

V

In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons why the Order should not have been issued. Any answer or request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attn: Chief, Docketing and Service Section, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406-1415, and to the Licensee, if the answer or hearing request is by a person other than the Licensee. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by the Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), the Licensee, or any other person adversely affected by this Order, may, in addition to demanding a hearing, at the same time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an

extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Part IV of this Order shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

VI

In addition, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's requirements in 10 CFR 2.204 and 10 CFR 30.32(b), in order for the Commission to determine whether License No. 31-28369-01 should be further modified, suspended, or revoked, or other enforcement action taken to ensure compliance with NRC regulatory requirements, the Licensee is required to submit to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, within 20 days of the date of this Order and Demand For Information, a response in writing and under oath or affirmation:

A. Explaining why the License should not be revoked, or in the alternative not renewed, in light of the NRC findings described herein;

B. Describing all locations where licensed material has been used since February 1992, and the date thereof; and

C. Providing the identity and, if known, addresses and telephone numbers of all persons who have assisted with treatments or cared for treated horses, and whether such persons wore individual personnel dosimetry:

1. If such dosimetry was used, provide the dosimetry records of those persons;

2. If no such dosimetry was used, an estimate of the radiation exposure received by each such person during each year since the License was issued.

Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address, and to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406.

After reviewing your response, the NRC will determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Dated at Rockville, Maryland this 13th day of September 1996.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support.

[FR Doc. 96-24135 Filed 9-19-96; 8:45 am]

BILLING CODE 7590-01-P

[Docket Nos. 50-272 and 50-311]

Public Service Electric and Gas Company; PECO Energy Company; Delmarva Power and Light Company; Atlantic City Electric Company; Salem Nuclear Generating Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirement of 10 CFR 55.31(a)(5) to Public Service Electric and Gas Company, et al. (PSE&G, the licensee), for operation of the Salem Nuclear Generating Station, Units 1 and 2, located in Salem County, New Jersey.

Environmental Assessment

Identification of the Proposed Action

The proposed action would grant an exemption from the requirement of 10 CFR 55.31(a)(5) which requires each licensed operator applicant to perform at least five significant control manipulations which affect reactivity or power level on the facility for which the license is sought.

The licensee has requested the NRC accept the performance of the required control manipulations by each licensed operator applicant on its certified, plant-referenced simulator.

The proposed action is in accordance with the licensee's application for an exemption dated May 10, 1996, as supplemented by letters dated June 20, 1996, and July 9, 1996.

The Need for the Proposed Action

The proposed action would allow issuance of six senior operator licenses to the applicants with previous licensed senior operator experience prior to their performance of the required control manipulations. Performance of the control manipulations on the Salem facility has not been possible since both Units 1 and 2 have been shutdown for approximately one year for extensive upgrades of both equipment and personnel. In lieu of performing the control manipulations on its facility, the licensee requests acceptance of satisfactory performance of simulated control manipulations on its certified, plant-referenced simulator since all six of the applicants have significant and

extensive commercial nuclear power plant experience. The licensee further committed to the performance of the required control manipulations by each of the six applicants on the Salem Nuclear Generating Station, Unit 2, prior to or at the time the unit achieves 100 percent power following the current plant outage. The requested relief would constitute a one-time exemption from the requirements of 10 CFR 55.31(a)(5).

In support of its request for exemption, the licensee stated that the six senior operator applicants have significant commercial nuclear power plant experience—from 5 to 22 years—and have received additional training on the Salem certified, plant-referenced simulator, including the performance of simulated control manipulations beyond the number required by 10 CFR 55.31(a)(5). The licensee stated that the six senior operator applicants conducted control manipulations at other pressurized water reactors. These six applicants have also performed licensed senior operator duties within approximately the last 2 years. Finally, the licensee asserts that the six applicants have the specific leadership characteristics, determined through a rigorous screening and interview process, considered vital for reliable shift performance. The licensee further stated that failure to grant the exemption would not serve an underlying purpose of the rule in that the safety of nuclear power plant operations would not be improved.

The licensee concludes that the proposed alternate qualifications and training will suffice due to the previously demonstrated capabilities of the senior operator applicants, and it is in the public interest to grant the exemption since inclusion of these individuals on the operations staff will facilitate an increased level of safety as part of the Salem Restart Action Plan.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the underlying purpose of 10 CFR 55.31(a)(5), to ensure that applicants for operator and senior operator licenses have some minimum level of actual on-the-job training and experience manipulating the controls in the power plant control room prior to license issuance will be met for the six senior operator license applicants by the additional plant-specific simulator training. The six previously licensed applicants possess recent significant licensed operating experience at other pressurized water reactors and have successfully conducted actual control

manipulations. They have demonstrated that they possess the required levels of practical skills and abilities needed to safely operate the plant. Based on their considerable licensed operating experience and the additional training provided on the certified, plant-referenced simulator, the lack of manipulations at the actual controls of the Salem facility is not considered significant. Furthermore, the six applicants will complete the manipulations prior to or at the time that Unit 2 achieves 100% power following the current outage. Therefore, the NRC staff has concluded that the licensee's proposed use of simulated control manipulations for these six senior operator applicants, combined with their prior experience, meets the intent of the requirement to have actual experience manipulating the controls in the power plant control room prior to licensing. Meeting the requirement for the completion of the control manipulations on the actual plant for these six senior operator applicants would significantly delay issuance of senior operator licenses for these operators, with a resultant adverse effect on the facility licensee's operating crew experience level without a net benefit to safety, and would otherwise have a detrimental effect on the public interest. This one-time exemption will allow additional experienced licensed senior operator support during the upcoming Salem Unit 2 restart, which will provide a safety enhancement during plant startup operations and testing.

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 offsite, 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 action.

With regard to potential non-radiological impacts, the proposed action involves 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 action.

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 for the Salem Nuclear Generating Station, Units 1 and 2, dated April 1973.

Agencies and Persons Consulted

In accordance with its stated policy, on July 8, 1996, the staff consulted with the New Jersey State official, Dennis Zannoni of the Department of Environmental Protection 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.

For further details with respect to the proposed action, see the licensee's application for an exemption dated May 10, 1996, as supplemented by letters dated June 20, 1996, and July 9, 1996, 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 Salem Free Public Library, 112 West Broadway, Salem, NJ 08079.

Dated at Rockville, Maryland, this 26th day of July 1996.

For the Nuclear Regulatory Commission.
John F. Stolz,

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

[FR Doc. 96-24137 Filed 9-19-96; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available
From:
Securities and Exchange Commission,