

## VI

For the foregoing reasons, the NRC staff has concluded that an exemption is acceptable to the requirements of appendix K, section I.D.1, 10 CFR 50.46(b)(5), and 10 CFR 50.46(a)(1)(ii) with respect to the DBNPS active methods for BPC. The NRC staff has determined that there are special circumstances present, as specified in 10 CFR 50.12(a)(2)(ii), in that application of the specific regulations is not necessary in order to achieve the underlying purpose of these regulations, which is to assure long term cooling performance of the ECCS in the event of the most damaging single failure of ECCS equipment. In addition, the staff has determined that an exemption to appendix K, section I.A.4 is acceptable with respect to the decay heat generation rate. Special circumstances exist in that use of the 1.2 value specified in appendix K, section I.A.4, is not necessary in order to achieve the underlying purpose of the rule.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the requested exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants the requested exemption. This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 5th day of May 2000.

For the Nuclear Regulatory Commission.

**Suzanne C. Black,**

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

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-146]

### GPU Nuclear Corp., Saxton Nuclear Experimental Facility; Notice of Receipt, Availability for Comment, and Meeting To Discuss License Termination Plan

The Nuclear Regulatory Commission (NRC) is in receipt of and is making available for public inspection and comment the License Termination Plan (LTP) for the Saxton Nuclear Experimental Facility (SNEF) located in Saxton, Bedford County, Pennsylvania.

Reactor operations at the SNEF were ended in May 1972. The reactor was defueled and all fuel was removed from the site in 1972. In accordance with

NRC regulations in effect at that time, the Saxton Nuclear Experimental Corporation (SNEC) submitted a decommissioning plan for the SNEF to the NRC in February 1996 (GPU Nuclear Corporation (GPUN) became a co-licensee for the SNEF on May 10, 1996). When proposed amendments to the NRC's decommissioning regulations were published in the **Federal Register** on July 29, 1996 (61 FR 39278), the licensee requested that the review of the decommissioning plan be suspended. When the amended regulations became effective on August 28, 1996, the submitted decommissioning plan, as supplemented, became the SNEF Post Shutdown Decommissioning Activities Report (PSDAR) pursuant to 10 CFR 50.82 as amended. A public meeting was held in Saxton, Pennsylvania on January 28, 1997, to provide information and gather public comment on the PSDAR. Because of restrictions in the license for the SNEF, a license amendment was needed before decommissioning activities could commence. License Amendment No. 15 to Amended Facility License No. DPR-4 approving decommissioning was issued on April 20, 1998. The facility is undergoing active decontamination and dismantlement.

In accordance with 10 CFR 50.82(a)(9), all power reactor licensees must submit an application for termination of their license. The application for termination of license must be accompanied or preceded by an LTP to be submitted for NRC approval. If found acceptable by the NRC staff, the LTP is approved by license amendment, subject to such conditions and limitations as the NRC staff deems appropriate and necessary. SNEC and GPUN (the licensees) submitted the proposed LTP for the SNEF by application dated February 2, 2000. In accordance with 10 CFR 20.1405 and 10 CFR 50.82(a)(9)(iii), the NRC is providing notice to individuals in the vicinity of the site that the NRC is in receipt of the SNEF LTP, and will accept comments from affected parties. In accordance with 10 CFR 50.82(a)(9)(iii), the NRC is also providing notice that the NRC staff will conduct a meeting to discuss the SNEC LTP on Thursday, May 25, 2000, at 7:00 p.m. at the Saxton Fire Hall located at 8th and Norris Street, Saxton, Pennsylvania 16678.

The SNEF LTP and associated environmental report are available for public inspection at the Commission's Public Document Room, the Gelman Building, at 2120 L Street NW., Washington, DC 20037. They are also available through <http://www.nrc.gov/>

OPA/reports under "What's New on This Page," "Decommissioning," or "Other Documents."

Dated at Rockville, Maryland, this 2nd day of May 2000.

For the Nuclear Regulatory Commission.

**Ledyard B. Marsh,**

*Chief, Events Assessment, Generic Communications and Non-Power Reactors Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.*

[FR Doc. 00-12128 Filed 5-12-00; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-346]

### FirstEnergy Nuclear Operating Co., Davis-Besse Nuclear Power Station, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an exemption, under certain specified conditions, from the provisions of (1) 10 CFR part 50, appendix K, section I.D.1 which requires that accident evaluations use the combination of emergency core cooling system (ECCS) subsystems assumed to be operative "after the most damaging single-failure of ECCS equipment has taken place;" (2) 10 CFR part 50, appendix K, Section I.A.4, which specifies that 1.2 times the American Nuclear Standard ANS-5 decay heat generation rate for an infinite operating time shall be used; and (3) requirements of 10 CFR 50.46(b)(5) and 50.46(a)(1)(ii), be applied for Facility Operating License No. NPF-3, issued to the FirstEnergy Nuclear Operating Company (the licensee), for operation of the Davis-Besse Nuclear Power Station, Unit 1, located in Ottawa County, Ohio.

The Commission is taking an action to approve this request prior to publication in the **Federal Register** of its Environmental Assessment and Finding of No Significant Impact. In accordance with 10 CFR 51.13, the Commission has determined that emergency circumstances are present to support the issuance of this exemption prior to publication in the **Federal Register** in that failure to act in a timely way would result in prevention of resumption of plant operation.

### Environmental Assessment

#### Identification of the Proposed Action

The licensee has requested an exemption from 10 CFR 50.46 and 10 CFR part 50 Appendix K regarding