

and security, and is otherwise in the public interest.

The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the Dresden UFSAR annually or within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the Dresden UFSAR within 24 months of the previous UFSAR revision submittal.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (64 FR 39177).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 27th day of July 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. STN 50-454 and STN 50-455]

In the Matter of Commonwealth Edison Company; Byron Station, Units 1 and 2; Exemption

I

Commonwealth Edison Company (ComEd, the licensee) is the holder of Facility Operating License Nos. NPF-37 and NPF-66 for the Byron Station, Units 1 and 2. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

Byron Station consists of two pressurized water reactors located in Ogle County, Illinois.

II

Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.71, "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "[s]ubsequent revisions [to the Updated Final Safety Analysis Report (UFSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates [to the UFSAR] does not exceed 24 months." Byron, Units 1 and 2, and the Braidwood station, Units 1 and 2, share a common FSAR. Therefore, this rule requires the licensee to update the same document annually

or within 6 months after each unit's refueling outage.

III

Section 50.12(a) of 10 CFR, "Specific exemptions," states:

The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are—(1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when "[a]pplication 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." The licensee has proposed updating the Braidwood/Byron UFSAR no later than 24 calendar months from the date of the previous UFSAR revision submittal. The underlying purpose of the rule was to relieve licensees of the burden of filing annual UFSAR revisions while assuring that such revisions are made at least every 24 months. The Commission reduced the burden, in part, by permitting a licensee to submit its UFSAR revisions 6 months after refueling outages for its facility, but did not provide in the rule for multiple unit facilities sharing a common UFSAR. Rather, the Commission stated that "[w]ith respect to . . . multiple facilities sharing a common UFSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis" (57 FR 39355 (1992)).

As noted in the NRC staff's Safety Evaluation, the licensee's proposed schedule for the Braidwood/Byron UFSAR updates will ensure that the UFSAR will be maintained current for both units within 24 months of the last revision. The proposed schedule satisfies the maximum 24-month interval between UFSAR revisions specified by 10 CFR 50.71(e)(4). The requirement to revise the UFSAR annually or within 6 months after refueling outages for each unit, therefore, is not necessary to achieve the underlying purpose of the rule. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense

and security, and is otherwise in the public interest.

The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the Braidwood/Byron UFSAR annually or within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the Braidwood/Byron UFSAR within 24 months of the previous UFSAR revision submittal.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (64 FR 39177).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 27th day of July 1999.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

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

[FR Doc. 99-19858 Filed 8-2-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8027-MLA-4; ASLBP No. 99-770-09-MLA]

Sequoyah Fuels Corporation; Designation of Presiding Officer

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and Sections 2.1201 and 2.1207 of Part 2 of the Commission's Regulations, a single member of the Atomic Safety and Licensing Board Panel is hereby designated to rule on petitions for leave to intervene and/or requests for hearing and, if necessary, to serve as the Presiding Officer to conduct an informal adjudicatory hearing in the following proceeding.

Sequoyah Fuels Corporation (Gore, Oklahoma Site Decommissioning)

The hearing, if granted, will be conducted pursuant to 10 CFR part 2, subpart L, of the Commission's Regulations, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." This proceeding concerns a request for hearing submitted by the Attorney General of the State of Oklahoma. The request was filed in response to a notice of consideration by the Nuclear Regulatory Commission of a license amendment request of Sequoyah Fuels Corporation for approval of a site decommissioning plan for the storage of

radioactive contaminated materials at an above-grade disposal cell. The notice of the amendment request was published in the **Federal Register** at 64 FR 31023 (June 9, 1999).

The Presiding Officer in this proceeding is Administrative Judge Charles Bechhoefer. Pursuant to the provisions of 10 CFR 2.722, 2.1209, Administrative Judge Thomas D. Murphy has been appointed to assist the Presiding Officer in taking evidence and in preparing a suitable record for review.

All correspondence, documents, and other materials shall be filed with Judge Bechhoefer and Judge Murphy in accordance with 10 CFR 2.1203. Their addresses are:

Administrative Judge Charles Bechhoefer, Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001
Administrative Judge Thomas D. Murphy, Special Assistant, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001

Issued at Rockville, Maryland, this 27th day of July, 1999.

G. Paul Bollwerk III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

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NUCLEAR REGULATORY COMMISSION

[Docket 70-7001 and 70-7002]

Notice of Amendments to Certificate of Compliance GDP-1 and GDP-2 for the U.S. Enrichment Corporation Paducah Gaseous Diffusion Plant, Paducah, Kentucky, and the Portsmouth Gaseous Diffusion Plant, Portsmouth, OH

The Director, Office of Nuclear Material Safety and Safeguards, has made a determination that the following amendment requests are not significant in accordance with 10 CFR 76.45. In making that determination, the staff concluded that: (1) There is no change in the types or significant increase in the amounts of any effluents that may be released offsite; (2) there is no significant increase in individual or cumulative occupational radiation exposure; (3) there is no significant construction impact; (4) there is no significant increase in the potential for, or radiological or chemical consequences from, previously analyzed accidents; (5) the proposed changes do

not result in the possibility of a new or different kind of accident; (6) there is no significant reduction in any margin of safety; and (7) the proposed changes will not result in an overall decrease in the effectiveness of the plants' safety, safeguards or security programs. The basis for this determination for the amendment requests is shown below.

The NRC staff has reviewed the certificate amendment applications and concluded that they provide reasonable assurance of adequate safety, safeguards, and security, and compliance with NRC requirements. Therefore, the Director, Office of Nuclear Material Safety and Safeguards, is prepared to issue amendments to the Certificates of Compliance for the Paducah Gaseous Diffusion Plant and for Portsmouth Gaseous Diffusion Plant. The staff has prepared a Compliance Evaluation Report which provides details of the staff's evaluation. The NRC staff has determined that these amendments satisfy the criteria for a categorical exclusion in accordance with 10 CFR 51.22(c)(19). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared for these amendments.

USEC or any person whose interest may be affected may file a petition, not exceeding 30 pages, requesting review of the Director's Decision. The petition must be filed with the Commission not later than 15 days after publication of this **Federal Register** Notice. A petition for review of the Director's Decision shall set forth with particularity the interest of the petitioner and how that interest may be affected by the results of the decision. The petition should specifically explain the reasons why review of the Decision should be permitted with particular reference to the following factors: (1) The interest of the petitioner; (2) how that interest may be affected by the Decision, including the reasons why the petitioner should be permitted a review of the Decision; and (3) the petitioner's areas of concern about the activity that is the subject matter of the Decision. Any person described in this paragraph (USEC or any person who filed a petition) may file a response to any petition for review, not to exceed 30 pages, within 10 days after filing of the petition. If no petition is received within the designated 15-day period, the Director will issue the final amendments to the Certificates of Compliance without further delay. If a petition for review is received, the decision on the amendment applications will become final in 60 days, unless the Commission grants the petition for review or

otherwise acts within 60 days after publication of this **Federal Register** Notice.

A petition for review 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.

For further details with respect to the action see (1) the application for amendments and (2) the Commission's Compliance Evaluation Report. These items 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 Rooms.

Date of amendment requests: February 12, 1999.

Brief description of amendments: The amendments propose to revise the Paducah and Portsmouth Quality Assurance Program (QAP) descriptions to include additional ways to approve suppliers for inclusion on the Approved Suppliers List and clarify the audit requirements applied to suppliers conducting work under the USEC QAP.

Basis for finding of no significance:

1. The proposed amendments will not result in a change in the types or significant increase in the amounts of any effluents that may be released offsite.

The proposed revisions to the QAP provide for additional ways to approve suppliers for inclusion on the Approved Suppliers List and clarify the audit requirements applied to suppliers conducting work under the USEC QAP. It does not involve any process which would change or increase the amounts of any effluents that may be released offsite. Therefore, the proposed change will not result in an increase in the amounts of effluents that may be released offsite or result in any impact to the environment.

2. The proposed amendments will not result in a significant increase in individual or cumulative occupational radiation exposure.

The proposed revisions to the QAP provide for additional ways to approve suppliers for inclusion on the Approved Suppliers List and clarify the audit requirements applied to suppliers conducting work under the USEC QAP; they have no effect on occupational radiation exposure. Therefore, the proposed change does not increase individual or cumulative occupational radiation exposure.