

assumption that all other tests will be conducted in accordance with the requirements of Appendix J.

The Commission's regulations at 10 CFR 50.12 provide that special circumstances must be present in order for an exemption from the regulations to be granted. According to 10 CFR 50.12(a)(2)(ii), special circumstances are present whenever 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. As discussed above, the intent of Appendix J is to assure that containment leakage does not exceed technical specifications limits, and the staff finds that this small interval extension will not significantly affect that assurance. To require a shutdown solely for surveillance testing is not necessary to achieve the underlying purpose of the rule.

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12, that this exemption is authorized by law and will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances as provided in 10 CFR 50.12(a)(2)(ii) are present in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule. Therefore, the Commission hereby grants the exemption from 10 CFR Part 50, Appendix J, Sections III.D.2(a) and III.D.3 to the extent that the Appendix J test interval for performing Type B and Type C tests may be extended by 25 percent until the fall 1996 refueling outage, on a one-time only basis, for Fermi 2, as described in Section III above.

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 (60 FR 61576).

Dated at Rockville, Maryland this 18th day of December 1995.

For the Nuclear Regulatory Commission,
Jack W. Roe,

*Director, Division of Reactor Projects—III/IV,
Office of Nuclear Reactor Regulation.*

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[Docket No. 50-354]

Public Service Electric & Gas Company and Atlantic City Electric Company Hope Creek Generating Station Notice of Consideration of Issuance of Amendment 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 No. NPF-57, issued to Public Service Electric & Gas Company and Atlantic City Electric Company (the licensee), for operation of the Hope Creek Generating Station, located on the east shore of the Delaware River in Lower Alloways Creek Township, Salem County, New Jersey.

The proposed amendment would change Hope Creek Generating Station Technical Specification (TS) 1.4, "Channel Calibration", to define actions required for channel calibration of instrument channels containing resistance temperature detector or thermocouple sensors.

The instrument channels affected by this calibration issue are required to be operable in Operational Conditions 1, 2 and 3. The licensee has determined this issue impacts operability of the affected channels. Hope Creek is currently in Operational Condition 5 and the affected instrument channels are not required to be operable. However, the outage schedule indicates that the licensee will be going to Operational Condition 3 on February 2, 1996. Hope Creek TS 3.0.4 prohibits entry into an operational condition when the Limiting Conditions for Operation are not met. The licensee requires 3 days to implement the change. Therefore, the licensee requested that this amendment request be approved no later than January 31, 1996. Since this schedule does not permit the NRC to publish this notice in the Federal Register with allowance for a 30-day public comment period, the licensee requested that this action be handled as an exigent request.

Before issuance of the proposed 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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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. Will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Since no physical change is being made to the instrumentation channels, or to any system or component that interfaces with the instrumentation channels, there is no change in the probability of any accident analyzed in the UFSAR [Updated Final Safety Analysis Report].

There is no change in the consequences of an accident. The proposed change continues to ensure the surveillance requirements meet the licensing basis. Also, the testing performed will continue to demonstrate the capability of the affected instrumentation channels to respond to changes in the state of the monitored parameters in a manner consistent with assumptions in the accident analysis.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Will not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change does not result in any design or physical configuration changes to the instrumentation channels. Operation incorporating the proposed change will not impair the instrumentation channels from performing as provided in the design basis. By aligning the TS to be consistent with the current calibration practice we will prevent the possibility for unnecessary removal and potential damage of the temperature detectors (for sensor calibration). The instrument channels will continue to function as assumed in the accident analyses. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Will not involve a significant reduction in a margin of safety.

Since the proposed change does not involve the addition or modification of plant equipment, is consistent with the intent of the existing Technical Specifications, is consistent with the current industry practices as outlined in NUREG 1433, "Standard Technical Specifications General Electric Plants, BWR/4" Revision 1 and is consistent with the design basis of the Instrumentation Systems and the accident analysis, no action will occur that will 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 15 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 15-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 15-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. 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.

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

By February 5, 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 Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070. 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 a 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 the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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 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 M.J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005-3502 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 December 28, 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 Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070.

Dated at Rockville, Maryland, this 2nd day of January 1996.

For The Nuclear Regulatory Commission,
David H. Jaffe,

Senior Project Manager, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

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[Docket No. 50-155]

Consumers Power Company Big Rock Point Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of 10 CFR Part 50, Appendix J, Paragraph III.D.1.(a), Type A Tests, to the Consumers Power Company (CPCo or the licensee), for operation of the Big Rock Point Plant (BRP), located in Charlevoix County, Michigan.

Environmental Assessment

Identification of the Proposed Action

The proposed action would allow an exemption from the requirement of 10 CFR Part 50, Appendix J, [Option A], Paragraph III.D.1.(a), for a one-time schedular extension for the Type A test

(containment integrated leak rate test (ILRT)) of approximately 12 months, from the 1996 refueling outage to the 1997 refueling outage.

The proposed action is in accordance with the licensee's application for exemption dated November 8, 1995.

The Need for the Proposed Action

The current ILRT requirements for Big Rock Point as set forth in Appendix J, are that a set of three Type A tests must be performed at approximately equal intervals during each 10-year period service period. Also, the third test of each set shall be conducted when the plant is shut down for the 10-year plant inservice inspections (ISI). The previous Type A test was performed in February 1992. The first of the fourth 10-year period Type A tests is currently scheduled to be performed in January 1996.

The licensee has requested a schedular exemption from the requirement in 10 CFR Part 50, Appendix J, [Option A], Section III.D.1.(a) to perform certain Type A tests at "approximately equal time intervals." Specifically, the proposed exemption would allow CPCo to delay the Type A test until the January 1997 refueling outage. The interval between the Type A tests would increase from 47 months to 59 months.

Environment Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed one-time exemption would not increase the probability or consequences of accidents previously analyzed and the proposed one-time exemption would not affect facility radiation levels or facility radiological effluents. The licensee has analyzed the results of previous Type A tests performed at the Big Rock Point Plant to show adequate containment performance. The licensee will continue to be required to conduct Type B and Type C local leak rate tests which historically have been shown to be the principal means of detecting containment leakage paths with the Type A tests confirming the Type B and C tests results. It is also noted that the licensee would perform a general inspection of accessible interior or exterior surfaces of the containment structures and components although it is only required by Appendix J to be conducted in conjunction with Type A tests. The NRC staff considers that these inspections, though limited in scope, provide an important added level of confidence in the continued integrity of the containment boundary.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed exemption.

With regard to potential nonradiological impacts, the proposed exemption does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. 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 Related to the Operation of Big Rock Point Plant.

Agencies and Persons Consulted

In accordance with its stated policy, on November 20, 1995, the staff consulted with the Michigan State official, Mr. Dennis Hahn of the Nuclear Facilities and Environmental Monitoring Section, Office of the Department of Public Health, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon 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.