

for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/NRC/ADAMS/index/html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by email to pdrc@nrc.gov.

Dated at Rockville, Maryland, this 27th day of September 2001.

For The Nuclear Regulatory Commission.

Timothy G. Colburn,

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

[FR Doc. 01-24868 Filed 10-3-01; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-293]

Entergy Nuclear Generation Co. Pilgrim Nuclear Power Station; Notice of Consideration of Approval of Transfer of Operating Authority Under Facility Operating License, Transfer of Materials License, and Conforming Amendments, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 and other applicable regulations approving the transfer of operating authority under Facility Operating License No. DPR-35, and the transfer of Materials License No. 20-07626-04 for the Pilgrim Nuclear Power Station (Pilgrim) currently held by Entergy Nuclear Generation Company (ENGC), which is the owner of Pilgrim. The transfer of authority to operate Pilgrim and transfer of the materials license would be to Entergy Nuclear Operations, Incorporated (ENO). ENO is an indirect subsidiary of Entergy Corporation. The Commission is further considering amending the licenses for administrative purposes to reflect the proposed transfer.

According to an application for approval filed by ENGC, ENGC's ownership of Pilgrim would be unchanged and ENGC would continue

to be responsible for the costs associated with operating and maintaining Pilgrim. In addition, there would be no changes to existing decommissioning funding assurance arrangements. ENO would become a licensee, authorized to operate the unit and possess certain nuclear materials. No physical changes to the facility or operational changes are being proposed in the application.

The proposed amendments would replace references to ENGC in the licenses as the operator of Pilgrim with references to ENO, and otherwise substitute ENO for ENGC as appropriate in the licenses.

Pursuant to 10 CFR 50.80, no license shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming 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.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By October 24, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice

set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon Douglas E. Levanway, Esq., counsel for ENGC, at Wise, Carter, Child, and Caraway, P.O. Box 651, Jackson, MS 39205 (tel: 601-968-5524; fax: 601-968-5519; e-mail: del@wisecarter.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by November 5, 2001, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated August 24, 2001, available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available

records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/ADAMS/index.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room Reference staff at 1-800-397-4209, 301-415-4737 or by email to pdr@nrc.gov.

Dated at Rockville, Maryland this 27th day of September 2001.

For the Nuclear Regulatory Commission.

Robert D. Starkey,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-254 and 50-265]

Exelon Generation Company, LLC and Midamerican Energy Company, Quad Cities Nuclear Power Station, Units 1 and 2; Revocation of Exemptions

1.0 Background

Exelon Generation Company, LLC (EGC, the licensee), is the holder of Facility Operating License Nos. DPR-29 and DPR-30, which authorize operation of the Quad Cities Nuclear Power Station, Units 1 and 2 (Quad Cities). The licenses provide, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, or the Commission) now or hereafter in effect.

The facility consists of two boiling water reactors located in Rock Island County, Illinois.

2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR), § 50.48, 10 CFR part 50, Appendix A, Criterion 3, and 10 CFR Part 50, Appendix R, establish requirements and design criteria for fire protection at operating nuclear power plants. Exemptions from certain of these regulations had previously been granted for Quad Cities. These exemptions are described as: (1) An exemption which allows fuse pulling to preclude operation of the reactor relief valves; (2) an exemption which allows for a lack of emergency lighting for suppression pool level instrumentation; (3) an exemption which allows a lack of suppression in

the vicinity of electrical equipment; (4) an exemption which allows a lack of 3-hour fire barriers in fire zones 1.1.1.1 (Unit 1) and 1.1.2.1 (Unit 2); (5) an exemption which allows a lack of 3-hour fire barriers between redundant residual heat removal trains in the reactor building and turbine building (Units 1 and 2); (6) an exemption which allows for a lack of 3-hour fire barriers between equivalent fire area 23-1 (8.2.8.D) and the northern and central zone groups; (7) an exemption which allows for a lack of 3-hour fire barriers for certain 4-kV bus duct penetrations; (8) an exemption which allows a lack of 3-hour-rated dampers in certain standby gas treatment and reactor building ventilation ducts; and (9) an exemption which allows a lack of complete detection and suppression throughout the reactor building (Units 1 and 2).

The licensee evaluated the above exemptions using the NRC's guidance and concluded that the exemptions are no longer needed. Therefore, by adopting the letters dated June 2 and August 3, 2000, from the predecessor licensee of the facility, the Commonwealth Edison Company (ComEd), as supplemented by letters dated May 23 and September 18, 2001, the licensee requested revocation of the above exemptions. By letter dated February 7, 2001, EGC assumed responsibility for all pending NRC actions that were requested by ComEd.

3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. On June 23, 1983, July 21, 1988, and February 25, 1991, the NRC granted the above exemptions from the technical requirements of 10 CFR part 50, Appendix R, Section III.G or III.J, related to fire protection of safe shutdown capability or emergency lighting, respectively.

Through analysis or plant modification, the licensee has shown that the above exemptions are no longer required. The staff examined the licensee's rationale to support the exemption revocation requests. The staff concluded that the proposed revocations are acceptable because the licensee had established compliance with 10 CFR part 50, Appendix R, for these items.

The staff has prepared a safety evaluation describing its rationale in granting the requested exemption revocations. The safety evaluation may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, <http://www.nrc.gov> (the Electronic Reading Room).

Therefore, the staff concludes that the subject exemptions from the requirements of the regulations in 10 CFR part 50, Appendix R, are no longer required.

4.0 Conclusion

Accordingly, the Commission has determined that the exemptions granted June 23, 1983, July 21, 1988, and February 25, 1991, related to (1) fuse pulling to preclude operation of the reactor relief valves; (2) a lack of emergency lighting for suppression pool level instrumentation; (3) a lack of suppression in the vicinity of electrical equipment; (4) a lack of 3-hour fire barriers in fire zones 1.1.1.1 (Unit 1) and 1.1.2.1 (Unit 2); (5) a lack of 3-hour fire barriers between redundant residual heat removal trains in the reactor building and turbine building (Units 1 and 2); (6) a lack of 3-hour fire barriers between equivalent fire area 23-1 (8.2.8.D) and the northern and central zone groups; (7) a lack of 3-hour fire barriers for certain 4-kV bus duct penetrations; (8) a lack of 3-hour-rated dampers in certain standby gas treatment and reactor building ventilation ducts; and (9) a lack of complete detection and suppression throughout the reactor building (Units 1 and 2), are hereby revoked.

Pursuant to 10 CFR 51.32, the Commission has determined that the revocation of these exemptions will not have a significant effect on the quality of the human environment (66 FR 49218).

This exemption revocation is effective upon issuance.

Dated at Rockville, Maryland, this 27th day of September 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

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

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