the SFP island, among other items. The licensee stated that two trains of water cooling will be installed to cool the SFP. Heat rejection will be changed from the existing service water system to two new spray coolers to be mounted on the roof of the spent fuel building. During the discussion, the licensee stated that a backup cooling method, created by opening the building's doors and roof hatch to establish natural circulation air flow through the building, could be used to cool the spent fuel in the event that all other cooling systems became unavailable. The licensee did not present an evaluation of the dose consequences of radiological releases through the roof hatch, if the air cooling method was actually used. However, the licensee had not used the air cooling method and considered it highly unlikely that conditions would arise that would require its use.

In order to respond to the petition, the NRC requested information from the licensee with respect to its plans to air cool the SFP if other cooling methods were unavailable. The licensee responded by letters dated June 29 and October 14, 1998.

III. Discussion of Petitioners' Requests

Each of the Petitioner's requests is discussed below. The five bases presented by the Petitioner are considered for each request, and determinations are made as to whether the bases support the request.

The Petitioner's first request is to immediately suspend CYAPCO's operating license.

The first basis presented by the Petitioner, that the licensee has not resolved failures to exercise adequate radiological controls, no longer pertains to the first request, since the licensee has implemented improvements, and the NRC has found them acceptable.

The second basis presented was the nitrogen intrusion event of August 1996. Although the NRC took enforcement action in response to the event, the basis no longer pertains to the first request since the reactor vessel has been permanently defueled and no reactor accident is, or ever will be, possible at HNP.

The third basis presented to support the request to suspend HNP's operating license is that air cooling the spent fuel through the spent fuel building roof hatch would constitute an unplanned, unmonitored release of radioactivity to the environment. The Commission's regulations require a licensee to monitor and control radioactive releases. The Commission places a licensee under the authority of the regulations by issuing a license with appropriate conditions. For example, the HNP operating license imposes the requirements of 10 CFR Part 20, ''Standards for Protection Against Radiation,'' and 10 CFR Part 50, ''Domestic Licensing of Production and Utilization Facilities,'' among others, on the licensee. 10 CFR Part 20 limits the radiation exposure a licensee may allow a person to receive and requires the licensee to demonstrate that it has controlled exposures to levels less than the limits. 10 CFR Part 50 governs the operation and decommissioning of a reactor facility, and, perhaps most significantly in view of the third basis presented, requires a licensee to limit

the release of radioactive materials in effluents to ''as low as reasonably achievable'' (ALARA). Suspending the HNP license would not relieve the licensee of its responsibility to adequately control the use of radioactive materials in its possession, but could impede the NRC's ability to enforce regulatory requirements. Since the license is a mechanism through which the NRC holds the licensee to its responsibility, the third basis presented does not support suspension of the license.

The fourth basis presented to support the request to suspend the license is that the licensee's proposal to air cool the SFP using a flow path through the spent fuel building doors and roof hatch constitutes a violation of the license conditions. However, the license does not prohibit making proposals for alternate methods of operation of a reactor facility. Since making a proposal to air cool the SFP does not violate the license, the fourth basis does not support suspension of the license.

The fifth basis presented to support the request to suspend the license is that the air cooling proposal reveals that CYAPCO does not understand the defense-in-depth approach to backing up safety systems. Defense-in-depth, as applied at the system level, can be achieved by providing redundant and diverse methods to accomplish a function. The licensee described the normal and alternate SFP cooling systems. The normal system consists of redundant components for the SFP cooling system, the intermediate cooling loop, and the roof-mounted spray coolers. These are closed loops and do not require outside water to remain in operation, except for makeup water to the sprayers in hot weather. The redundancy provided in the normal cooling system allows several configurations to remove SFP heat. In addition, the SFP cooling pumps are backed up by alternate pumps that can be used to circulate river water through the normal system heat exchangers, which provides a diverse heat sink for the normal system. The pumps may be powered from offsite or onsite electrical power sources, and there is an engine-powered pump available that does not require electrical power. Thus, there are redundant and diverse sources of power for pumping. In the event no heat exchange systems are available, makeup water could be added to the SFP, and the cooling could be accomplished through evaporation. The heat would then be removed by the building exhaust fan, which is the normal release path. As evidenced by the components and alternates listed above, redundant and diverse methods are available to provide defense-in-depth for the SFP cooling function. The air cooling method is not required. Thus, the fifth basis does not support the request to suspend the license.

For the reasons stated above, the Petitioner's request to suspend the licensee's operating license is denied.

The Petitioner's second request is to investigate CYAPCO's proposal to air cool the SFP by opening the spent fuel building's doors and roof hatch.

The first basis presented by the Petitioner, that the licensee has not resolved failures to exercise adequate radiological controls, no longer pertains to the second request, since the licensee has implemented improvements, and the NRC has found them acceptable.

The second basis presented was the nitrogen intrusion event of August 1996. Although the NRC took enforcement action in response to the event, the basis does not pertain to the second request since the reactor vessel has been permanently defueled and no reactor accident is, or ever will be, possible at HNP.

The third basis presented by the Petitioner to support the request to investigate the licensee's air cooling proposal is that the licensee's plan to air cool the SFP by opening the spent fuel building's doors and roof hatch would constitute an unplanned, unmonitored release into the environment. The third basis concerns actions that have not occurred, and that the licensee does not expect to take. However, because the licensee plans to use the air cooling method under certain circumstances, the NRC considers the Petitioner's basis to be sufficient to grant the second request. A review of the licensee's regulatory responsibilities is presented in Section IV below.

The fourth basis presented to support the request for an investigation is that the licensee's proposal to air cool the SFP using a flow path through the spent fuel building doors and roof hatch constitutes a violation of the license conditions. However, the license does not prohibit making proposals for alternate methods of operation of a reactor facility. Since making a proposal to air cool the SFP does not violate the license, the fourth basis does not support the request.

The fifth basis presented to support the request to investigate the licensee's proposal is that the air cooling proposal reveals that CYAPCO does not understand the defense-in-depth approach to backing up safety systems. As noted above, the system proposed by the licensee achieves defense-in-depth by installing redundant and diverse components, power supplies, and heat sinks. The air cooling method is not required for defense-in-depth. Thus, the fifth basis does not support the request.

The NRC has determined that the third basis presented by the Petitioner is sufficient to grant the Petitioner's request to investigate the licensee's proposal to air cool the SFP. The staff's evaluation of the licensee's proposal is presented in Section IV below.

IV. Review of the Licensee's Proposal

The NRC requested information from the licensee with respect to its plans to air cool the SFP if other cooling methods become unavailable. The licensee responded by letters dated June 29 and October 14, 1998. The NRC also reviewed the licensee's operating license, Updated Final Safety Analysis Report (UFSAR), and Offsite Dose Calculation Manual (ODCM).

By letter dated October 14, 1998, the licensee stated that the dose consequence to an offsite member of the public from an airborne release from the SFP if the doors and roof hatch were opened to cool the spent fuel would be 0.254 mrem. The dose was calculated assuming that the air cooling method would be in use for 2 weeks before returning to a water cooling method and closing the doors and roof hatch. The dose is within regulatory limits. The licensee stated that procedures are in place to monitor a radioactive release from the roof hatch.

The licensee's October 14 letter contained a commitment to develop procedural guidance regarding when to open and subsequently close the spent fuel building (SFB) doors and roof hatch, in the event air cooling becomes necessary. The procedure will also direct operators to request airborne radioactivity surveys when the SFB doors and roof hatch are opened.

The Facility Operating License limits gaseous effluents in accordance with Technical Specification (TS) 3/4.11.2. That TS also requires that if a dose rate exceeds the limit, the licensee must decrease the release rate within 15 minutes to comply with the limits.

The UFSAR, Section 9.1.3, describes the SFP cooling system. Under the provisions of 10 CFR 50.59, a change to a system described in the UFSAR requires the licensee to perform a safety evaluation and, if necessary, obtain NRC approval before implementing the change. Using the air cooling method would fall within the scope of 10 CFR 50.59. Therefore, when the licensee revises its procedure to permit use of the air cooling method, it must perform a safety evaluation.

The ODCM provides the parameters and methodology to be used to calculate offsite doses and effluent monitor setpoints. Each effluent pathway used by the licensee must be accounted for in the ODCM. The licensee has procedures to monitor and quantify airborne releases, although, at the time of this review, the ODCM did not contain parameters or a methodology for a release path from the SFB roof hatch. However, there is no requirement to develop that information until the release path is used.

In summary, a release from the SFB doors and roof hatch from air cooling the SFP is required to be within regulatory limits. Before the air cooling method could be used, the licensee would have to perform a safety evaluation in accordance with 10 CFR 50.59 and revise its ODCM. In the event that the SFB doors and roof hatch are actually used for cooling the SFP, the release path must be monitored and actions taken to meet regulatory limits. However, there is no requirement to revise the ODCM unless the licensee, in fact, uses the air cooling method.

V. Decision

For the reasons stated above, the petition is denied in part and granted in part. The request to suspend the operating license is denied. The request to investigate the licensee's proposal to air cool the SFP is granted. The investigation is presented as the review in Section IV above. The decision and the documents cited in the decision are available for public inspection in the Commission's Public Document Room, the Gelman Building, 2210 L Street NW., Washington, D.C., and at the Local Public Document Room for the Haddam Neck Plant at the Russell Library, 123 Broad Street, Middletown, Connecticut.

In accordance with 10 CFR 2.206(c), a copy of this decision will be filed with the Secretary of the Commission for the Commission's review. As provided for by this regulation, the decision will constitute the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland, this 16th day of November 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–31337 Filed 11–23–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co. (Haddam Neck Plant); Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision concerning a petition dated March 13, 1998, filed by Mr. Jonathan M. Block, Esq., pursuant to Title 10 of the Code of Federal Regulations, § 2.206 (10 CFR 2.206) on behalf of the Citizens Awareness Network (Petitioner). The petition requests that NRC (1) take immediate action to suspend Connecticut Yankee Atomic Power Company's (CYAPCO's) license to operate the Haddam Neck reactor and (2) investigate CYAPCO's intention to use an air cooling method as a backup cooling method for spent fuel.

The Director, Office of Nuclear Reactor Regulation, has determined that the Petition should be denied in part and granted in part for the reasons stated in the ''Director's Decision Under 10 CFR 2.206'' (DD–98–12); the complete text that follows this notice is available for public inspection and copying in the Commission's Public Document Room, the Gelman Building, 2210 L Street NW., Washington, DC, and at the Local Public Document Room for the Haddam Neck Plant at the Russell Library, 123 Broad Street, Middletown, Connecticut.

A copy of this decision has been filed with the Secretary of the Commission for the Commission's review. As provided for by 10 CFR 2.206(c), the decision will constitute the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, institutes a review of the decision within that time.

Dated at Rockville, MD, this 16th day of November, 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director Office of Nuclear Reactor Regulation.

[FR Doc. 98–31338 Filed 11–23–98; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–40680; File No. SR–ODD–98–1]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Granting Approval to Proposed Supplement to Options Disclosure Document Regarding Options on Exchange-Traded Fund Shares

November 13, 1998.

On November 13, 1998, The Options Clearing Corporation (''OCC'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (''Act''),[1] five definitive copies of a Supplement to its options disclosure document (''ODD''), which describes, among other things, the risks and characteristics of trading in options on interests in unit investment trusts, investment companies, and similar entities holding portfolios of equity securities.[2]

The ODD currently contains general disclosures on the characteristics and risks of trading options on equity securities. The Commission has approved proposals by two options exchanges to list and trade options on interests in unit investment trusts, investment companies, and similar entities holding portfolios of equity securities.[3] The proposed Supplement to the ODD provides for disclosures to accommodate the introduction of these options. Pursuant to Rule 9b–1, the Supplement will have to be provided to investors in options on Exchange-Traded Fund Shares before their accounts are approved for trading options on these products.

The Commission has reviewed the ODD Supplement and finds that it complies with Rule 9b–1 under the Act.[4] The Supplement is intended to be read in conjunction with the ODD, which discusses the characteristics and risks of options generally. The Supplement provides additional information regarding options on interests in unit investment trusts, investment companies, and similar entities holding portfolios of equity

[1] 17 CFR 240.9b–1.

[2] *See* Letter from James C. Yong, First Vice President and General Counsel, OCC, to Sharon Lawson, Division of Market Regulation, Commission, dated November 12, 1998.

[3] *See* Securities Exchange Act Release Nos. 40157 (July 1, 1998) 63 FR 37426 (July 10, 1998) (order approving File No. SR–Amex–96–44); and 40166 (July 2, 1998) 63 FR 37430 (July 10, 1998) (order approving File No. SR–CBOE–97–03).

[4] 17 CFR 240.9b–1.