

For the Nuclear Regulatory Commission.

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**NUCLEAR REGULATORY COMMISSION**

**Northeast Utilities; Notice of Document Availability and Public Meeting**

On May 2, 1997, the U.S. Nuclear Regulatory Commission (NRC) received from Little Harbor Consultants, Inc. (LHC), the Independent, Third-Party Oversight Program (ITPOP) organization, its oversight plan for monitoring Northeast Nuclear Energy Company's (NNECO's) implementation of its employee safety concerns program. The oversight plan is in response to an NRC Order. On October 24, 1996, the Director of the Office of Nuclear Reactor Regulation sent an Order to NNECO requiring (1) A comprehensive plan for resolving the Millstone station employees' safety concerns and (2) an independent, third-party oversight of NNECO's implementation of this plan. Copies of LHC's oversight plan is available at the Waterford Public Library, ATTN: Mr. Vincent Juliano, 49 Rope Ferry Road, Waterford, Connecticut, and the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut.

The NRC will hold a public meeting regarding the oversight plan. The meeting will be held in the near future at the Waterford Town Hall in Waterford, Connecticut. The meeting will be open to public attendance and will be transcribed. The NRC has elected to hold such a public meeting because of the public's interest.

The structure of the public meeting shall be as follows:

- NRC opening remarks
- Members of the public comments and questions
- NRC closing remarks
- Meeting concludes

The purpose of this public meeting is to obtain comments from members of the public for NRC staff use in evaluating LHC's oversight plan. The staff will not offer any preliminary views on its evaluation of the oversight plan. The public meeting will be chaired by a senior NRC official who will limit presentations to the above subject.

A meeting notice will be issued stating the date and time of the meeting.

Dated at Rockville, Maryland, this 9th day of May 1997.

For the Nuclear Regulatory Commission.

**Steven A. Reynolds,**

*Chief, Special Projects Office—Licensing, Office of Nuclear Reactor Regulation.*

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**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50-387 and 50-388]

**Pennsylvania Power & Light Company, Susquehanna Steam Electric Station, Units 1 and 2; Exemption**

**I**

The Pennsylvania Power & Light Company (PP&L, the licensee) is the holder of Facility Operating License Nos. NPF-14 and NPF-22, which authorize operation of the Susquehanna Steam Electric Station (SSES), Units 1 and 2. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

These facilities consist of two boiling water reactors located at the licensee's site in Luzerne County, Pennsylvania.

**II**

Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR) 10 CFR 50.71, "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "Subsequent revisions [to the Final Safety Analysis Report (FSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months." The two SSES units share a common FSAR; therefore, this rule requires the licensee to update the same document within 6 months after a refueling outage for either unit.

**III**

It is stated in 10 CFR 50.12(a), "Specific exemptions," that, "The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which 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. (2) The Commission will not consider granting an exemption unless special circumstances are present." In 10 CFR 50.12(a)(2)(ii), it is

further stated that special circumstances are present when "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."

**IV**

It is required in 10 CFR 50.71(e)(4) that all licensees update their FSARs at least every refueling outage and no less frequently than every 2 years. When two units share a common FSAR, the rule has the effect of making the licensee update the FSAR roughly every 12 to 18 months; this is contrary to the intent of the rule. The authors of the rule recognized the effect of the rule's language on multiple facilities sharing a common FSAR in responding to comments on the rulemaking by stating that licensees will have maximum flexibility for scheduling updates to their FSARs on a case-by-case basis; however, the final rule does not address multiple facilities (57 FR 39353, August 31, 1992).

The requested exemption would require periodic updates once per refueling cycle, based on SSES Unit 2 refueling outage schedule, but not to exceed 24 months from the last submittal. The requirement that an update be submitted within 6 months of an outage of each unit is not retained. Allowing the exemption would maintain the SSES FSAR current within 24 months of the last revision and would not exceed a 24-month interval for submission of the 10 CFR 50.59 design change report for either unit.

**V**

The licensee's special circumstance is that, as stated in 10 CFR 50.12(a)(2)(ii), "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," when it applies to the frequency of updating the FSAR for dual units. When two units share a common FSAR, the rule stated in 10 CFR 50.71(e)(4), which requires that all licensees update their FSAR at least every refueling outage and no less frequently than every 2 years, has the effect of making the licensee update the FSAR approximately every 12 to 18 months. This is contrary to the intent of the rule.

The licensee's proposed schedule for FSAR updates will ensure that the SSES FSAR will be maintained current within 24 months of the last revision and, the interval for submission of the 10 CFR 50.59 design change report will not exceed 24 months. The Commission has