

*Frequency of Report:* On occasion.

**David B. Nelson,**

*Deputy Chief Information Officer, Office of the Administrator.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-247]

### **Consolidated Edison Company of New York, Inc.; Facility Operating License No. DPR-26 Receipt of Additional Information Relating to Petition for Director's Decision Under 10 CFR 2.206**

Notice is hereby given that additional information has been submitted in support of a Petition dated March 14, 2000, filed by Mr. David A. Lochbaum, on behalf of the Union of Concerned Scientists, the Nuclear Information & Resource Service, the PACE Law School Energy Project, and Public Citizen's Critical Mass Energy Project (petitioners). The petitioners requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to Indian Point Nuclear Generating Unit No. 2 (IP2), owned and operated by the Consolidated Edison Company of New York, Inc. (the licensee). The petitioner requested that the NRC issue an order to the licensee preventing the restart of IP2, or modify the license for IP2 to limit it to zero power, until (1) all four steam generators are replaced, (2) the steam generator tube integrity concerns identified in Dr. Joram Hopenfeld's differing professional opinion (DPO) and in Generic Safety Issue (GSI-163) are resolved, and (3) potassium iodide tablets are distributed to residents and businesses within the 10-mile emergency planning zone (EPZ) or stockpiled in the vicinity of IP2. The original Petition was published in the **Federal Register** on April 11, 2000 (65 FR 19398). The supplemental information consisted of a letter from Mr. Lochbaum dated April 14, 2000, a letter from Mr. Riccio dated April 12, 2000, and information provided at an April 7, 2000, public meeting.

As stated in the original **Federal Register** notice, the request that the NRC prevent the licensee from restarting IP2 until all four steam generators are replaced is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The original request that the NRC prevent the licensee from restarting IP2 until the DPO filed by Dr. Hopenfeld is resolved and until potassium iodide

tablets are distributed to people and businesses within the 10-mile EPZ or stockpiled in the vicinity of IP2 was not being treated at that time pursuant to 10 CFR 2.206 of the Commission's regulations. However, the petitioners provided additional information at the April 7, 2000, public meeting and in Mr. Riccio's April 12, 2000, letter concerning the population density in the vicinity of the IP2 site and difficulties in emergency planning at the site which, in their view, make adequate evacuation and/or sheltering of the local population impossible. Based on this additional information, the NRC staff has determined that the request that the NRC issue an order to prevent Con Ed from restarting IP2, or modify the license for IP2 to limit it to zero power, until potassium iodide tablets are distributed to people and businesses within the 10-mile EPZ or stockpiled in the vicinity of IP2 meets the criteria of 10 CFR 2.206. As provided by section 2.206, action will be taken on this request within a reasonable time.

In their April 14, 2000, letter, the petitioners contend that the information in NUREG/CR-5752, "Assessment of Current Understanding of Mechanisms of Initiation, Arrest, and Reinitiation of Stress Corrosion Cracks in PWR Steam Generator Tubing," is relevant to their request to replace the IP2 steam generators and to resolve Dr. Hopenfeld's DPO prior to IP2 restart. However, the information in NUREG/CR-5752 is a schematic or generalized presentation of the process for crack initiation and growth and was not intended to be representative of actual plant conditions. Thus, NUREG/CR-5752 is not directly applicable to IP2 and does not provide information specific to IP2 restart. Therefore, the request that the NRC prevent the licensee from restarting IP2 until the DPO filed by Dr. Hopenfeld is resolved will not be treated pursuant to 10 CFR 2.206 of the Commission's regulations.

Copies of the Petition and additional information are available for inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, 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 26th day of June 2000.

For the Nuclear Regulatory Commission.

**Roy P. Zimmerman,**

*Acting Director, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. SSD 99-27 ASLBP No. 00-778-06-ML]

### **Atomic Safety and Licensing Board Panel; Notice of Hearing and of Opportunity to Petition for Leave To Intervene or To Participate as an Interested Governmental Entity (Denial of Sealed Source Registration Application)**

July 10, 2000.

Before Administrative Judges: G. Paul Bollwerk, III, Presiding Officer, Frederick J. Shon, Special Assistant

In the Matter of Graystar, Inc., (Suite 103, 200 Valley Road, Mt. Arlington, NJ 07856)

In this proceeding, GrayStar, Inc., (GrayStar) has requested a hearing to challenge the NRC staff's May 24, 2000 determination denying the request of GrayStar, as set forth in its April 19, 1999 application and September 27, 1999 letter, to register the Model GS-42 sealed source and the Model 1 irradiator. By memorandum and order issued June 13, 2000, the Commission referred the GrayStar request to the Atomic Safety and Licensing Board Panel's Chief Administrative Judge for appointment of a Presiding Officer to conduct a 10 CFR Part 2, Subpart L informal adjudicatory proceeding relative to the GrayStar request. See CLI-00-10, 51 NRC \_\_\_\_ (Jun. 13, 2000). This Presiding Officer and Special Assistant were appointed on June 16, 2000. See 65 FR 38,867 (2000). By memorandum and order issued this date, the Presiding Officer has granted the GrayStar hearing request.

In light of the foregoing, please take notice that a hearing will be conducted in this proceeding. As noted above, this hearing will be governed by the informal hearing procedures set forth in 10 CFR Part 2, Subpart L (10 CFR 2.1201-1.263) and the parties currently designated in this proceeding are GrayStar and the staff.

Further, in accordance with 10 CFR 2.1205(j), please take notice that within thirty days from the date of publication of this notice of hearing in the **Federal Register** (1) any person whose interest may be affected by this proceeding may file a petition for leave to intervene; and (2) any interested governmental entity may file a request to participate in this proceeding in accordance with 10 CFR 2.1211(b). Any petition for leave to intervene must set forth the information required by 10 CFR 2.1205(e), including a detailed description of (1) the interest of the petitioner in the proceeding; (2) how that interest may be affected by the