exemption from Sections IV.F.2.b and c of Appendix E regarding the conduct of a full-participation exercise originally scheduled for November 15, 1999. This one-time change in the exercise schedule would increase the interval in this one instance between full-participation exercises from the current 2 years to 3 years.

The Commission, pursuant to 10 CFR 50.12(a)(1), may grant exemptions from the requirements of 10 CFR part 50 that are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security. The Commission, however, pursuant to 10 CFR 50.12(a)(2), will not consider granting an exemption unless special circumstances are present. Under 10 CFR 50.12(a)(2)(v), special circumstances are present whenever the exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

III

The licensee requests a one-time change in the schedule for the next full-participation exercise for the SSES facilities. Subsequent full-participation exercises for the facilities would be scheduled at no greater than two year intervals in accordance with 10 CFR part 50 Appendix E, Section IV.F.2.c. Accordingly, the exemption would provide only temporary relief from that regulation.

As indicated in the licensee's request for an exemption of January 29, 1999, the licensee had originally scheduled a full-participation exercise for the week of November 15, 1999. As further set forth in that letter, however, FEMA indicated that schedule conflicts precluded their participation in such an exercise in November 1999, and requested that the exercise be rescheduled. In a letter dated March 11, 1999, FEMA documented its position and noted that the affected Pennsylvania jurisdictions do not object to changing the date of the exercise. In addition, the NRC concurred with FEMA's request, and asked that the exercise be scheduled in the year 2000 to relieve resource demands. Accordingly, the licensee made a good faith effort to comply with the schedule requirements of Appendix E for full-participation exercises.

The staff completed its evaluation of the licensee's request for an exemption and the licensee's proposed compensatory measures that it would take to maintain the level of emergency preparedness over the third year. These compensatory measures include training for on-site emergency response organization personnel; on-site health physics drills; off-site emergency response training and plan preparation and drills involving county and municipal volunteers (with critique from trained licensee employees); and routine testing of emergency sirens and notification systems. The staff considered that these measures are adequate to maintain the level of emergency preparedness over the third year. The staff, having considered the schedule and resource issues within FEMA Region III and Region I of the Commission and the proposed licensee compensatory measures, believes that the request should be granted.

IV

The Commission has determined that, pursuant to 10 CFR part 50, appendix E, this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Further, the Commission has determined, pursuant to 10 CFR 50.12(a), that special circumstances of 10 CFR 50.12(a)(v) are applicable in that the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation. Therefore, the Commission hereby grants the exemption from Section IV.F.2.b and c of Appendix E to 10 CFR part 50.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (64 FR 33326).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 24th day of September 1999.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

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

[FR Doc. 99–25467 Filed 9–29–99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–341]

Detroit Edison Company, Fermi 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–43, issued to the Detroit Edison Company (the licensee) for operation of Fermi 2, located in Monroe County, Michigan.

Environmental Assessment

Identification of the Proposed Action

The proposed amendment would replace the current Technical Specifications (CTS) in their entirety with Improved Technical Specifications (ITS) based on the guidance provided in NUREG–1433, Revision 1, ''Standard Technical Specifications, General Electric Plants BWR/4,'' dated April 1995. The proposed action is in accordance with the licensee's application for amendment dated April 3, 1998, as supplemented by letters dated September 28, October 19, and December 10, 1998, and January 8, January 26, February 24, March 30, April 8, April 30, May 7, June 2, June 24, June 30, July 7, July 13, July 26, August 4, August 17, August 25, and September 8, 1999.

The Need for the Proposed Action

It has been recognized that nuclear safety in all plants would benefit from improvement and standardization of Technical Specifications (TSs). The ''NRC Interim Policy Statement on Technical Specification Improvements for Nuclear Power Reactors'' (52 FR 3788) contained proposed criteria for defining the scope of TSs. Later, the ''NRC Final Policy Statement on TS Improvement for Nuclear Power Reactors'' (58 FR 39132) incorporated lessons learned since publication of the interim policy statement and formed the basis for a revision to 10 CFR 50.36. The ''Final Rule'' (60 FR 36953) codified criteria for determining the content of TSs. To facilitate the development of standard TSs, each reactor vendor owners group and the NRC staff developed standard TSs (STS). The NRC Committee to Review Generic Requirements reviewed the STS, made note of their safety merits, and indicated its support of conversion by operating plants to the STS. For Fermi 2, the STS are NUREG–1433, Revision 1, ''Standard Technical Specifications, General Electric Plants BWR/4,'' dated April 1995. This document formed the basis for the Fermi 2 ITS conversion.

Description of the Proposed Change

The proposed revision of the CTS is based on NUREG–1433, and on guidance provided in the Final Policy Statement. Its objective is to completely rewrite, reformat, and streamline the CTS. Emphasis is placed on human factors principles to improve clarity and

understanding. The Bases section has been significantly expanded to clarify and better explain the purpose and foundation of each specification. In addition to NUREG–1433, portions of the CTS were also used as the basis for the development of the Fermi 2 ITS. Plant-specific issues (unique design features, requirements, and operating practices) were discussed at length with the licensee.

The proposed changes from the CTS can be grouped into four general categories. These groupings are characterized as administrative changes, technical changes-relocations, technical changes-more restrictive, and technical changes-less restrictive. They are described as follows:

1. Administrative changes are those that involve restructuring, renumbering, rewording, interpretation, and rearranging of requirements and other changes not affecting technical content or substantially revising an operational requirement. The reformatting, renumbering, and rewording processes reflect the attributes of NUREG–1433 and do not involve technical changes to the CTS. The proposed changes include (a) providing the appropriate numbers, etc., for NUREG–1433 bracketed information (information that must be supplied on a plant-specific basis, and which may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG–1433 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not affect initiators of analyzed events or assumed mitigation of accident or transient events.

2. Technical changes—relocations are those changes involving relocation of requirements and surveillances from the CTS to licensee-controlled documents. The relocated requirements do not satisfy or fall within any of the four criteria specified in the Commission's Final Policy Statement and 10 CFR 50.36(c)(2)(ii)(A)–(D), and may be relocated to appropriate licensee-controlled documents.

The licensee's application of the screening criteria is described in Volume 1 of its April 3, 1998, application, ''Fermi 2 Improved Technical Specifications Submittal, Cover Letter and Split Report.'' The affected structures, systems, components, or variables are not assumed to be initiators of events analyzed in the Updated Final Safety Analysis Report (UFSAR) and are not assumed to mitigate accident or transient events analyzed in the UFSAR. The requirements and surveillances for these affected structures, systems, components, or variables will be relocated from the CTS to administratively controlled documents such as the UFSAR, the Bases, or other licensee-controlled documents. Changes made to these documents will be made pursuant to 10 CFR 50.59 or other appropriate control mechanisms.

3. Technical Changes—more restrictive are those changes that involve more stringent requirements for operation of the facility or eliminate existing flexibility. These more stringent requirements do not result in operation that will alter assumptions relative to mitigation of an accident or transient event. In general, these more restrictive technical changes have been made to achieve consistency, correct discrepancies, and remove ambiguities from the specifications.

4. Technical changes—less restrictive are changes where current requirements are relaxed or eliminated, or new flexibility is provided. The more significant ''less restrictive'' requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the ITS may be appropriate. In most cases, relaxations granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of comments from the owners groups on the ITS. Generic relaxations contained in NUREG–1433 were reviewed by the NRC staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. Each less restrictive change in the Fermi 2 conversion was justified by the licensee in a Discussion of Change and reviewed by the NRC staff.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to the CTS. Changes which are administrative in nature have been found to have no effect on the technical content of the TSs and are acceptable. The increased clarity and understanding these changes bring to the TSs are expected to improve the operators' control of the plant in normal and accident conditions. Relocation of requirements to other licensee-controlled documents does not change the requirements themselves nor does 10 CFR 50.36(c)(2)(ii) mandate that the TSs include these requirements. Further changes to these requirements may be made by the licensee under 10 CFR 50.59 or other NRC-approved control mechanisms that ensure continued maintenance of adequate requirements. All such relocations have been found to be in conformance with the guidelines of NUREG–1433 and the Final Policy Statement, and are, therefore, acceptable.

Changes involving more restrictive requirements have been found to enhance plant safety and to be acceptable.

Changes involving less restrictive requirements have been reviewed individually. When requirements have been shown to provide little or no safety benefit or to place unnecessary burden on the licensee, their removal from the TSs was justified. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of a generic action, or of agreements reached during discussions with the Owners Groups and found to be acceptable for Fermi 2. Generic relaxations contained in NUREG–1433 have also been reviewed by the NRC staff and have been found to be acceptable.

In summary, the proposed revisions to the CTS were found to provide control of plant operations such that reasonable assurance will be provided that the health and safety of the public will be adequately protected.

These TS changes 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 occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed TS amendment.

With regard to potential nonradiological impacts, the proposed amendment involves features located entirely within the restricted area as defined in 10 CFR Part 20 and does not involve any historical sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed TS amendment.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). 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 for the Fermi 2.

Agencies and Persons Consulted

In accordance with its stated policy, on September 2, 1999, the Commission consulted with the State official, Mr. Michael McCarty of the Michigan Department of Environmental Quality, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of 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 application dated April 3, 1998, as supplemented by letters dated September 28, October 19, and December 10, 1998, and January 8, January 26, February 24, March 30, April 8, April 30, May 7, June 2, June 24, June 30, July 7, July 13, July 26, August 4, August 17, August 25, and September 8, 1999, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, D.C. 20555, and at the local public document room located at the Monroe County Library System, Ellis Reference and Information Center, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 24th day of September 1999.

For the Nuclear Regulatory Commission.

Andrew J. Kugler,

Project Manager, Section 1, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–413 and 50–414]

Duke Energy Corporation; Catawba Nuclear Station, Units 1 and 2 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption to 10 CFR Section 54.17(c), for Facility Operating Licenses No. NPF–35 and NPF–52, issued to Duke Energy Corporation (the licensee) for operation of Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina.

Environmental Assessment

Identification of Proposed Action

The proposed action would exempt the licensee from certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 54.17(c), which specifies that a licensee may not apply for a renewed operating license earlier than 20 years before the expiration of the operating license currently in effect. Catawba Nuclear Station, Units 1 and 2, will not have met this schedular requirement by June 13, 2001 (the earliest date the licensee may apply concurrently for renewed licenses for the Catawba and McGuire units, see below). The proposed action is in response to the licensee's application dated June 22, 1999.

The Need for the Proposed Action

The licensee requested an exemption from the requirements of 10 CFR 54.17(c), which requires that an application for a renewed license may not be submitted to the U.S. Nuclear Regulatory Commission (NRC) earlier than 20 years before the expiration of the operating license currently in effect. The current operating license for McGuire, Unit 1, expires on June 12, 2021, and for McGuire, Unit 2, on March 3, 2023. The current operating license for Catawba, Unit 1, expires on December 6, 2024, and for Catawba, Unit 2, on February 24, 2026. If the licensee submits the renewal applications on the earliest possible date, June 13, 2001, when McGuire, Unit 1, meets the 20-year limit contained in Section 54.17(c), McGuire, Unit 2, will have approximately 18.3 years of operating experience and Catawba, Units 1 and 2, approximately 16.5 years and 15.3 years operating experience, respectively.

In its request, the licensee stated that business considerations dictate preparation and submission of concurrent license renewal applications for McGuire and Catawba. Further, the licensee stated that submission of such renewal applications in 2001, as opposed to some time thereafter, is necessary to obtain the full amount of the potential cost savings. To support preparation of the July 1998 Oconee Nuclear Station renewal applications, the licensee assembled a team of individuals with relevant experience in necessary disciplines to prepare the applications and to remain dedicated to the renewal effort throughout the period of NRC staff review. According to the licensee, granting the exemption request would allow it to use this same team of qualified and experienced professionals to prepare its McGuire and Catawba renewal applications. Thus, the licensee states that it can avoid redeployment costs that would arise if it were unable to proceed promptly with preparation of additional renewal applications.

The licensee's submittal of June 22, 1999, addressed both sites and all four units, but specifically sought schedular exemptions for Catawba, Units 1 and 2 and McGuire Unit 2. This Environmental Assessment only addresses the licensee's request for schedular exemption for Catawba, Units 1 and 2.

Environmental Impacts of the Proposed Action

The staff has completed its evaluation of the environmental impacts of the proposed exemption. The exemption, if granted, will permit the licensee to apply for renewal of the existing operating licenses sooner than would be allowed under the schedule specified by 10 CFR 54.17(c). Should the licensee apply to renew the licenses for the Catawba units, the environmental impacts of operating them under the renewed licenses would then be evaluated by the licensee and the staff. In short, granting of the exemption will not necessitate, or lead to, changes to the as-built plant design or existing procedures at the two Catawba units.

The staff evaluated potential radiological environmental impacts associated with granting the requested exemption. Since no plant design change or procedure change will be made, no new accident causal mechanisms would be introduced. For the same reason, the proposed exemption will not increase the probability or consequences of accidents previously evaluated by the staff (Catawba Safety Evaluation Report, NUREG–0954 dated February 1983 and supplements), will not change the types of effluents that may be released offsite,