

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 a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. 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, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Susan F. Shankman: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. David Blabey, 10 Columbus Circle, New York, New York 10019, 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 February 27, 1998, 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Dated at Rockville, Maryland, this 4th day of March 1998.

For the Nuclear Regulatory Commission.

George F. Wunder,

Project Manager, Project Directorate I-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-445 and 50-446]

Texas Utilities Electric; Notice of Consideration of Issuance of Amendment to Facility Operating License, 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-87 and NPF-89, issued to Texas Utilities Electric Company, (TU Electric, the licensee), for operation of the Comanche Peak Steam Electric Station, Units 1 and 2, located in Somervell County, Texas.

The proposed amendment would be a temporary change to the Technical Specifications to remove the requirement to demonstrate the load shedding feature of MCC XEB4-3 as part of Surveillance Requirements (SRs) 4.8.1.1.2f.4(a) and 4.8.1.1.2f.6(a) until the plant startup subsequent to the next refueling outage or until the next outage greater than 24 hours in duration for each respective unit. This temporary change is requested as a result of the failure to confirm the load shedding feature of MCC XEB4-3 during the performance of these SRs for the Unit 1 and Unit 2 train B diesel generators (DGs). This was reported promptly to

the NRC at the time of discovery and prompt action to remedy the situation was taken.

The licensee requested a Notice of Enforcement Discretion (NOED) by letter dated February 20, 1998. The NRC orally issued the NOED at 4:49 pm EST on February 20, 1998, to allow the facility to continue operation while the TS is processed. Pursuant to the NRC's policy regarding exercise of discretion for an operating facility, set out in Section VII.c, of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, the letter documenting the issuance of the NOED was dated February 24, 1998. The NOED was to be effective for the period of time it takes the NRC staff to process the proposed change to the TSs on an exigent bases.

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. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

The only potential impact of operating without having demonstrated the load shedding feature of MCC XEB4-3 is the potential that the train B DG for either CPSES Unit 1 or Unit 2 will not be able to perform its safety function following a postulated accident or event. TU Electric has evaluated the potential load added to the DGs if this bus does not shed and has concluded that the DGs remain fully capable of performing their safety function. As a result, there is no significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Operation without having tested the load shedding feature of bus XEB4-3 does not effect the operation or design of the Units and therefore cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Because the diesel generators remain fully capable of performing their safety functions without having demonstrated the load shedding feature of MCC XEB4-3, there is no significant reduction in a margin of safety.

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 and Directives Branch, Division of Administrative 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 6D59, 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 April 8, 1998, 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 University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, TX 76019. 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 George L. Edgar, Esq., Morgan, Lewis and Bockius, 1800 M Street, N.W., Washington, DC 20036, 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 February 25, 1998, 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 University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, TX 76019.

Dated at Rockville, Maryland, this 3rd day of March 1998.

For the Nuclear Regulatory Commission.

Timothy J. Polich,

Project Manager, Project Directorate IV-1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-346]

Toledo Edison Company Centerior Service Company and the Cleveland Electric Illuminating Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, 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 No. NPF-3 issued to the Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company (the licensees) for operation of the Davis-Besse Nuclear Power Station, Unit No. 1, located in Ottawa County, Ohio.

The application requests that tube repair roll, as described in proprietary Framatome Technologies Incorporated Topical Report BAW-2303P, Revision 3, "OTSG Repair Roll Qualification Report," dated October 1997, be included as a repair option for steam generator tube defects in the upper tubesheet. The application further requests that the pressure boundary joint be defined as the tube-to-tubesheet expansion joint that is closest to the secondary face of the tubesheet. Additionally, the application proposes several associated administrative changes.

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.

The Commission has made a proposed determination 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 licensees have provided their analysis of the issue of no significant hazards consideration, which is presented below:

1a. Not involve a significant increase in the probability of an accident previously evaluated because the proposed changes described for Surveillance Requirements (SR) 4.4.5.2.a.1, SR 4.4.5.4.a.4, SR 4.4.5.4.a.6, SR 4.4.5.4.a.7, SR 4.4.5.4.b, SR 4.4.5.4.a.9, SR 4.4.5.5.b.3, and Table 4.4-2 add a repair process defined as "repair roll" and redefine the pressure boundary joint for a tube repaired by the repair roll process. The application of the repair roll process is limited to repairs in the upper tube sheet. The new pressure boundary joint created by the repair roll process has been shown by testing and analysis to provide structural and leakage integrity equivalent to the original design and construction for all normal operating and accident conditions. Furthermore, the testing and analysis demonstrate the repair roll process creates no new adverse effects for the repaired tube and does not change the design or operating characteristics of the steam generators. Similarly, the design and operating characteristics of the systems interfacing with the steam generators are preserved by the repair roll process. Accordingly, tubes repaired by the repair roll process will not increase the probability of the tube rupture accident previously analyzed.

The proposed change to SR 4.4.5.3.c.1 and the proposed addition of SR 4.4.5.9 define additional required inspections for the primary system to secondary system joints created by the repair roll process. The addition of this inspection does not change any accident initiators and, therefore, does not increase the probability of an accident previously evaluated.

The proposed change to Limiting Condition for Operation (LCO) 3.4.6.2.c reduces the maximum allowed primary-to-secondary leakage through the steam generators from 1 gallon per minute (1440 GPD) to 150 GPD through any one steam generator. The reduction in allowed primary-to-secondary leakage does not change any accident initiators and, therefore, does not increase the probability of an accident previously evaluated.

The proposed additional requirements of SR 4.4.6.2.1.e describe the method and frequency that will be used for monitoring the reduced leakage limit. This additional monitoring of primary to secondary leakage through the steam generators does not change any accident initiators and, therefore, does not increase the probability of an accident previously evaluated.

The proposed changes to Bases B 3/4.4.5 add reference to the repair roll method and change the description of the allowed primary to secondary leakage through the steam generators to the reduced limit of 150 GPD through any one steam generator. It is noted that in Bases 3/4.4.5 the leakage limit established is defined as an inservice indicator of the structural integrity of the tubes. The reduction in the allowed primary to secondary leakage continues to provide inservice indication of tube structural integrity such that adequate margins of safety exist to withstand the loads imposed by normal operations and postulated accidents. Each of these changes to the Bases does not change any accident initiators and, therefore, does not increase the probability of an accident previously evaluated.

The proposed changes to Bases 3/4.4.6.2 also change the description of the maximum allowed primary-to-secondary leakage to the lowered limit of 150 GPD through any one steam generator. The reduction of allowed primary-to-secondary leakage does not increase the probability of an accident previously evaluated.

The proposed changes to SR 4.4.5.2.a and SR 4.4.5.3.a are administrative changes and do not affect the probability of accidents previously evaluated.

1b. Not involve a significant increase in the consequences of an accident previously evaluated because the proposed changes described for SR 4.4.5.2.a.1, SR 4.4.5.4.a.4, SR 4.4.5.4.a.6, SR 4.4.5.4.a.7, SR 4.4.5.4.b, SR 4.4.5.4.a.9, SR 4.4.5.5.b.3, and Table 4.4-2 add a repair process defined as "repair roll" and redefine the pressure boundary joint for a tube repaired by the repair roll process. The application of the repair roll process is limited to repairs in the upper tube sheet. The new pressure boundary joint created by the repair roll process has been shown by testing and analysis to provide structural and leakage integrity equivalent to the original design and construction for all normal