

granted the request of PECO Energy Company (the licensee) to withdraw its May 5, 1997, application for proposed amendments to Facility Operating License Nos. DPR-44 and DPR-56 for Peach Bottom Atomic Power Station, Units 2 and 3, located in York County, Pennsylvania.

The proposed amendments would have involved an unreviewed safety question (USQ) and modified the facility, as described in the Updated Final Safety Analysis Report, by replacing the suction strainers for emergency core cooling system.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on June 25, 1997 (62 FR 34318). However, by letter dated December 11, 1998, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated May 5, 1997, as supplemented by letters dated August 22 and September 26, 1997; and the licensee's letter dated December 11, 1998, which withdrew the application for license amendment. The above documents 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 Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA, 17105.

Dated at Rockville, Maryland, this 15th day of December 1998.

For the Nuclear Regulatory Commission.

Mohan C. Thadani,

Senior Project Manager, Project Directorate I-2, Division of Reactor Projects -I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98-33825 Filed 12-21-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-259, 50-260, 50-296]

Tennessee Valley Authority (Browns Ferry Nuclear Plants Units 1, 2, and 3); Exemption

I

Tennessee Valley Authority (TVA or the licensee) is the holder of Facility Operating License Nos. DPR-33, DPR-52 and DPR-68, for operation of the Browns Ferry Nuclear Plant (BFN) Units 1, 2 and 3. The licenses provide, among other things, that the licensee is subject

to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (Commission or NRC) now or hereafter in effect.

These facilities consist of three boiling water reactors located in Limestone County, Alabama.

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 (UFSAR)] 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 three BFN units share a common UFSAR; therefore, this rule requires the licensee to update the same document within 6 months after a refueling outage for each unit.

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. * * *" As noted in the NRC staff's Safety Evaluation, the licensee's proposed schedule for UFSAR updates will ensure that the BFN UFSAR will be maintained current within 24 months of the last revision. The proposed schedule fits within the 24-month duration specified by 10 CFR 50.71(e)(4). Literal application of 10 CFR 50.71(e)(4) would require the licensee to update the same document within 6 months after a refueling outage for each unit, a more burdensome requirement than intended. 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 BFN UFSAR within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the BFN UFSAR within 6 months after Unit 2 refueling outages, but not to exceed 24 months from the last submittal.

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 69311).

This exemption is effective upon issuance.

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

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98-33826 Filed 12-21-98; 8:45 am]

BILLING CODE 7590-01-P

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.

The proposed amendment would change Section 3.8.1.8 of the Technical Specifications (TS) to allow for the capability to manually transfer between the preferred and alternate offsite power sources during Modes 1 and 2.

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 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 proposed change would remove a specific restriction to allow for the performance of the verification of the manual transfer of the unit power supply from the preferred source to the alternate source during Modes 1 and 2. The transfer of the unit power supply from the preferred source to the alternate source is not an initiator of any previously analyzed accident. Therefore, this proposed change does not increase the frequency of such accidents.

This test is performed by conducting a manual transfer which momentarily parallels the 230 kV and 115 kV offsite AC power sources through step-down transformers. Paralleling of offsite AC power sources is a controlled evolution and the risk associated with the performance of the test while the unit is at power is not significant.

This conclusion is based upon several factors such as: (1) the frequency and voltages are verified to be within the required range prior to paralleling the two offsite AC power sources; (2) breaker interlocks ensure that voltage is available from the alternate circuit and that the alternate circuit is connected to the load prior to opening the preferred circuit; (3) the test does not result in deenergization of any 4.16 kV emergency bus or challenge to any protective relay and the potential for electrical perturbations on the distribution system is the same whether performing the transfer while the unit is at power or while shutdown; and (4) operating history indicates that transferring offsite AC power sources while the unit was shutdown or operating has been performed satisfactorily without electrical distribution system perturbations.

The appropriate plant conditions for performance of the surveillance test will continue to be controlled to ensure that any potential consequences are not significantly increased. This control method has been previously determined to be acceptable as indicated in Generic Letter 91-04, "Changes in Technical Specification Surveillance Intervals to Accommodate a 24-Month Fuel Cycle."

Therefore, operation of WNP-2 in accordance with the proposed amendment will not involve a significant increase in the probability or consequences 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 proposed change removes a specific restriction on the plant conditions for performing a surveillance test, but does not change the method of performance. The appropriate plant conditions for performance of the surveillance test will continue to be controlled to ensure that the possibility for a new or different type of accident is not created. This control method has been previously determined to be acceptable as indicated in Generic Letter 91-04.

The proposed change does not impact the ability of the electrical distribution system to function and mitigate electrical-related transients or accidents. No new failure modes will be introduced and no existing failure modes will be impacted by the proposed change to Technical Specification Surveillance Requirement 3.8.1.8. Operating history indicates that transferring offsite AC power sources while the unit was shutdown or operating has been performed satisfactorily without electrical distribution system perturbations (i.e., during transfer of SM-3 to TR-S and transfer of SM-8 to TR-B).

Therefore, the operation of WNP-2 in accordance with the proposed amendment 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 margin of safety considered in determining the appropriate plant conditions for performing the surveillance test will continue to be controlled to ensure that there is no significant reduction. This control method has been previously determined to be acceptable as indicated in Generic Letter 91-04.

The proposed removal of a specific mode restriction does not impact the functional design, logic or control scheme of any component or system. The AC sources in one division must be operable and independent (to the extent possible). One offsite circuit is allowed to be tied to all engineered safety feature buses, and not violate the separation criteria, provided the necessary automatic transfer capability is operable.

If power is supplied to SM-8 by means of TR-B, then one offsite circuit is inoperable (TS-S) because the automatic transfer capability is inoperable. The lineup of SM-8 to TR-B is bounded by and requires a voluntary entry into Technical Specification 3.8.1, "AC Sources—Operating."

Although a complete loss of offsite power is not anticipated as the result of the manual transfer, a risk analysis has been performed for the plant configuration of the unavailability of TR-S and TR-B for the period of time allowed by the Limiting Condition for Operation for Technical Specification 3.8.1.8. It was determined that the evaluated plant configuration was not risk significant (i.e., a core damage probability of $<1E-6$). In addition, operating history shows that transferring of offsite AC power sources has been performed several times without electrical distribution system perturbations.

Therefore, operation of WNP-2 in accordance with the proposed amendment will not involve a significant reduction in the 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 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 January 21, 1999, 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 Richland Public Library, 955 Northgate Street, Richland, Washington 99352. 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 Perry D. Robinson, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005-3502, 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 December 17, 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 Richland Public Library, 955 Northgate Street, Richland, Washington 99352.

Dated at Rockville, Maryland, this 18th day of December 1998.

For the Nuclear Regulatory Commission.

Mel B. Fields,

Project Manager, Project Directorate IV-2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98-33998 Filed 12-21-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATES: Weeks of December 21, 1998, January 4, and 11, 1999.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of December 21—Tentative

Wednesday, December 23

9:00 a.m.

Affirmation Session (Public Meeting)

a: Baltimore Gas & Electric Company (Calvert Cliffs Nuclear Power Plant, Units 1 and 2), Docket Nos. 50-317-LR, 50-318-LR, Order Denying Intervention Petition/Hearing Request And Dismissing Proceeding, (Tentative) (Contact: Ken Hart, 301-415-1659)

Week of December 28—Tentative

There are no meetings scheduled for the week of December 28, 1998.

Week of January 4—Tentative

Wednesday, January 6

11:30 a.m.

Affirmation Session (Public Meeting) (if needed)