do not constitute an unreasonable risk to the public health and safety.''

By letter dated July 30, 1999, the licensee requested an exemption from certain requirements of 10 CFR 73.55. These requirements are: (1) 10 CFR 73.55(a)—the requirement that a licensed senior operator suspend safeguards measures and assigning that authority to a certified fuel handler; (2) 10 CFR 73.55(c)(6)—the requirement that the reactor control room be bullet resisting; (3) 10 CFR 73.55(e)(1)—the requirements to have a secondary alarm station, that the central alarm station be located in the protected area, that the central alarm station be classified as a vital area, and that the onsite secondary power supply system for alarm annunciator equipment and non-portable communication equipment be located in a vital area; (4) 10 CFR 73.55(f)(4)—the requirement that non-portable communication equipment located in the central alarm station remain operable from independent power sources if normal power is lost; and (5) 10 CFR 73.55(h)(3)—the requirement to have five or more guards per shift immediately available to fulfill response requirements. The proposed exemption is a preliminary step toward enabling ComEd to revise the Zion Security Plan under 10 CFR 50.54(p) to implement a defueled security plan that was developed to protect against radiological sabotage at a permanently shutdown reactor facility with all fuel stored in the spent fuel storage pool.

III

Pursuant to 10 CFR 73.5, ''Specific exemptions,'' the Commission may, upon application of any interested person or upon its own initiative, grant such exemptions in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest. Section 73.55 allows the Commission to authorize a licensee to provide alternative measures for protection against radiological sabotage, provided the licensee demonstrates that the proposed measures meet the general performance requirements of the regulation and that the overall level of system performance provides protection against radiological sabotage equivalent to that provided by the regulation.

The underlying purpose of 10 CFR 73.55 is to provide reasonable assurance that adequate security measures can be taken in the event of an act of radiological sabotage. Because of its permanently shutdown and defueled condition, the number of target sets susceptible to sabotage attacks has been reduced. In addition, with more than 31 months of radiological and heat decay since ZNPS was shut down on February 21, 1997, the radiological hazards associated with the remaining target sets, even if subject to sabotage attack, do not pose a significant threat to the public health and safety.

IV

For the foregoing reasons, the Commission has determined that the proposed alternative measures for protection against radiological sabotage meet the same assurance objective and the general performance requirements of 10 CFR 73.55 considering the permanently shutdown conditions at the ZNPS with all of the fuel in the spent fuel pool. In addition, the staff has determined that the overall level of the proposed system's performance, as limited by this exemption, would not result in a reduction in the physical protection capabilities for the protection of special nuclear material or of the Zion Nuclear Power Station. Specifically, an exemption is being granted for five (5) specific areas in which the licensee is authorized to modify the existing security plan commitments commensurate with the security threats associated with a permanently shutdown and defueled site, as follows: (1) 10 CFR 73.55(a)—an exemption from the requirement that a licensed senior operator suspend safeguards measures and assigning that authority to a certified fuel handler; (2) 10 CFR 73.55(c)(6)—an exemption from the requirement that the reactor control room be bullet resisting; (3) 10 CFR 73.55(e)(1)—an exemption from the requirements to have a secondary alarm station, that the central alarm station be located in the protected area, that the central alarm station be classified as a vital area, and that the onsite secondary power supply system for alarm annunciator equipment and non-portable communication equipment be located in a vital area; (4) 10 CFR 73.55(f)(4)—an exemption from the requirement that non-portable communication equipment located in the central alarm station remain operable from independent power sources if normal power is lost; and (5) 10 CFR 73.55(h)(3)—an exemption from the requirement to have five or more guards per shift immediately available to fulfill response requirements.

Accordingly, the Commission has determined that, pursuant to 10 CFR 73.5, 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. Therefore, the Commission hereby grants Commonwealth Edison an exemption as described above from those requirements of 10 CFR 73.55 at the Zion Nuclear Power Station in its permanently shutdown and defueled condition.

Pursuant to 10 CFR 51.32, the Commission has determined that this exemption will not have a significant effect on the quality of the human environment (64 FR 53423).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 18th day of October 1999.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

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

[FR Doc. 99–27683 Filed 10–21–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–255]

Consumers Energy Company, Palisades Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR–20 issued to the Consumers Energy Company (the licensee) for operation of the Palisades Plant, located in Van Buren County, Michigan.

Environmental Assessment

Identification of the Proposed Action

The proposed amendment would replace the current Technical Specifications (CTS) in their entirety with improved TSs (ITS) based on the guidance provided in NUREG–1432, Revision 1, ''Standard Technical Specifications, Combustion Engineering Plants,'' dated April 1995. The proposed action is in accordance with the licensee's application for amendment dated January 26, 1998, as supplemented by letters dated April 30, September 14, October 12, and November 9, 1998, and March 1, March 22, March 30, April 7, May 3, June 4, June 11, June 17, July 19, July 30, September 17, and September 30, 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 Plants'' (52 FR 3788) contained proposed criteria for defining the scope of TS. Later, the Commission's ''Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors'' (58 FR 39132) incorporated lessons learned since publication of the interim policy statement and formed the basis for revisions to 10 CFR 50.36, ''Technical Specifications.'' The ''Final Rule'' (60 FR 36953) codified criteria for determining the content of TSs. Each power 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 Palisades, the STS are NUREG–1432, Revision 1, ''Standard Technical Specifications, Combustion Engineering Plants,'' dated April 1995. This document forms the basis for the Palisades ITS conversion.

Description of the Proposed Change

The proposed changes to the CTS are based on NUREG–1432 and on guidance provided by the Commission in its Final Policy Statement. The objective of the changes is to completely rewrite, reformat, and streamline the CTS. Emphasis is placed on human factors principles to improve clarity and understanding of the TSs. The Bases section of the ITS has been significantly expanded to clarify and better explain the purpose and foundation of each specification. In addition to NUREG–1432, portions of the CTS were also used as the basis for the development of the Palisades ITS. Plant-specific issues (*e.g.*, unique design features, requirements, and operating practices) were discussed 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. These categories 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–1432 and do not involve technical changes to the CTS. The proposed changes include (a) providing the appropriate numbers, *etc.*, for NUREG–1432 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–1432 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 January 26, 1998, application, ''Palisades Plant Request for Conversion to Improved Technical Specifications.'' 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–1432 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 Palisades 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 conversion of the CTS to the ITS for Palisades. Changes which are administrative in nature have been found to have no effect on the technical content of the TS and are acceptable. The increased clarity and understanding these changes bring to the TS 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–1432 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 Palisades. Generic relaxations contained in NUREG–1432 have also been reviewed by the NRC staff and have been found to be acceptable.

In summary, the proposed revisions to the CTS have been 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 Palisades Plant.

Agencies and Persons Consulted

In accordance with its stated policy, on October 4, 1999, the Commission consulted with the State official, Ms. Maryanne Elzerman 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 January 26, 1998, as supplemented by letters dated April 30, September 14, October 12, and November 9, 1998, and March 1, March 22, March 30, April 7, May 3, June 4, June 11, June 17, July 19, July 30, September 17, and September 30, 1999, which are 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 Van Wylen Library, Hope College, Holland, Michigan 49423–3698.

Dated at Rockville, Maryland, this 18th day of October 1999.

For the Nuclear Regulatory Commission.

Robert G. Schaaf,

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

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NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export Nuclear Material

Pursuant to 10 CFR 110.70(b) ''Public notice of receipt of an application'', please take notice that the Nuclear Regulatory Commission has received the following application for an export license. Copies of the application are on file in the Nuclear Regulatory Commission's Public Document Room located at 2120 L Street, NW., Washington, DC.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register.** Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

In its review of the applications for licenses to export deuterium oxide (heavy water) as defined in 10 CFR part 110 and noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the material to be exported. The information concerning the application follows.

NRC EXPORT LICENSE APPLICATION

Name of applicant, Date of application, Date received, Application number	Description of items to be exported	Country of destination
Department of Energy—Savannah River 09/23/99, 10/07/99, XMAT0399	Deuterium oxide (heavy water) 41,000 kilograms for upgrading and return to U.S.	Canada.