

consolidated net utility plant, as recorded on Applicant's books of account, and (2) should the restructuring of Applicant not be completed by July 19, 1999, this Order shall become null and void, provided, however, on application and for good cause shown, such date may be extended.

This Order is effective upon issuance.

IV

By August 19, 1998, any person adversely affected by this Order may file a request for a hearing with respect to issuance of the Order. Any person requesting a hearing shall set forth with particularity how that interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is to be held, the Commission will issue an order designating the time and place of the hearing.

The issue to be considered at any such hearing shall be whether this Order should be sustained.

Any request for a hearing 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 11555 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. Federal workdays, by the above date. Copies should be also sent to the Office of the General Counsel, and to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Ms. Ellen Ahearn, Corporate Secretary, Central Hudson Gas & Electric Corporation, 284 South Avenue, Poughkeepsie, NY 12601-4879.

For further details with respect to this Order, see the application for approval dated April 8, 1998, as resubmitted under cover of a letter dated June 8, 1998, and supplemented by letters dated April 22, June 8, and July 9, 1998, which are 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 Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Dated at Rockville, Maryland, this 19th day of July, 1998.

For the Nuclear Regulatory Commission.
Samuel J. Collins,
Director, Office of Nuclear Reactor Regulation.
 [FR Doc. 98-19803 Filed 7-23-98; 8:45 am]
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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Company (Turkey Point Plant, Units 3 and 4); Exemption

I.

Florida Power and Light (the licensee) is the holder of Facility Operating License Nos. DPR-31 and DPR-41, for the Turkey Point Plant (TPP), Units 3 and 4. The licenses provide, among other things, that the licensee is subject to all rules, and orders of the Commission now or hereafter in effect.

This facility consists of two pressurized water reactors located in Dade County, Florida.

II.

Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.71 "Maintenance of records, making of reports", paragraph (e)(4) states, in part, that "Subsequent revisions [to the updated Final Safety Analysis Report (FSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates [to the FSAR] does not exceed 24 months." The two units at the TPP site share a common FSAR; therefore, this rule requires the licensee to update the same document annually or within 6 months after each unit's refueling outage (approximately every 9 months).

III.

Section 50.12(a) of 10 CFR, "Specific exemptions," states that

The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are—(1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule * * *."

The licensee has proposed updating the unified TPP FSAR 6 months after each Unit 4 refueling outage. With the current length of fuel cycles, FSAR updates would be submitted approximately every 24 months. The underlying purpose of the rule was to relieve licensees of the burden of filing annual FSAR revisions while assuring that such revisions are made at least every 24 months. The Commission reduced the burden, in part, by permitting a licensee to submit its FSAR revisions 6 months after refueling outages for its facility, but did not provide in the rule for multiple unit facilities sharing a common FSAR. Rather, the Commission stated that "With respect to * * * multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis" 57 FR 39355 (1992).

The TPP units are on an 18-month fuel cycle. As noted in the staff's Safety Evaluation, the licensee's proposed schedule for TPP FSAR updates will ensure that the FSAR will be maintained current for both units within 24 months of the last revision. The proposed schedule satisfies the maximum 24-months interval between FSAR revisions specified by 10 CFR 50.71(e)(4). Revising the FSAR 6 months after refueling outages for each unit, therefore, is not necessary to achieve the underlying purpose of the rule. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security, and is otherwise in the public interest. The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the TPP FSAR within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the TPP FSAR within 6 months after each Unit 4 refueling outage, not to exceed 24 months between subsequent revisions.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (63 FR 36276).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 16th day of July 1998.

For the Nuclear Regulatory Commission.
Samuel J. Collins,
*Director, Office of Nuclear Reactor
 Regulation.*
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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-397]

Washington Public Power Supply System; 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-21, issued to Washington Public Power Supply System (Supply System or the licensee), for operation of the Nuclear Project Number 2 (WNP-2) located in Benton County, Washington.

This technical specification (TS) change authorizes the licensee to conduct TS Surveillance 3.8.4.8 (performance test) in lieu of TS Surveillance 3.8.4.7 (service test) for the WNP-2 Division 2 Class 1E 125 VDC battery on a one-time basis. The change to the TS is authorized until the licensee can perform the service test during the next scheduled refueling outage or during the next unplanned outage of sufficient duration. This amendment has been requested in accordance with the notice of enforcement discretion granted to the licensee on July 17, 1998.

This amendment needs to be processed on an exigent basis to promptly bring the plant into literal compliance with the technical specifications due to an inadvertent missed surveillance. Without this amendment the licensee would be required to shut down the plant and create an unnecessary plant transient.

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. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The safety function of the Battery E-B1-2 is to provide 125 VDC power to the Division 2 safety-related loads including: RCIC Turbine Exhaust Valve, CAC Isolation Valves, Diesel (DG-2) Engine Backup Lube and Fuel Oil Pumps, Critical Switchgear control power, Critical Instrument Power Supply Inverter, NSSS Instrument and Control Board power, and control power to the Remote Shutdown Panel. This establishes the Division 2, 125 VDC Power system as an accident mitigation system, and is not an individual precursor of an evaluated accident. Battery E-B1-2 has no role in the initiation of design basis accidents (DBAs) or transients identified in the FSAR.

The proposed change entails a one time relief from verbatim compliance with SR 3.8.4.7 by permitting the performance test in SR 3.8.4.8 to suffice for performance of the SR 3.8.4.7 service test. Improved Technical Specifications (ITS) SR 3.8.4.7 presently allows the "modified" performance test in SR 3.8.4.8 to be performed in lieu of the service test in SR 3.8.4.7. The difference between the modified performance test short duration load of 400 amperes for six seconds and the performance test load of 350 amperes is small when compared to the 922 ampere one-minute rating of the battery. Testing at the levels defined in either situation provides a satisfactory battery performance demonstration. Additionally, documented test results since the date of manufacture (1994) of Battery E-B1-2 substantiate the battery's capability to perform its intended safety functions. The performance test completed in April of 1997 demonstrated a battery capacity of 104.7% which is above the battery replacement criteria of 80% capacity. The performance test performed when the battery was new as part of acceptance testing in May of 1994 documented a capacity of 104.17%. Comparing the 1994 and 1997 performance test results indicates that the battery has not degraded during the 4 years since it was manufactured and installed. Based on the substantial battery capacity demonstrated by these performance tests and the short duration peak load required by the service test (400 amps) as compared to the one-minute rating of the battery (922 amps), the battery is fully capable of meeting the requirements of the modified performance test and the service test.

Regular battery surveillances are routinely performed which include specific gravity and battery terminal voltage measurements. As a compensatory measure, in addition to the

visual corrosion inspection, the Supply System will measure Battery E-B1-2 connection resistance on a 92 day interval and verify that the intercell connector resistance is ≤ 24.4 E-6 ohms. These surveillance measures will ensure that Battery E-B1-2 remains operable.

The probability of an evaluated accident is derived from the probabilities of the individual precursors to that accident. The consequences of an evaluated accident are determined by the operability of plant systems designed to mitigate those consequences. Since Battery E-B1-2 is operable and will remain in service, this action will not change the availability of any safety related equipment and no individual precursors of an accident are affected. Therefore, this change does not increase the probability of an accident previously evaluated. In addition, since the functions and capabilities of systems designed to mitigate the consequences of an accident have not changed, the consequences of an accident previously evaluated are not expected to increase. Therefore, there is no significant increase in the probability or consequence of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The service test requires a discharge rate of 400 amps for the first six seconds and drops to less than 250 amps for a duration of two hours. The performance test requires a constant 350 amps throughout the test. Therefore, a difference of 50 amps for the first six seconds is not enveloped by the performance test. The service test requirement of 400 amps is small compared to the manufacturer's one-minute discharge rating of the battery (922 amps). The 50 amperes for six seconds difference in the testing profiles of the SR 3.8.4.7 service test and the SR 3.8.4.8 performance test was confirmed by the manufacturer as insignificant relative to demonstration of the battery capacity and its short duration discharge rate.

Creation of the possibility of a new or different kind of accident would require the creation of one or more new precursors of that accident. New accident precursors may be created by modifications to the plant configuration. No modifications to plant configuration will result from this proposed one time surveillance test change. Documented test results demonstrate that Battery E-B1-2 is capable of performing its intended safety function. Since Battery E-B1-2 has not been modified and will remain in operation during Operational Modes 1, 2, and 3 as required by the Technical Specifications, no new failure modes of the 125 VDC Distribution System are introduced. Therefore, this change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The basis for the margin of safety for the Division 2, 125 VDC battery is the two hour operating time defined in the DC System