

granting of this exemption will have no significant impact on the quality of the human environment (62 FR 34320).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 26th day of June 1997.

For the Nuclear Regulatory Commission.

**Frank J. Miraglia,**

*Acting Director, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-387 and 50-388]

### Susquehanna Steam Electric Station (Units 1 and 2); Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, 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. NPF-14 and NPF-22 issued to Pennsylvania Power & Light Company (PP&L, the licensee) for operation of the Susquehanna Steam Electric Station (SSES), Units 1 and 2 located in Luzerne County, PA.

The proposed amendment would change the Technical Specifications (TS) for the two units to clarify the current methodology for laboratory analysis of used carbon samples for the standby gas treatment system (SGTS) and the control room emergency outside air supply system (CREOASS).

PP&L's request for this license amendment to be processed under exigent circumstances was based on its recent discovery that a standard cited in TS surveillances was not actually being used for laboratory analysis of activated carbon samples taken from the SGTS and CREOASS at SSES, Units 1 and 2. Despite the fact that the actual testing methodology being conducted on the carbon samples is an improvement over the TS referenced method, the licensee has requested that this amendment be processed in an exigent matter to correct this condition of non-compliance with its TSs. PP&L had determined that it would have been forced to shut down both units had it not requested enforcement discretion to be permitted to not comply with the specified TS surveillance requirements until this requested amendment could be reviewed and approved by the staff. The

staff also determined that the licensee could not have avoided making this request since having them strictly comply with the TS methods would have taken several weeks to process new testing purchase orders and additional delay in compliance.

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

The methods used to test charcoal samples do not increase the probability or consequences of an accident or malfunction of equipment important to safety as previously evaluated in the FSAR. The capability of the charcoal in SGTS and CREOASS to adsorb iodine is a consideration in assessing the consequences of an accident. The limit on methyl iodide penetration assures that the activated carbon in these safety-related systems will provide the iodine removal efficiencies assumed in the accident analyses. The charcoal testing methodology currently being used is equivalent or more conservative than that specified in Technical Specifications, and thus provides assurance that charcoal meeting the acceptance criteria will perform as designed. These changes do not affect the probability of event initiators or any ESF actuation setpoints or accident mitigation capabilities.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Testing on carbon samples is performed offsite, and residual samples are not returned to the SGTS or CREOASS. Therefore, the testing methodology has no effect on system operation. No new or different accident scenarios, transient precursors, failure mechanisms or limiting single failures will be introduced as a result of these changes.

3. The proposed change does not involve a significant reduction in the margin of safety.

The limit on methyl iodide penetration assures that the activated carbon in these safety-related systems will provide the iodine removal efficiencies assumed in the accident analyses. Use of the ASTM-D-3803-1979 methodology more accurately assures that the SGTS and CREOASS perform their intended design functions. This change will not affect system operation or performance. Therefore, there is no reduction in the margin of safety. Offsite and control room dose analyses are not affected by this change. All offsite and control room doses will remain within the limits established in the accident analyses.

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 14 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 14-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 14-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 Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications 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 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 August 7, 1997, 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 Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701. 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 20555-0001, Attention: Rulemakings and Adjudications Staff 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 Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW, Washington, DC 20037, 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 June 27, 1997, 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 Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Dated at Rockville, Maryland, this 2nd day of July 1997.

For the Nuclear Regulatory Commission  
**Chester Poslusny, Sr.**  
*Project Manager, Project Directorate I-2,  
Division of Reactor Projects—I/II, Office of  
Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-352 and 50-353]

### Philadelphia Electric Company; Notice of Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Philadelphia Electric Company (PECO, the licensee) to withdraw its September 18, 1995, application for proposed amendment to Facility Operating License Nos. NFP-39 and NFP-85 for the Limerick Generating Station, Unit Nos. 1 and 2, located in Montgomery County, Pennsylvania.

The proposed amendment would have revised the frequency of