public pursuant to subsections (c)(4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* October 28, 1999.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for NEH/Dodge Humanities Scholar in Residence, submitted to the Division of Education at the October 15, 1999 deadline.

2. *Date:* October 29, 1999.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for NEH/Dodge Humanities Scholar in Residence, submitted to the Division of Education at the October 15, 1999 deadline.

Laura S. Nelson,
Advisory Committee Management Officer.
[FR Doc. 99–26250 Filed 10–7–99; 8:45 am]
BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–413, 50–414 and 50–370]

Duke Energy Corporation et al. (Catawba Nuclear Station, Units 1 and 2) (McGuire Nuclear Station, Unit 2); Exemption

I

Duke Energy Corporation et al. (the licensee, Duke) is the holder of Facility Operating License Nos. NPF–35 and NPF–52, for the Catawba Nuclear Station (CNS), Units 1 and 2, and NPF–9 and NPF–17, for the McGuire Nuclear Station (MNS), 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.

Each of these facilities consists of two pressurized water reactor units located at the licensee's Catawba site in York County, South Carolina, and McGuire site in Mecklenburg County, North Carolina.

II

Title 10 of the Code of Federal Regulations (10 CFR), Part 54, addresses the various requirements for renewal of operating licenses for nuclear power plants. Section 54.17(c) of Part 54 specifies:

> An application for a renewed license may not be submitted to the Commission earlier than 20 years before the expiration of the operating license currently in effect.

Pursuant to 10 CFR 54.15, the Commission may grant an exemption from the requirements of 10 CFR Part 54 in accordance with the provisions of 10 CFR 50.12, which in turn specifies that 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. The Commission will not consider granting an exemption unless special circumstances are present. Special circumstances are considered to be present under Section 50.12(a)(2)(ii) where application of the regulation would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

III

By letter dated June 22, 1999, the licensee requested an exemption from 10 CFR 54.17(c) for McGuire, Unit 2, and Catawba, Units 1 and 2.

In initially promulgating Section 54.17(c) in 1991, the Commission stated that the purpose of the time limit was ''to ensure that substantial operating experience is accumulated by a licensee before it submits a renewal application'' (56 FR 64963). At that time, the Commission found that 20 years of operating experience provided a sufficient basis for renewal applications. However, in issuing the amended Part 54 in 1995, the Commission indicated it would consider an exemption to this requirement if sufficient information was available on a plant-specific basis to justify submission of an application to renew a license before completion of 20 years of operation (60 FR 22488).

The 20-year limit was imposed by the Commission to ensure that sufficient operating experience was accumulated to identify any plant-specific aging concerns. As set forth below, McGuire, Unit 2, and both Catawba units are sufficiently similar to McGuire, Unit 1, such that the operating experience for McGuire, Unit 1, should apply to the other three units. In addition, the other three units have accumulated significant operating experience. Accordingly, under the requested exemption, sufficient operating experience will have been accumulated to identify any plant-specific aging concerns for all four units.

McGuire and Catawba are two-unit stations comprised of four-loop Westinghouse pressurized water reactors with ice-condenser containments and a rated power of 3411 megawatts. The licensee states that it will use the combined experience it has gained by operation of the McGuire and Catawba units to perform the evaluations required to support the license renewal applications. The licensee also states that the two McGuire units and the two Catawba units are similar in design, operation, and maintenance. This statement is supported by a review of the McGuire and Catawba Updated Final Safety Analysis Reports (UFSARs). In particular, Section 1.3 of the Catawba UFSAR describes the similarities in design between McGuire and Catawba. Table 1–2 of the Catawba UFSAR lists significant similarities between systems, structures, and components installed at Catawba and McGuire, including elements of the reactor system, the reactor coolant system, the engineered safety features, and the auxiliary systems. Additionally, Duke indicates that the current aging management programs and activities are also similar at each of the four units.

The licensee also stated that there are ''regular and systematic exchanges of information on plant-specific operating experience among all three Duke nuclear stations'' (McGuire, Catawba, and Oconee). An example provided was peer communications that occurred on an ongoing basis during the normal course of operation and maintenance of the units. Additionally, during certain infrequent occurrences at any one station, peer observers from the other Duke plants participate to gain firsthand experience and to provide input based on their own experiences. These communications provide the means to continually improve plant programs. Additionally, peer group meetings are held regularly throughout the year to discuss topics of mutual interest. The effectiveness of programs and activities is reviewed, and program changes are often discussed. This sharing of plant-specific operating experience among the Duke nuclear stations is part of Duke's normal process to maintain the effectiveness of plant programs and activities and to continually improve the performance of Duke's nuclear stations.

Given these similarities, the operating experience at McGuire, Unit 1, should be applicable to McGuire, Unit 2, and also to the Catawba units for purposes of the license renewal review. At the earliest date for submitting an application, McGuire, Unit 1, will have achieved the required 20 years of operation and its operating experience will be applicable to Unit 2 which will have almost met the 20-year requirement with 18.3 years of operating experience. At this time, the Catawba units will have operated for a substantial period of time (approximately 16.5 years for Unit 1 and 15.3 years for Unit 2) which provides additional plant-specific operating experience to supplement the McGuire operating experience. The actual twenty

years of operating experience of McGuire Unit 1, in conjunction with the substantial number of years of operation of the other three units, should be sufficient to identify any aging concerns applicable to the four units.

Therefore, sufficient combined operating experience should exist at the earliest possible date for submittal to satisfy the intent of Section 54.17(c), and application of the regulation in this case is not necessary to achieve the underlying purpose of the rule. The staff finds that Duke's request meets the requirement in Section 50.12(a)(2) that special circumstances exist to grant the exemption.

IV

Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). As stated in Section III above, the staff finds that the combined operating experience of the four McGuire and Catawba units would satisfy the intent of Section 54.17 at the earliest possible date for submittal of concurrent applications (June 13, 2001), and application of the regulation in this case is not necessary to achieve the underlying purpose of the rule. The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 54.17(c). Specifically, this exemption removes the scheduler requirement which prohibits the licensee from applying to the Commission for a renewed license earlier than 20 years (but no earlier than June 13, 2001), before the expiration of the Catawba, Units 1 and 2 and McGuire, Unit 2, operating licenses currently in effect.

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 52802 and 64 FR 52803).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 1st day of October 1999.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–26301 Filed 10–7–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–219]

Oyster Creek Nuclear Generating Station; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–16, issued to GPU Nuclear, Inc. *et al.*, (the licensee), for operation of the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey.

The proposed amendment requests approval to handle loads up to and including 45 tons using the reactor building crane during power operations. NRC Bulletin 96–02 indicates that plants which will perform ''activities involving the handling of heavy loads over spent fuel, fuel in the reactor core, or safety-related equipment while the reactor is at power * * * and that involve a potential load drop accident that has not previously been evaluated in the FSAR,'' submit a license amendment request for NRC staff review.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By November 8, 1999, 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, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Ocean County Library, Reference Department, 110 Washington Street, Toms River, NJ 08753. 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 should 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 which may be entered in the proceeding on the petitioner's interest. The petition should 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 which must include a list of the contentions which are sought to be litigated in the matter. 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 the contention and a concise statement of the alleged facts or expert opinion which 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. 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 which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one