

them by the Enforcement Conference. The day prior to that Conference, the Licensee submitted a lengthy letter addressing the violations and the status of corrective actions. The information in this letter was not completely accurate and at the Conference several corrections were requested. These corrections were later submitted by the Licensee. In addition, the NRC staff had questioned the RSO's ability to meet his responsibilities for the numerous facilities and Licensee management had indicated that it intended to request a separate license for a New Jersey facility in order to relieve the RSO of some responsibilities, but it had not yet done so. In addition, the Licensee did not consider the need to apply similar corrective actions at the other facilities covered by the license.

Although the Licensee had recognized that it had weaknesses in its program and had engaged a consultant to assist the RSO, and these actions led to eventual good comprehensive corrective action, they were not sufficiently prompt and comprehensive as of the time of the Enforcement Conference to provide a basis for mitigating the civil penalty.

### 3. NRC Conclusion

The NRC has concluded that the violations occurred as stated and an adequate basis for mitigation of the civil penalty was not provided by the licensee. Consequently, the proposed civil penalty in the amount of \$2,500 should be imposed.

[FR Doc. 95-29539 Filed 12-4-95; 8:45 am]

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### [Docket Nos. 50-413 and 50-414]

#### **Duke Power Company, et al., Catawba Nuclear Station, Units 1 and 2; Correction to Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission published a Notice of Consideration of Issuance of Amendments in the Federal Register (60 FR 58109 dated November 24, 1995), to Duke Power Company, et al., for the Catawba Nuclear Station, Units 1 and 2. Correction is being made on page 58110, third column, last paragraph, first sentence; the 30-day notice period ending date should read "By December 26, 1995, \* \* \*" instead of "By December 18, 1995, \* \* \*"

Dated at Rockville, Maryland, this 28th day of November 1995.

For the Nuclear Regulatory Commission,  
Robert E. Martin,  
*Senior Project Manager, Project Directorate II-2, Division of Reactor Projects—III, Office of Nuclear Reactor Regulation.*

[FR Doc. 95-29536 Filed 12-4-95; 8:45 am]

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### [Docket Nos. 50-277 and 50-278]

#### **Peco Energy Company; Notice of Consideration of Issuance of Amendments 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 Nos. DPR-44 and DPR-56 issued to the PECO Energy Company (the licensee) for operation of the Peach Bottom Atomic Power Station, Units 2 and 3, located in York County, Pennsylvania.

The proposed amendments would revise surveillance requirements for the high pressure coolant injection and reactor core isolation cooling systems and would make an administrative change to Section 5.5.7 of the technical specifications to eliminate reference to a section which was previously eliminated.

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

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) The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated because the changes will not alter assumptions relative to initiation and mitigation of analyzed events. These changes will not alter the operation of process variables, or SSC [system, structure or component] as described in the safety analysis. These changes do not involve any physical changes to plant SSC or the manner in which these SSC are operated, maintained, modified or inspected. Routine testing is not assumed to be an initiator of any analyzed event. The proposed changes will not alter the operation of equipment assumed to be available for the mitigation of accidents or transients by the plant safety analysis or licensing basis. These changes have been

confirmed to ensure no previously evaluated accident has been adversely affected. The proposed lower test pressure for the HPCI [high pressure coolant injection] and RCIC [reactor core isolation cooling] system flow testing is consistent with the minimum EHC [electro-hydraulic control] pressure setpoint at which reactor power can be increased without the need to adjust the EHC pressure setpoint during operation in MODE 1. Increasing the lower test pressure from 920 psig to 940 psig does not impact when the performance of the test is required. The proposed upper test pressure for the HPCI and RCIC system flow testing is consistent with the Reactor Steam Dome Pressure Limit in Specification 3.4.10. Additionally, the HPCI and RCIC systems are both designed to provide adequate core cooling at reactor pressures from 150 psig to 1150 psig. SR [surveillance requirement] 3.5.1.8 and SR 3.5.3.3 still will require verifying HPCI and RCIC pumps can develop the required flow rates against system head corresponding to reactor pressure. Therefore, the proposed changes provide adequate assurance that the HPCI and RCIC systems will be maintained operable. In addition, these proposed changes eliminate the need to adjust reactor pressure from normally stable plant conditions to perform the test. As such, the probability of plant transients is expected to be reduced. Therefore, the proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed changes do not alter the plant configuration (no new or different type of equipment will be installed or removed) and will not alter the method used by any system to perform its design function. The proposed changes do not allow plant operation in any mode that is not already evaluated in the SAR [safety analysis report]. Therefore, these changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed changes do not involve a significant reduction in a margin of safety. The proposed change to the VFTP [ventilation filter test program] in Section 5.5.7 is administrative in nature and does not involve any technical changes. This proposed change will not reduce a margin of safety because it has no impact on any safety analysis assumptions. Because this change is administrative in nature, no question of safety is involved. The proposed changes also revise the upper and lower test pressure for the HPCI and RCIC system high pressure flow tests. These changes do not impact safety analysis assumptions or the ability of the HPCI and RCIC systems to perform their design functions. The HPCI and RCIC systems are designed to provide adequate core cooling at reactor pressures from 150 psig to 1150 psig. SR 3.5.1.8 and SR 3.5.3.3 still will require verifying HPCI and RCIC pumps can develop the required flow rates against system head corresponding to reactor pressure. The proposed lower test pressure for the HPCI and RCIC system flow testing is

consistent with the minimum EHC pressure setpoint that provides adequate steam flow at which reactor power can be increased without the need to adjust the EHC pressure setpoint during operation in MODE 1. Increasing the lower test pressure from 920 psig to 940 psig does not impact when the performance of the test is required. The proposed upper test pressure for the HPCI and RCIC system flow testing is consistent with the initial condition for the reactor vessel overpressure protection analysis. In addition, the proposed changes provide the benefit of eliminating the need to adjust reactor pressure from normally stable plant conditions to perform the test, thereby reducing the potential for a plant transient. Therefore, these changes will not involve a significant reduction in a 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 30 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 30-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 30-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 and provide for opportunity for a hearing after 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 20555.

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

By January 3, 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 Government Publications Section, State Library of Pennsylvania, (Regional Depository) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105. 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 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 a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. 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 J.W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, PECO Energy Company, 2301 Market Street, Philadelphia, Pennsylvania 19101, 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 November 21, 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 Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Dated at Rockville, Maryland, this 29th day of November 1995.

For the Nuclear Regulatory Commission,  
Joseph W. Shea,  
*Project Manager, Project Directorate I-2,  
Division of Reactor Projects-I/II, Office of  
Nuclear Reactor Regulation.*

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**[Docket Nos. 50-266 and 50-301]**

**Wisconsin Electric Power Company;  
(Point Beach Nuclear Plant, Units 1  
and 2); Exemption**

**I**

Wisconsin Electric Power Company (WEPCo, the licensee) is the holder of Facility Operating License Nos. DPR-24 and DPR-27 which authorize operation of the Point Beach Nuclear Plant (PBNP), Unit Nos. 1 and 2. The units are pressurized water reactors (PWR) located in Manitowoc County, Wisconsin. The licenses provide, among other things, that the facilities are subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

**II**

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect Emergency Plans that meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.2.b of Appendix E requires that each licensee annually exercise its Emergency Plan.

The NRC may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12, are (1) authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) present special circumstances. Special circumstances exist when the application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule [10 CFR 50.12(a)(2)(ii)]. The underlying purpose of 10 CFR Part 50, Appendix E Section IV.F.2.b is to demonstrate that the state of emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

**III**

By letters dated October 6, 1995 and November 3, 1995, the licensee requested a one-time exemption from the requirements of 10 CFR 50.47 and Appendix E to conduct an annual exercise of the Point Beach Emergency Plan in 1995. The Point Beach utility-only annual emergency exercise is currently scheduled for December 13, 1995. The licensee requested an exemption from the annual exercise requirement for 1995 based on: (1) their continued excellent performance in the

area of emergency preparedness, (2) their conduct, earlier in the year, of a comprehensive drill involving major elements of the emergency plan, and (3) the potential for the 1995 exercise to have a negative impact on dry cask fuel storage activities.

The Point Beach Nuclear Plant, in conjunction with the State of Wisconsin, and Manitowoc and Kewaunee counties, conducted a full participation emergency preparedness exercise on December 6, 1994. Offsite emergency response activities were evaluated by the Federal Emergency Management Agency (FEMA) and the onsite emergency response activities were evaluated by the NRC. The NRC's evaluation is documented in NRC Inspection Report Nos. 50-266/94023 and 50-301/94023, dated December 16, 1994. The report states that no violations or deviations were identified and overall performance during the exercise was good. The licensee has implemented actions to correct the one exercise weakness, concerning offsite monitoring team vehicle readiness, identified during the December 6, 1994, exercise. The licensee has received an "excellent" rating on the last two Systematic Assessment of Licensee Performance reports in the area of emergency preparedness (Inspection Report Nos: 266/93001; 301/93001, dated July 16, 1993, and 266/94001; 301/94001 dated October 21, 1994).

The licensee performed an emergency drill on August 29, 1995, involving major elements of the Point Beach Emergency Plan. All emergency response facilities were activated for the drill and communications were made to the State. The licensee performed a thorough critique of the drill to identify strengths, deficiencies, weaknesses, and areas for improvement. No deficiencies, three weaknesses, and several areas for improvement were identified during the drill. The licensee has a program for correcting the weaknesses and for implementing actions to address the areas for improvement. The licensee plans to correct weaknesses identified during the drill prior to the 1996 full-participation exercise.

Appendix E to Part 50 requires that licensees shall enable any State or local government located within the plume exposure pathway emergency planning zone (EPZ) to participate in annual exercises when requested by such State or local government. The licensee has discussed the request for exemption from the 1995 annual emergency preparedness exercise with the State and local governments within the EPZ. The State and local governments within the EPZ have informed the licensee that