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 for 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 J.W. Durham, Sr., Esquire, Sr. V.P. & General Counsel, PECO Energy Company, 2301 Market Street, S26–1, Philadelphia, PA 19101 (phone 215–841–4250, fax 215–841–4282 or e-mail JDURHAM@PECO-Energy.COM); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001 (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 April 10, 2000, 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 December 20, 1999, as supplemented January 3, and February 14, 2000, filed by PECO, and the supplement dated January 14, 2000, filed by Commonwealth Edison Company, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Website (http://www.nrc.gov).

Dated at Rockville, Maryland, this 3rd day of March 2000.

For the Nuclear Regulatory Commission.

Bartholomew C. Buckley,

Sr. 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. 50–277 and 50–278]

Peco Energy Company; 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 Nos. DPR–44 and DPR–56 issued to PECO Energy Company (the licensee) for operation of the Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, located in York County, Pennsylvania.

The proposed amendment would add a note to the Completion Time of Condition A for Technical Specification (TS) 3.7.2, ''Emergency Service Water (ESW) System and Normal Heat Sink.'' This note would provide a one-time extension to the completion time (allowed outage time) from 7 to 14 days for one ESW subsystem inoperable.

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.

The Commission has made a proposed determination 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. The proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

This change adds a note to the Completion Time of Condition A for Technical Specification 3.7.2 (''Emergency Service Water (ESW) System and Normal Heat Sink''). This note extends the completion time for the Condition of one Emergency Service Water (ESW) subsystem inoperable from 7 to 14 days. This note, which will expire on May 31, 2000, allows the replacement of the ESW pump currently scheduled to occur in May 2000. The ESW system is not an input into the probability of occurrence of any of the accidents previously evaluated in the SAR [Safety Analysis Report]. Since accident initiation is not dependent on the operability of either ESW subsystem, changing the maximum allowable time which an ESW subsystem can be inoperable does not involve a significant increase in the probability of an accident previously evaluated.

The ESW system is used to mitigate the consequences of accidents as discussed in the PBAPS, Units 2 and 3, UFSAR [Updated Final Safety Analysis Report], Section 14.6. With the ''B'' subsystem inoperable, the other subsystem is capable of providing the heat removal function with the ''A'' ESW pump. In addition, the Emergency Cooling Water pump can provide this function. However, removal of the ''B'' ESW pump from service would reduce system redundancy. As a result of the loss of redundancy, the Core Damage Probability (CDP) will increase slightly. A comparison to the risk criteria provided in Regulatory Guide 1.174 (''An Approach For Using Probabilistic Risk Assessment In Risk-Informed Decisions On Plant-Specific Changes To The Current Licensing Basis'') and Regulatory Guide 1.177 (''An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications'') was performed to benchmark the significance of the temporary ESW pump maintenance configuration. This comparison reveals that the change in calculated core damage frequency (CDF) over the 14 day outage time represents a small fraction of the risk considered as the threshold for risk significance. The calculated CDP, the CDF increase multiplied by the fraction of the year this configuration will exist (14 days), is only 7% of the 5E–7 CDP risk significance threshold cited in RG 1.177 for Unit 2, and 3% for Unit 3 for single allowed out-of-service time Technical Specification changes.

These small fractions demonstrate that the risk incurred during the ''B'' ESW pump outage is not risk significant.

The 100% capacity Emergency Cooling Water (ECW) pump will function as an additional barrier along with the remaining ESW subsystem. However, this additional barrier is not required to ensure the CDP remains below the risk significance threshold cited in RG 1.177. The ECW pump is capable of providing the heat removal function that ESW normally provides during the additional seven (7) day period which is being requested for pump maintenance activities.

The ECW pump receives an automatic start signal coincident with the ESW pumps. The ECW pump is seismically qualified and is powered from a safety-related power source. The safety-related power source used to power the ECW pump is different than the safety-related power source used to power the remaining ESW subsystem. The ECW pump is not safety-related. However, during the replacement of the ''B'' ESW pump, appropriate actions will be in place to ensure that no planned activities will effect the operability of the remaining ESW subsystem including all support systems associated with the remaining ESW pump, and the ECW pump.

Based on the above, extending the completion time from 7 days to 14 days, when one ESW subsystem is inoperable, does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The ESW system is not an accident initiator, nor is any new failure mode introduced by an extension of the completion time from 7 days to 14 days, for the Condition of one ESW subsystem inoperable. This change only affects the single failure capability of the ESW system in that only the ''A'' ESW system pump will be operable. During this seven (7) day extension, the ECW pump is planned to be maintained available to serve as a backup to the ''A'' ESW pump. The design basis heat removal capability of this equipment is not being reduced during this seven (7) day period, since one subsystem of ESW (or the ECW pump) is capable of meeting the heat removal requirement in the unlikely possibility of the LOCA [loss-of-coolant accident] coincident with a loss-of-offsite power. Additionally, the method of operation of equipment which utilizes ESW for cooling is not being changed. The length of time that PBAPS, Unit 2 and 3 can operate in Modes 1, 2 and 3 with one ESW subsystem inoperable, does not create a different type accident than any previously evaluated. Changing the length of time with one ESW subsystem inoperable does not create any new failure modes or change any evaluated failure modes. Therefore, the proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed TS changes do not involve a significant reduction in a margin of safety.

This change will not involve a significant reduction in a margin of safety. This change only affects the single failure capability of the ESW system in that only the ''A'' ESW system pump will be operable. The design basis heat removal capability of this equipment is not being reduced during this seven (7) day period, since one subsystem of ESW (or the ECW pump) is capable of meeting the heat removal requirement in the unlikely possibility of the LOCA coincident with a loss-of-offsite power. Additionally, the method of operation of equipment which utilize ESW for cooling is not being changed.

With adequate heat removal capability, the equipment necessary to function following a design basis accident will be able to perform their required mitigating functions. Therefore, this change does not involve a significant reduction in a margin of safety.

As a result of the loss of redundancy, the Core Damage Probability (CDP) does increase slightly. The calculated CDP, the CDF increase multiplied by the fraction of the year this configuration will exist (14 days), is only 7% of the 5E–7 CDP risk significance threshold cited in RG [Regulatory Guide] 1.177 for Unit 2, and 3% for Unit 3. These small fractions demonstrate that the risk incurred during the ''B'' ESW pump outage is not significant.

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 30 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 30-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 30-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 and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, 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 April 10, 2000 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 accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). 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 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 a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. 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 20555–0001, 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 J. W. Durham, Sr., Esquire, Sr. V. P. and General Counsel, PECO Energy Company, 2301 Market Street, Philadelphia, PA 19101, 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 February 29, 2000, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 3rd day of March 2000.

For the Nuclear Regulatory Commission.

Bartholomew C. Buckley,

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

[FR Doc. 00–5747 Filed 3–8–00; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–272 and 50–311]

Public Service Electric and Gas Company Salem Generating Station, Unit Nos. 1 and 2; Notice of Consideration of Approval of Transfer of Facility Operating Licenses 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 approving the transfer of Facility Operating Licenses DPR–70 for Salem Nuclear Generating Station, Unit No. 1, and DPR–75 for Salem Nuclear Generating Station, Unit No. 2, to the extent held by PECO Energy Corporation (PECO). PECO holds a 42.59-percent ownership interest in both Salem units, which are operated by Public Service Electric and Gas Company (PSE&G). The remaining interests in Salem, Unit Nos. 1 and 2, are owned by Delmarva Power & Light Company and Atlanta City Electric Company. The transfer would be to a new generating company, currently referred to as GENCO. GENCO will be a subsidiary of a new holding company, Exelon Corporation, which will be formed as a result of a merger of Unicom Corporation (the parent company of Commonwealth Edison Company) and PECO. The Commission is also considering amending the licenses for administrative purposes to reflect the proposed transfer.

According to the application for approval filed by PECO, GENCO would become the owner of PECO's ownership interests in each of the Salem units following approval of the proposed transfer of the licenses. After this transfer, PSE&G would continue to be exclusively responsible for the operation, maintenance, and eventual decommissioning of Salem Nuclear Generating Station. No physical changes to the facilities or operational changes are being proposed in the application. The proposed transfer does not involve any change with respect to the non-operating ownership interests held by Delmarva Power & Light and Atlantic City Electric Company, or the ownership interest of PSE&G.

The proposed amendments would replace references to PECO in the licenses with references to GENCO and make other changes for administrative purposes to reflect the proposed transfer.

Pursuant to 10 CFR 50,80, no license, or any right thereunder, 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 the applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendments, 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 not 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 March 29, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, 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 rulels of practice set forth in Subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and