

scheduling priorities of the key participants.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; 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 amendments to Facility Operating Licenses DPR-42 and DPR-60 issued to Northern States Power Company (the licensee) for operation of the Prairie Island Nuclear Generating Plant, Units 1 and 2, located in Goodhue County, Minnesota.

The proposed amendments would (1) update the Technical Specification heatup and cooldown rate curves and extend their reactor fluence limit from the current 20 effective full power years (EFPY) to a new value of 35 EFPY, (2) incorporate into Technical Specifications the use of a Pressure and Temperature Limits Report (PTLR), and (3) change the power-operated relief valves (PORVs) temperature requirement for operability.

Before issuance of the proposed license amendments, 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 licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment[s] will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to update the Prairie Island pressure and temperature limits curves and the Over Pressure Protection System (OPPS) setpoints for reactor vessel fluence to 35 EFPY is based upon measurements and calculations that were performed in accordance with an NRC approved methodology for performing reactor vessel fracture analysis to meet 10CFR50 Appendix G and H requirements. These calculations made application of American Society of Mechanical Engineers (ASME) Code Case N-514, "Low Temperature Overpressure Protection," in determining the acceptable OPPS setpoint for Prairie Island Units 1 and 2. This permits the OPPS pressure relief setpoint to be established such that the maximum pressure at the reactor vessel material's most limiting location is limited to 110% of the pressure determined to satisfy ASME Section XI, Appendix G, Article G-2215. As detailed in the exemption request to apply this ASME Code Case, the development of the Appendix G pressure/temperature limit curves incorporates numerous conservatisms. For this reason the ASME code committee approved this code case. Application of this code case with the approved methodology does not produce a significant increase in the probability or magnitude of brittle fracture of the reactor vessel.

The proposed change to relocate the pressure and temperature limits curves and the Over Pressure Protection System (OPPS) setpoints to a Pressure and Temperature Limits Report is an administrative change. It does not affect any system which is a contributor to initiating events for previously evaluated anticipated operational occurrences and therefore does not involve any significant increase in the probability or consequence of an accident previously evaluated.

The proposed change in PORV operability temperature from 310 °F to a new value of 350 °F does not affect any system which is a contributor to initiating events for previously evaluated anticipated operational occurrences and therefore does not involve any significant increase in the probability or consequence of an accident previously evaluated.

2. The proposed amendment[s] will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The proposed change to update the Prairie Island pressure and temperature limits curves and the Over Pressure Protection System (OPPS) setpoints for a reactor fluence limit of 35 EFPY does not introduce a new mode of operation or testing, or make physical changes to the plant. (The new Technical Specification requirement to isolate the accumulators whenever the RCS [reactor coolant system] temperature is less than the OPPS enable temperature does not introduce a new mode of operation since Unit Shutdown procedures close the accumulator discharge valves and tag out their breakers when RCS pressure falls below

1000 psig.) The general methods employed to develop this change are well understood and have been previously reviewed and approved. Updating the operating restrictions, OPPS setpoints, and reactor fluence limit for operation do not create a possibility of a new or different kind of accident from those previously analyzed.

The proposed change to relocate the pressure and temperature limits curves and the Over Pressure Protection System (OPPS) setpoints to a Pressure and Temperature Limits Report is an administrative change. The proposed change does not alter the design, function, or operation of any plant component, therefore a possibility of a new or different kind of accident from those previously analyzed has not [been] created.

The proposed change in the PORV operability temperature from 310 °F to a new value of 350 °F does not involve a physical alteration of the plant. Since no new or different type of equipment will be installed, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment[s] will not involve a significant reduction in the margin of safety.

Although neutron irradiation reduces the material fracture toughness of the reactor vessel, deterministic analyses have demonstrated that proposed P/T [pressure/temperature] curves, OPPS setpoints and reactor vessel fluence limits for operation will preserve the required margin of safety in the RCS boundary during postulated low temperature pressurization events.

The proposed change to use the PTLR is administrative in nature and does not impact the operation of the Prairie Island Nuclear Generating Plant in a manner that would result in any significant reduction in any margin of safety.

The proposed change in the PORV operability temperature from 310 °F to a new value of 350 °F does not impact any systems that are relied upon for core cooling or RCS pressure relief at RCS temperatures below 350 °F. Setting the PORV operability temperature back to 350 °F aligns the PORVs with the Pressurizer Safety Valve operability requirement so the PORVs are still available to limit challenges to the Pressurizer Safety Valve settings during conditions of higher RCS pressure and energy when pressure surges become more significant. (In Amendment[s] 91/84 this temperature was changed for operational flexibility from its previous value of 350 °F to a new value of 310 °F to be coincident with the OPPS Enable Temperature. This change was not done to establish a larger margin of safety.) For RCS temperatures below 350 °F both the pressure and core energy are sufficiently decreased that pressure surges become less significant. For RCS temperatures below 350 °F the RHR [residual heat removal] system is capable of removing the reactor decay heat and thereby controlling RCS pressure and temperature. In the unlikely event that a significant pressure surge were to occur in this temperature range with neither RHR nor the PORVs in service, one pressurizer safety valve would be operable to mitigate potential overpressure transients. Thus this change does not involve

a significant reduction in the margin of safety associated with either the RCS boundary or fuel cladding.

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 by close of business within 30 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 30-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 30-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 and provide for opportunity for a hearing after 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 27, 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 Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401. 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 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 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 20555-0001, 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. 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, Esq., 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 March 6, 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 Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Dated at Rockville, MD, this 24th day of March 1998.

For the Nuclear Regulatory Commission.

Beth A. Wetzel,

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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 provide a temporary Technical Specification change for Surveillance Requirements (SRs) 4.8.1.1.2f.4(b) and 4.8.1.1.2f.6(b) to allow the verification of the auto connected shut-down loads through the load sequencer to be performed at power for fuel cycle 6 on Unit 1 and fuel cycle 4 on Unit 2. The temporary change is requested as a result of the discovery that some of the safety injection (SI) and blackout (BO) sequencer block contacts had not been tested in accordance with the above SRs. These surveillances were

performed during the last refueling outage for each unit as part of the integrative tests. However, it was subsequently discovered that some of the sequencer loads had parallel starting paths such that it could not be determined, based only on the observation that the equipment had successfully started, that the specific contacts required to be tested had in fact operated. In addition, verification of testing of certain contacts was missing. 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 March 10, 1998. The NRC orally issued the NOED at 9:25 a.m. EST on March 11, 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 March 13, 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?

Crediting the power performance of the portions of surveillance testing necessary to demonstrate the OPERABILITY of the SI and

BO Sequencer block contacts, will not increase the probability or consequences of an accident previously evaluated. The conclusion has been reached that the probability of initiating a perturbation in the A.C. electrical distribution system is not created via the crediting of the tests. As the testing is conducted on only one train per unit at a given time, no increase in consequences, other than those previously postulated, are considered credible.

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

Perturbations in the A.C. electrical distribution system have been fully considered within the Final Safety Analysis Report. No new or different kind of perturbation or accident is deemed credible from crediting the performance of the testing.

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

Crediting the required testing at power does not create any new failure scenarios or A.C. electrical distribution perturbations, no associated margin is expected to be reduced. As such, there is no reduction in any 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-