

agencies. The merger has received conditional approval by State regulatory commissions in Arkansas and Louisiana, and approval in Oklahoma. Also, an administrative law judge, who conducted hearings in proceedings held by the Public Utility Commission of Texas (PUCT), recommended approval of the pending merger after AEP, CSW, the PUCT staff, and other parties reached a stipulated settlement. In addition, AEP and CSW have announced settlement agreements with the Indiana Utility Regulatory Commission, with the Missouri Public Service Commission, and with parties in Kentucky (approved by the Kentucky Public Service Commission).

CPL and AEP state that they have reviewed the original application for NRC approval of the indirect license transfers and the information relied upon by the NRC as reflected in the safety evaluation, dated November 5, 1998, and that there has been no material change in the information presented in the original application and relied upon by the NRC staff.

The staff has considered the foregoing request of October 25, 1999, and has determined that good cause has been shown to extend the effectiveness of the Order of November 5, 1998, as requested.

### III.

Accordingly, pursuant to Sections 161b and 161i of the Atomic Energy Act of 1954, as amended, 42 U.S.C. §§ 2201(b) and 2201(i), *It is hereby ordered* that the effectiveness of the Order of November 5, 1998, described herein is extended such that if the subject merger is not consummated by June 30, 2000, the Order of November 5, 1998, shall become null and void, unless upon application and for good cause shown, such date is further extended.

This Order is effective upon issuance.

For further details with respect to this action, see the request by CPL and AEP dated October 25, 1999, submitted by John O'Neill, Esq., Shaw Pittman (Counsel Jointly for CPL and AEP), which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555-0001.

Dated at Rockville, Maryland, this 7th day of December 1999.

For the Nuclear Regulatory Commission.

**Roy P. Zimmerman,**

*Acting Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 99-32490 Filed 12-14-99; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8968-ML and ASLBP No. 95-706-01-ML]

### Hydro Resources, Inc.; Notice of Reconstitution

Pursuant to the authority contained in 10 CFR 2.721 and 2.1207, the Presiding Officer in the captioned 10 CFR Part 2, Subpart L proceeding is hereby replaced by appointing Administrative Judge Peter B. Bloch as Presiding Officer in place of Administrative Judge Thomas S. Moore.

All correspondence, documents and other material shall be filed with the Presiding Officer in accordance with 10 CFR 2.1203 (1997). The address of the new Presiding Officer is: Administrative Judge Peter B. Bloch, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Rockville, Maryland, this 9th day of December 1999.

**G. Paul Bollwerk III,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. 99-32487 Filed 12-14-99; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-269, 50-270, and 50-287]

### Duke Energy Corporation; Oconee Nuclear Station, Units 1, 2, and 3 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from 10 CFR Part 50, Appendix J, Section III.D.2(b)(ii) for Facility Operating License Nos. DPR-38, DPR-47, and DPR-55, issued to the Duke Energy Corporation (the licensee), for operation of the Oconee Nuclear Station, Units 1, 2, and 3, located in Oconee County, South Carolina.

#### Environmental Assessment

##### Identification of the Proposed Action

Whenever the plant is in cold shutdown (Mode 5) or refueling (Mode 6), containment integrity is not required. However, if an airlock is opened when in Modes 5 or 6 (which is usually the case), 10 CFR 50, Appendix J, Section III.D.2(b)(ii) requires that an overall air lock leakage test be performed before plant heatup and startup (*i.e.*, before Mode 4 is entered). The proposed exemption would allow this test

requirement to be met by performing an air lock door seal leakage test per 10 CFR 50, Appendix J, Section III.D.(b)(iii) during plant startup prior to entering Mode 4. The licensee would apply this exemption only if no maintenance has been performed on the air lock that could affect its sealing capability. If maintenance has been performed that could affect its sealing capability, an overall air lock leakage test per 10 CFR 50, Appendix J, Section III.D.2(b)(ii) would be performed prior to establishing containment integrity.

The proposed action is in accordance with the licensee's application for an exemption dated October 5, 1999.

#### The Need for the Proposed Action

The existing air lock doors are designed so that the air lock pressure test can only be performed after a strong back (structural bracing) has been installed on the inner door because the pressure used to perform the test is opposite that of accident pressure and would tend to unseat the door. Performing the full air lock test in accordance with the present requirements takes approximately 12 hours, since it requires installation of the strong back, performing the test, and removing the strong back. During the test, access through the air lock is prohibited, which, therefore, requires evacuation of personnel from the containment or the personnel must remain inside the containment during the test until Mode 4 is reached. The licensee has determined that pressurizing the volume between the seals to 60 pounds per square inch gauge pressure prior to establishing containment integrity provides the necessary surveillance to ensure the sealing capability of the door seals.

Since plant personnel usually need to enter the containment while in Mode 5, the full pressure air lock test must be performed almost every time before entering Mode 4 from Mode 5. Exemption from the full pressure leakage test would reduce the number of tests performed and the time required to perform the tests, which would provide greater plant flexibility over the lifetime of the plant.

#### Environmental Impact of the Proposed Action

The proposed exemption would permit the substitution of an air lock seal leakage test (10 CFR Part 50, Appendix J, Section III.D.2(b)(iii)) for the full pressure air lock test otherwise required by 10 CFR Part 50, Appendix J, Section III.D.2(b)(ii) when the air lock is opened while the reactor is in the cold shutdown or refueling modes. If

the tests required by 10 CFR Part 50, Appendix J, Section III.D.2(b)(i) and (iii) are current, and there has been no maintenance performed on the air lock, then adequate assurance of leak tight integrity of the air lock continues to exist. Consequently, this exemption will not affect containment integrity and does not affect the risk of facility accidents.

Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed exemption, the proposed action will not significantly 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 environmental 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.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

#### Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the “no-action” alternative). 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 Oconee Nuclear Station, Units 1, 2, and 3.

#### Agencies and Persons Consulted

In accordance with its stated policy, on November 30, 1999, the staff consulted with the South Carolina State official, Mr. Virgil Autry, of the Division of Radiological Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, regarding the environmental impact of the proposed action. The State official had no comments.

#### Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC 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 letter dated October 5, 1999, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC. Publically available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, <http://www.nrc.gov> (the Electronic Reading Room).

Dated at Rockville, Maryland, this 9th day of December 1999.

For the Nuclear Regulatory Commission.

**Richard L. Emch, Jr.,**

*Chief, Section 1, Project Directorate II,  
Division of Licensing Project Management,  
Office of Nuclear Reactor Regulation.*

[FR Doc. 99-32491 Filed 12-14-99; 8:45 am]

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#### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-410]

#### Niagara Mohawk Power Corporation; Nine Mile Point Nuclear Station, Unit No. 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. NPF-69 issued to Niagara Mohawk Power Corporation (the licensee), for operation of the Nine Mile Point Nuclear Station, Unit 2 (NMP2), located in Oswego County, New York.

#### Environmental Assessment

##### Identification of the Proposed Action

The proposed amendment will revise the existing, or current, Technical Specifications (CTS) for NMP2 in their entirety based on the guidance provided in NUREG-1433 and NUREG-1434, “Standard Technical Specifications for General Electric Plants, BWR/4 and BWR/6,” Revision 1, dated April 1995, and in the Commission's “Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors,” published on July 22, 1993 (58 FR 39132). The proposed amendment is in accordance with the licensee's amendment request dated

October 16, 1998, as supplemented by letters dated December 30, 1998; and May 10, June 15, July 30, August 11, 16, 19, 27, and September 10, 1999.

#### The Need for the Proposed Action

It has been recognized that nuclear safety in all nuclear power plants would benefit from an improvement and standardization of plant Technical Specifications (TS). The “NRC Interim Policy Statement on Technical Specification Improvements for Nuclear Power Plants,” (52 FR 3788) contained proposed criteria for defining the scope of TS. Later, the Commission's “Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors,” published on July 22, 1993 (58 FR 39132), incorporated lessons learned since publication of the interim policy statement and formed the basis for revisions to 10 CFR 50.36, “Technical Specifications.” The “Final Rule” (60 FR 36953) codified criteria for determining the content of TS. To facilitate the development of standard TS for nuclear power reactors, each power reactor vendor owners' group (OG) and the NRC staff developed standard TS. For NMP2, the Improved Standard Technical Specifications (ISTS) are in NUREG-1433 and NUREG-1434, Revision 1. These documents formed part of the basis for the NMP2 Improved Technical Specifications (ITS) conversion. The NRC Committee to Review Generic Requirements (CRGR) reviewed the ISTS, made note of its safety merits, and indicated its support of the conversion by operating plants to the ISTS.

#### Description of the Proposed Change

The proposed changes to the CTS are based on NUREG-1433 and NUREG-1434, Revision 1, and on guidance provided by the Commission in its Final Policy Statement. The objective of the changes is to completely rewrite, reformat, and streamline the CTS (*i.e.*, to convert the CTS to the ITS). Emphasis is placed on human factors principles to improve clarity and understanding of the TS. The Bases section of the ITS has been significantly expanded to clarify and better explain the purpose and foundation of each specification. In addition to NUREG-1433 and NUREG-1434, Revision 1, portions of the CTS were also used as the basis for the development of the NMP2 ITS. Plant-specific issues (*e.g.*, unique design features, requirements, and operating practices) were discussed with the licensee, and generic matters were discussed with General Electric and other OGs.