regulatory concern and appeared to be indicative of the lack of management control over licensed activities. The lack of management control was evidenced by the fact that 13 violations were identified during the two NRC inspections in 1994. Therefore, the violations were appropriately characterized at Severity Level III in accordance with the ''General Statement of Policy and Procedure for NRC Enforcement Actions'' (Enforcement Policy), NUREG–1600 (60 FR 34381; June 30, 1995).

As to the president's statements concerning his increased control over the Licensee's operation, the NRC considers that such actions are part of the Licensee's corrective action and expects licensees to exercise adequate management control over licensed activities consistently to ensure the protection of the public and the environment. Regardless of who committed the violations, the Licensee is responsible for the acts of its employees and for assuring that it is in compliance with all applicable regulations.

Therefore, the NRC concludes that the Licensee has not provided an adequate basis for mitigation or withdrawal of the civil penalty.

6. NRC Conclusion

The NRC has concluded that the violation occurred as stated and that an adequate basis for mitigation of the civil penalty was not provided by the Licensee. Consequently, the proposed civil penalty in the amount of $5,000 should be imposed.

[FR Doc. 96–2838 Filed 2–8–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–354]

Public Service Electric and Gas Company and Atlantic City Electric Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–57 issued to Public Service Electric and Gas Company and Atlantic City Electric Company (the licensee), for operation of the Hope Creek Generating Station, located on the east shore of the Delaware River in Lower Alloways Creek Township, Salem County, New Jersey.

The proposed amendment would change Hope Creek Generating Station Technical Specifications 4.6.2.2.b, ''Suppression Pool Spray,'' and 4.6.2.3.b, ''Suppression Pool Cooling,'' to include flow through the RHR heat exchanger bypass line (in addition to the RHR heat exchanger) in the Suppression Pool Cooling and Suppression Pool Spray flow path used during RHR pump testing.

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will not involve a significant increase in the probability or consequences of an accident previously analyzed.

The proposed amendment request changes Surveillance Requirement (SR) 4.6.2.3.b of Technical Specification (TS) 3.6.2.3, Suppression Pool Cooling, and SR 4.6.2.2.b of TS 3.6.2.2, Suppression Pool Spray, to clarify that the intent of these specific SRs is to confirm Residual Heat Removal (RHR) pump performance during Suppression Pool Cooling (SPC) and Suppression Pool Spray (SPS) operation. The proposed change revises the SRs to include the RHR heat exchanger bypass line, with the bypass valve closed, and the RHR heat exchanger in the SPC and SPS flow path used during performance of the surveillances.

The RHR system is an accident mitigation system. The proposed changes do not change the operation or capabilities of the RHR system in either mode of operation. The proposed changes do not involve any physical changes to the RHR system. The proposed changes merely modify the acceptable flow path for the surveillance tests, the purpose of which is to verify pump performance in these modes of operation. Therefore, the proposed change to the SRs for the SPC and SPS mode of operation of the RHR system will not increase the probability of an accident previously evaluated.

Furthermore, the performance of the RHR system in any of its operational modes will be unchanged by the proposed change. The changes affect only the pump performance SRs for the SPC and SPS modes of RHR system operation. The surveillances being changed only modify the acceptable flow path used during the performance of the pump performance surveillances. The surveillances still verify that pump performance has not degraded to a point where the accident mitigation function of the system has not been compromised. Therefore, the proposed change will not involve an increase in the consequences of an accident previously evaluated.

2. Will not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change, a clarification of the SPC and SPS mode flow paths for pump performance testing, does not result in a modification of the RHR system, change the method of SPC or SPS operation, or alter the system's effectiveness. Suppression Pool Cooling and Containment Spray Cooling, of which Suppression Pool Spray is a part, are manually initiated actions. Existing procedures for the initiation of these two modes of operation are unchanged, including the requirement that the Low Pressure Coolant Injection valve is closed before the containment spray valves can be opened. There are no new failure modes created by the proposed changes and no new accident initiating events are created. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any previously evaluated.

3. Will not involve a significant reduction in a margin of safety.

The proposed changes do not change the operation of the RHR system in any of its modes of operation. The changes only clarify the fact that the purpose of the SRs is to confirm RHR pump performance through the most restrictive conditions of the flow path while operating in either the SPC or SPS modes. The changed surveillances still verify that pump performance has not degraded to a point where the original design basis can not be met. In order to assure the system meets its original design basis, adequate flow through the heat exchanger during surveillance testing will be maintained. Since the function of all of the operational modes of the RHR system are unaffected by the revised surveillance test flow path, the proposed changes will maintain the existing margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would

result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the Federal Register a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 11, 1996, 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 Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070. 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 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.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John F. Stolz, Director, Project Directorate I–2: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to M. J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, NW, Washington, DC 20005–3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding 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).

For further details with respect to this action, see the application for amendment dated February 5, 1996, which is available for public inspection 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 Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070.

Dated at Rockville, Maryland, this 6th day of February 1996.

For the Nuclear Regulatory Commission.

David H. Jaffe,

Senior Project Manager, Project Directorate I–2, Division of Reactor Projects—I/II, Office of the Nuclear Reactor Regulation.

[FR Doc. 96–2839 Filed 2–8–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. STN 50–529]

Arizona Public Service Company; Palo Verde Nuclear Generating Station, Unit No. 2, Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from Facility Operating License No. NPF–51, issued to Arizona Public Service Company (the licensee), for operation of the Palo Verde Nuclear Generating Station, Unit No. 2, located in Maricopa County, Arizona.

Environmental Assessment

Identification of the Proposed Action

The exemption from 10 CFR 50.46; 10 CFR Part 50, Appendix K; and 10 CFR 50.44 would allow the substitution of up to a total of 80 fuel rods clad with advanced zironium-based alloys in two fuel assemblies for in-reactor performance evaluation purposes during Cycles 7, 8, and 9 for PVNGS Unit 2.

The proposed action is in accordance with the licensee's application for exemption dated December 20, 1995.

The Need for the Proposed Action

The proposed action would permit the use of fuel rods clad with Zirconium-based alloys other than Zircaloy-4 in PVNGS Unit 2 for Cycles 7, 8, and 9.

Environmental Impacts of the Proposed Action

The temporary exemption will not significantly change the environmental impact of operating the facility. The analysis generated by ABB–Combustion Engineering, Inc. (ABB–CE), demonstrates that the predicted chemical, mechanical, and material performance of the advanced zirconium-based cladding is within that approved for zircaloy under anticipated operational occurrences and postulated accidents. Thus, the normal fuel performance characteristics of the advanced zirconium-based clad fuel rods will be essentially the same as those observed for standard Zircaloy-4 fuel rods. Furthermore, the lead fuel assemblies will be placed in nonlimiting core locations which do not experience core power density throughout the irradiated periods. The current design bases requirements were applied to the proposed advanced zirconium-based cladding. Because the expected operating conditions (both normal and LOCA) are within those assumed for the fuel rods currently licensed for Palo Verde Unit 2, it is concluded that the licensing basis will not be compromised by incorporating a limited number (40) of advanced zirconium-based clad fuel rods and the environmental impacts of operation under the proposed action will be similar to those currently experienced at the facility.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the ''Final Environmental Statement Related to the Operation of the Palo Verde Nuclear Generating Station, Units 1, 2, and 3,'' dated February 1982.

Agencies and Persons Consulted

In accordance with its stated policy, on February 1, 1996, the staff consulted with the Arizona State official, Mr. William Wright of the Arizona Radiation Regulatory Agency, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated December 20, 1995, which is available for public inspection 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 Phoenix Public Library, 1221 N. Central Avenue, Phoenix, Arizona 85004.

Dated at Rockville, Maryland, this 31st day of January 1996.

For the Nuclear Regulatory Commission.

Charles R. Thomas,

Project Manager, Project Directorate IV–2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–2834 Filed 2–8–96; 8:45 am]

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[Docket Nos. 50–445 and 50–446]

Texas Utilities Electric Company; Comanche Peak Steam Electric Station, Units 1 and 2; Notice of Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations for Facility Operating License Nos. NPF–87 and NPF–89, issued to Texas Utilities Electric Company (TU Electric, the licensee), for the Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, located in Somervell County, Texas.