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.

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 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. Mark J. Wetterhahn, 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).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated October 16, 1998, as supplemented by letters dated December 30, 1998; May 10, June 15, July 30, August 2, 11, 16, 19, 27, September 10, and 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 Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Dated at Rockville, Maryland, this 14th day of October, 1999.

For the Nuclear Regulatory Commission.

Darl S. Hood, Sr.,

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

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–245, 50–336 and 50–423]

Northeast Nuclear Energy Company, et al. (Millstone Nuclear Power Station, Unit Nos. 1, 2, and 3); Exemption

I

Northeast Nuclear Energy Company, *et al.* (NNECO or the licensee) is the holder of Facility Operating License Nos. DPR–21, NPF–65, and NPF–49, which authorize operation of the Millstone Nuclear Power Station, Units 1, 2, and 3 (Millstone or the facilities). The facilities consist of two pressurized-water reactors (Units 2 and 3) licensed for operation and one boiling-water reactor (Unit 1) that is being decommissioned, located at the licensee's site in New London County, Connecticut. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC or the Commission) now or hereafter in effect.

II

Section IV.F.2.c of Appendix E to 10 CFR part 50 requires each licensee at each site to conduct an exercise of offsite emergency plans biennially with full participation by each offsite authority having a role under the plan. During such biennial full-participation exercises, the NRC evaluates onsite and the Federal Emergency Management Agency (FEMA) evaluates offsite emergency preparedness activities. NNECO successfully conducted a full-participation exercise during the week of August 21, 1997. By letter dated August 3, 1999, the licensee requested an exemption from Sections IV.F.2.c of Appendix E regarding the conduct of a full-participation exercise in September 1999. The licensee will conduct the Federally observed full-participation emergency exercise before the end of March 2000 rather than September 1999. Future full-participation exercises will be scheduled biennially from the year 2000. The NRC has provided flexibility in scheduling these exercises by allowing licensees to schedule full-participation exercises at any time during the biennial calendar year. This provides a 12 to 36 month window to schedule full-participation exercises while still meeting the biennial requirement specified in the regulations. Conducting the Millstone full-participation exercise in calendar year 2000 places the exercise past the previously scheduled biennial calendar year of 1999. This one-time change in the exercise schedule would increase the interval between full-participation exercises in this one instance from the previously scheduled 25 months to 31 months, which is within the time span normally accepted for biennial exercises.

The Commission, pursuant to 10 CFR 50.12(a)(1), may grant exemptions from the requirements of 10 CFR part 50 that are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security. The Commission, however, pursuant to 10 CFR 50.12(a)(2), will not consider granting an exemption unless special circumstances are present. Under 10 CFR 50.12(a)(2)(ii), 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. Under 10 CFR 50.12(a)(2)(v), special circumstances are present whenever the exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

III

The staff has completed its evaluation of NNECO's request for an exemption and proposed compensatory measures that will be taken to maintain the level of emergency preparedness at Millstone between September 1999 and March 2000. Compensatory measures include the conduct of a self-evaluated drill in September 1999 in accordance with 10 CFR part 50, appendix E, section IV.F.2.b of the onsite emergency plan to which offsite agencies in Connecticut and New York have been invited to participate as a training activity for their responders. Further, the licensee plans an additional drill in October 1999 for State and local responders. The underlying purpose for conducting a biennial full-participation exercise is to ensure that emergency organization personnel are familiar with their duties and to test the adequacy of emergency plans. The intent of this requirement will be met by conducting these two scheduled drills, one of which is specifically for offsite response

organizations. These drills are in excess of what the regulation requires and provide a benefit by allowing more opportunities for training of response personnel. The staff considers that these measures are adequate to maintain an acceptable level of emergency preparedness during this period, satisfying the underlying purpose of the rule. Therefore, the special circumstances of 10 CFR 50.12(a)(2)(ii) are satisfied.

Only temporary relief from the regulation is provided by the requested schedular exemption since an exercise will be conducted at a future date. The licensee has made a good faith effort to comply with the regulation. The exemption is being sought by the licensee in voluntary response to a request by the NRC to accommodate an adjustment in exercise scheduling that affects multiple agencies, as discussed during the annual NRC Region I and FEMA (Regions I, II, and III) exercise scheduling meeting held in White Plains, New York, in December 1998. At this meeting, representatives of the States of Connecticut and New York concurred with rescheduling the NRC/FEMA evaluated exercise for the Millstone site. The revised exercise schedule allows for better balance in the use of federal resources. The exercise will be conducted in a time frame that is within generally accepted policy. In FEMA's letter to the NRC dated July 14, 1999, FEMA Region I and FEMA Headquarters concurred with the change in exercise date. Also, NRC Region I, who would be involved in evaluating the onsite activities during these exercises, supported the schedule change due to the need to relieve resource demands. The staff, having considered the schedule and resource issues within FEMA and the NRC, and the proposed licensee compensatory measures, believes that the exemption request meets the special circumstances of 10 CFR 50.12(a)(2)(v) and should be granted.

IV

The Commission has determined that, pursuant to 10 CFR part 50, appendix E, 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. Further, the Commission has determined, pursuant to 10 CFR 50.12(a), that special circumstances of 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(v) are applicable in that application of the regulation is not necessary to achieve the underlying purpose of the rule, and the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation. Therefore, the Commission hereby grants the exemption from Section IV.F.2.c of Appendix E to 10 CFR part 50.

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 (64 FR 50840).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 14th day of October, 1999.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

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

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–272 and 50–311]

Public Service Electric and Gas Company, Salem Nuclear Generating Station, Unit Nos. 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DRP–70 and DRP–75, issued to Public Service Electric and Gas Company (the licensee) for operation of the Salem Nuclear Generating Station, Unit Nos. 1 and 2, located in Salem County, New Jersey.

Environmental Assessment

Identification of the Proposed Action

The proposed action would make administrative and editorial changes to correct errors in the Technical Specifications (TSs) that have either existed since initial issuance or were introduced during subsequent changes. In addition, surveillance requirements would be added that should have been incorporated within the TSs when the applicable amendment to the TSs was approved by the NRC.

The proposed action is in accordance with the licensee's application for amendment dated November 14, 1997, as supplemented by letter dated August 25, 1999.

The Need for the Proposed Action

The proposed action would correct administrative and editorial errors in the TSs. These changes can generally be described as:

a. Revisions to the index to reflect correct page numbers of corresponding sections,

b. Revisions to the section titles used in the TS sections, Bases, and Tables, as well as the correction and addition of subtitles to obtain standardization between both Salem units' TSs,

c. Revision to the TS references that refer to other TS sections and tables to either provide the correct reference or to provide more specificity by reference to actual subsections,

d. Spelling and grammatical corrections such as elimination of duplicate or extraneous words, proper pluralization, more standard abbreviations,

e. Renumbering of TS Tables,

f. Capitalize terms found in TS 1.0 when used in other TS sections,

g. Add units of measure that were missing from acceptance criterion,

h. Other administrative changes.

The proposed action would also revise various surveillance requirements for instrumentation such as including the correct operational mode applicability and adding channel functional tests and channel checks that should have been incorporated when prior amendments were issued.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the administrative and editorial changes correct errors that currently exist in the TSs and add surveillance requirements that should have been included in prior amendments. The proposed action does not modify the facility or affect the manner in which the facility is operated. Further, the addition of missing surveillance requirements would better demonstrate the operability of the affected plant components.

The proposed action 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 occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.