

for Enforcement at the same address, and to the Regional Administrator, NRC Region II, Atlanta Federal Center, 61 Forsyth Street, SW, Suite 23T85, Atlanta, Georgia 30303 and to the Licensee if the hearing request is by a person other than the Licensee. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by the Licensee, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(I), the Licensee may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. AN ANSWER OR A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

Dated at Rockville, Maryland this 27th day of March 1998.

For the Nuclear Regulatory Commission.

Ashok C. Thadani,

Acting Deputy Executive Director for Regulatory Effectiveness.

[FR Doc. 98-8772 Filed 4-2-98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-483]

In the Matter of Union Electric Company (Callaway Plant, Unit 1); Exemption

I

Union Electric Company (UE or the licensee) is the holder of Facility Operating License No. NPF-30, which

authorizes operation of the Callaway Plant, Unit 1. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now and hereafter in effect.

The facility is a pressurized water reactor located at the licensee's site in Callaway County, Missouri.

II

Section 50.60(a) to 10 CFR Part 50 requires that, except as provided in Section 50.60(b), all light-water nuclear power reactors, other than reactor facilities for which the certifications required under Section 50.82(a)(1) have been submitted, must meet the fracture toughness and material surveillance program requirements for the reactor coolant pressure boundary set forth in Appendices G and H of 10 CFR Part 50. Section 50.60(b) of 10 CFR Part 50 states that proposed alternatives to the described requirements of Appendices G and H of Part 50 or portions thereof may be used when an exemption is granted by the Commission under 10 CFR 50.12.

III

By letter dated August 22, 1997, Union Electric Company requested that the NRC exempt the Callaway Plant, Unit 1 from the application of specific requirements of 10 CFR 50.60 and Appendix G to 10 CFR Part 50. Specifically, Union Electric proposes to use American Society for Mechanical Engineers (ASME) Code Case N-514 to permit setting the pressure setpoint of Callaway's cold overpressure mitigation system (COMS) such that the pressure-temperature (P-T) limits required by Appendix G of 10 CFR Part 50 could be exceeded by ten percent during a low temperature pressure transient.

The Commission has established requirements in 10 CFR Part 50 to protect the integrity of the reactor coolant system pressure boundary. As a part of these, Appendix G of 10 CFR Part 50 requires that P-T limits be established for reactor pressure vessels (RPVs) during normal operation and vessel hydrostatic testing. As stated in Appendix G, "The appropriate requirements on * * * the pressure-temperature limits * * * must be met for all conditions." In order to avoid approaching these P-T limit curves and provide pressure relief during low temperature overpressurization events, pressurized water reactor licensees have installed protection systems (COMS/LTOPS) as part of the reactor coolant system pressure boundary. Union Electric is required as part of the Callaway Plant Technical Specifications

(TS) to develop, update, and submit reactor vessel P-T limits and COMS setpoints for NRC review and approval.

Union Electric determined that the exemption request from the provisions of 10 CFR 50.60 and Appendix G was necessary since these regulations require, as noted above, that reactor vessel conditions not exceed the P-T limits established by Appendix G. In referring to 10 CFR 50.12 on specific exemptions, Union Electric cited special circumstances regarding achievement of the underlying purpose of the regulation as their basis for requesting this exemption [10 CFR 50.12(a)(2)(ii)].

Union Electric noted in support of the 10 CFR 50.12(a)(2)(ii) criteria that the underlying purpose of the subject regulation is to establish limits to protect the reactor vessel from brittle failure during low temperature operation and that the COMS provides a physical means of assuring operation remains within these limits. Union Electric proposed that establishing the COMS pressure setpoint in accordance with the N-514 provisions, such that the vessel pressure would not exceed 110 percent of the P-T limit allowables, would still provide an acceptable level of safety and mitigate the potential for an inadvertent actuation of the COMS. The use of N-514 was based on the conservatism which have been explicitly incorporated into the procedure for developing the P-T limit curves. This procedure, referenced from Appendix G to Section XI of the ASME Code, includes the following conservatisms: (1) A safety factor of 2 on the pressure stresses; (2) a margin factor applied to RT_{NDT} using Regulatory Guide 1.99, Revision 2, "Radiation Embrittlement of Reactor Vessel Materials;" (3) an assumed $1/4T$ flaw with a 6:1 aspect ratio; and (4) a limiting material toughness based on dynamic and crack arrest data.

In addition, Union Electric stated that a COMS pressure setpoint should "also be high enough to prevent the inadvertent actuation of the COMS as a result of normal operating pressure surges. Application of the various instrument and calculational uncertainties has resulted in a COMS actuation setpoint that established an operating window that is too narrow to permit reasonable system makeup and pressure control." Such an inadvertent actuation could lead to the unnecessary release of reactor coolant inside containment and could introduce undesirable thermal transients in the RCS.

The Commission has determined that application of 10 CFR 50.60 in these particular circumstances is not

necessary to achieve the underlying purpose of that rule and that the use of Code Case N-514 would meet the underlying intent of the regulation. Based upon a consideration of the conservatism which are explicitly defined in the Appendix G methodology, it was concluded that permitting the COMS setpoint to be established such that the vessel pressure would not exceed 110 percent of the limit defined by the P-T limit curves would provide an adequate margin of safety against brittle failure of the reactor vessel. This is also consistent with the determination that has been reached for other licensees under similar conditions based on the same considerations. Therefore, the exemption requested under the special circumstances of 10 CFR 50.12(a)(2)(ii) was found to be acceptable. The staff also agrees that limiting the potential for inadvertent COMS actuation may improve plant safety.

IV

The Commission has determined that, pursuant to 10 CFR 50.12, this exemption is authorized by law, will not present an undue risk to the public health and safety, is consistent with the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants Union Electric Company an exemption from the requirements of 10 CFR 50.60 in order to apply ASME Code Case N-514 for determining the Callaway plant's cold overpressurization mitigation system pressure setpoint.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (63 FR 14739).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 30th day of March 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98-8770 Filed 4-2-98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Proposed Generic Communication; Guidance on the Storage, Preservation, and Safekeeping of Quality Assurance Records in Electronic Media (M98441)

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of opportunity for public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to issue a generic letter to all holders of operating licenses for nuclear power plants, including those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel, to provide guidance on an acceptable method, and NRC staff expectations, for storing, preserving, and safekeeping quality assurance (QA) records in electronic media. The generic letter does not provide guidance on submitting electronic records to the NRC. The guidance provided supplements Regulatory Guide (RG) 1.88, Revision 2, and RG 1.28, Revision 3. No specific action or written response is required by the generic letter.

The proposed generic letter has been endorsed by the Committee to Review Generic Requirements (CRGR). Relevant information that was sent to the CRGR will be placed in the NRC Public Document Room.

The NRC is seeking comment from interested parties regarding both the technical and regulatory aspects of the proposed generic letter presented under the Supplementary Information heading. The NRC will consider comments received from interested parties in the final evaluation of the proposed generic letter. The NRC's final evaluation will include a review of the technical position and, as appropriate, an analysis of the value/impact on licensees. Should this generic letter be issued by the NRC, it will become available for public inspection in the NRC Public Document Room.

DATES: Comment period expires June 2, 1998. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: Submit written comments to Chief, Rules and Directives Branch, Division of Administrative Services, U.S. Nuclear Regulatory Commission, Mail Stop T6-D59, Washington, DC 20555-0001. Written comments may also be delivered to 11545 Rockville

Pike, Rockville, Maryland, between 7:45 am and 4:15 pm, Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, N.W. (Lower Level), Washington, D.C.

FOR FURTHER INFORMATION, CONTACT: Michael T. Bugg, (301) 415-3221.

SUPPLEMENTARY INFORMATION:

NRC Generic Letter XX-XX: Guidance of the Storage, Preservation, and Safekeeping of Quality Assurance Records in Electronic Media

Addressees

All holders of operating licenses for nuclear power plants, including those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this supplement to Generic Letter (GL) 88-18 to provide guidance on a methodology for storing, preserving, and safekeeping quality assurance (QA) records in electronic media. This generic letter supplement does not abrogate the guidance in Regulatory Guide (RG) 1.88, Revision 2, and RG 1.28, Revision 3. It also does not provide guidance on submitting electronic records to the NRC.

Background

Criterion VI, "Document Control," and Criterion XVII, "Quality Assurance Records," of Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR Part 50), establish requirements for the issuance, identification, and retrievability of QA records.

American National Standards Institute (ANSI) N45.2.9-1974, "Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants," as endorsed by RG 1.88, "Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records," Revision 2, and ANSI/American Society of Mechanical Engineers (ASME)-NQA-1, 1983 edition, "Quality Assurance Program Requirements for Nuclear Facilities," as endorsed by RG 1.28, "Quality Assurance Program Requirements (Design and Construction)," Revision 3, describe NRC-accepted practices for the collection, storage, and maintenance of nuclear power plant QA records.