

integration with other significant but unrelated issues that GPUN is addressing at its plant. In order to remove compensatory measures such as fire watches, it has been determined that resolution of all Thermo-Lag corrective actions by GPUN must be completed by June 30, 2000. By letter dated June 21, 1999, the NRC staff notified GPUN of its plan to incorporate GPUN's schedule commitment with regard to issues which were the subject of the exemption request into a requirement by issuance of an order and requested consent from the Licensee. By letter dated July 1, 1999, the Licensee consented to issuance of a Confirmatory Order.

III

The Licensee's commitment as stated in its letter of July 1, 1999, is acceptable and is necessary for the NRC to conclude that public health and safety are reasonably assured. To preclude any schedule delay and to assure public health and safety, the NRC staff has determined that the Licensee's commitment in its July 1, 1999, letter be confirmed by this Order. The Licensee has agreed to this action. On this basis, and on the basis of the Licensee's consent, this Order is immediately effective upon issuance.

IV

Accordingly, pursuant to sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 50, *it is hereby ordered*, effective immediately, that:

GPU Nuclear, Inc., et al. shall complete final implementation of Thermo-Lag 330-1 fire barrier corrective actions at Three Mile Island Nuclear Station, Unit 1, described in the GPU Nuclear, Inc., submittal to the NRC dated June 2, 1999, by June 30, 2000.

The Director, Office of Nuclear Reactor Regulation, may relax or rescind, in writing, any provisions of this Confirmatory Order upon a showing by the Licensee of good cause.

V

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, US Nuclear Regulatory Commission, Washington, DC 20555-0001, and include a statement of good cause for the extension. Any request for a hearing

must be submitted to the Secretary, US Nuclear Regulatory Commission, Attention: Chief, Rulemaking and Adjudications Staff, Washington, DC 20555-0001. Copies of the hearing request must also be sent to the Director, Office of Nuclear Reactor Regulation, US Nuclear Regulatory Commission, Washington, DC 20555-0001, to the Assistant General Counsel Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region I, US Nuclear Regulatory Commission, 475 Allendale Road., King of Prussia, PA 19406-1415, and to the Licensee, Mr. James W. Langenbach, Vice President and Director—TMI-1, GPU Nuclear, Inc., P.O. Box 480, Middletown, PA 17057. If such a person requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and must address criteria set forth in 10 CFR 2.714(d).

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

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 11th day of August 1999.

For the Nuclear Regulatory Commission.

William F. Kane,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 99-21307 Filed 8-16-99; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-219]

Oyster Creek Nuclear Generating Station; 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. DPR-16 issued to GPU Nuclear, Inc. and Jersey Central Power & Light Company (the licensee) for operation of the Oyster Creek Nuclear Generating Station (OCNGS) located in Ocean County, New Jersey.

The proposed amendment would modify the OCNGS Technical Specifications to reflect installation of additional spent fuel pool storage racks. The additional new racks will provide 390 additional spent fuel assembly storage locations.

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. Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability of occurrence or the consequences of an accident previously evaluated. The following previously analyzed accident scenarios have been considered as part of the analyses required to support the installation of the high density spent fuel storage racks:

(a) Spent Fuel Assembly Drop—The criticality acceptance criteria, K_{eff} [less than or equal to] 0.95, is maintained for postulated abnormal occurrences such as a fuel assembly misloading or assembly drop. The radiological consequences of a fuel handling

accident in the spent fuel pool remain well within the guidelines of 10 CFR 100 and Standard Review Plan 15.7.4.

(b) Loss of Spent Fuel Pool Cooling System Flow—The spent fuel pool cooling system will continue to provide acceptable cooling of the stored assemblies. Approximately 5 hours is available before reaching the Technical Specification limit of 125 °F and approximately 45 hours is available before reaching the analyzed peak bulk pool temperature. Therefore, sufficient time is available to respond to the spent fuel pool water temperature control room alarm (120 °F) and to provide an alternate means of cooling in the event of a failure in the cooling system. Therefore, the proposed change has no effect on this accident scenario.

(c) Seismic Event—The new racks are designed and fabricated to remain functional during and after a Safe Shutdown Earthquake under all loading conditions. Analysis has demonstrated that no rack-to-wall impacts occur. Analyzed potential rack-to-rack impacts demonstrates the stored fuel configuration remains unaffected. Spent fuel pool structural analysis demonstrates that for the bonding factored load combinations, including the weight of a shipping cask (100 tons), structural integrity is maintained when the pool is assumed to be fully loaded with 3,035 spent fuel assemblies. Therefore, the proposed change has no effect on this accident scenario.

(d) Spent Fuel Cask Drop—Structural analysis of the spent fuel pool demonstrates that the pool structure remains adequate for the loadings associated with normal operation and the condition resulting from the postulated cask drop accident.

Accordingly, the proposed modification does not increase the probability of occurrence or the consequences of an accident previously evaluated.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. Administrative controls during rack installation would preclude the movement of a new rack directly over any fuel. The new racks will be lifted using the 100-ton overhead crane which has a sufficient safety factor such that potential single failure mechanisms need not be considered. The lifting device designed for handling and installation of the new racks is in compliance with NUREG-0612. A postulated rack drop analysis demonstrates that the pool structure would not sustain significant damage from the postulated rack drop. The analysis shows that the rack pedestal would pierce the pool liner with localized concrete cracking. Any leakage resulting from such localized damage would be detectable and capability is provided to make up the loss of inventory to the pool. No unproven technology is involved either in the installation process or in the analytical techniques utilized to evaluate the planned fuel storage expansion. The basic technology for fuel pool expansion has been developed and demonstrated in over 80 applications for fuel pool capacity increases previously approved by NRC. The proposed modification has been evaluated in

accordance with the guidance of NRC Position Paper, "OT Position for Review and Acceptance of Spent Fuel Storage and Handling Applications," April 14, 1978, and Addendum dated January 18, 1979. Therefore, this change has no effect on the possibility of creating a new or different kind of accident from any accident previously evaluated.

3. Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety. Analysis has demonstrated that the established criticality acceptance criteria, K_{eff} [less than or equal to] 0.95 including uncertainties, is maintained with the racks fully loaded with fuel of the highest anticipated reactivity. Thermal-hydraulic analyses demonstrate that the pool bulk temperatures are maintained below 125 °F for the normal refueling offload and the full-core offload discharge scenarios using the augmented fuel pool heat exchanger, and that the maximum local water temperature along the hottest fuel assembly is below the nucleate boiling condition value. The maximum bulk pool temperatures for each of the analyzed scenarios confirms that adequate time is available to provide an alternative means of cooling in the event of a failure in the cooling system. The rack materials used are compatible with the spent fuel pool and the spent fuel assemblies. The structural analyses have demonstrated that the proposed change maintains spent fuel pool structural integrity and margins of safety. The new racks are designed and fabricated to remain functional during and after a Safe Shutdown Earthquake. Therefore, this change has no effect on the margins of safety related to nuclear criticality, thermal and structural integrity, and material compatibility.

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 maybe 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 September 16, 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 Ocean County Library, Reference Department, 101 Washington Street, Toms River, NJ 08753. 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 Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & 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).

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWSA), 42 U.S.C. 10154. Under section 134 of the NWSA, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties."

The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings

are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWSA are found in 10 CFR Part 2, Subpart K, "Hybrid Hearing Procedures for Expansion of Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41662 dated October 15, 1985). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. The presiding officer must grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application must be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding timely requests oral argument, and if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR Part 2, Subpart G apply.

For further details with respect to this action, see the application for amendment dated June 18, 1999, 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 Ocean County Library, Reference Department, 101 Washington Street, Toms River, NJ 08753.

Dated at Rockville, Maryland, this 11th day of August 1999.

For the Nuclear Regulatory Commission.

Timothy G. Colburn,

Sr. Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99-21308 Filed 8-16-99; 8:45 am]

BILLING CODE 7590-01-P