Operating License Nos. DPR–58 and DPR–74, which authorize operation of the Donald C. Cook Nuclear Plant, Units 1 and 2, respectively. The Donald C. Cook facilities are pressurized-water reactors located at the licensee's site in Berrien County, Michigan. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

II

Section 50.71(e)(4) of Title 10 of the Code of Federal Regulations, ''Maintenance of records, making of reports,'' states, in part, that ''Subsequent revisions [to the 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 Donald C. Cook facilities share a common FSAR; therefore, this rule requires the licensee to update the same document within 6 months after a refueling outage for either unit.

III

Section 50.12(a), ''Specific exemptions,'' makes the following statement:

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) states that special circumstances are present whenever—

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.

IV

As noted in the staff's safety evaluation, the licensee's proposed schedule for FSAR updates will ensure that the FSAR for the Donald C. Cook Nuclear Plant will be kept current within 24 months of the last revision and will not exceed a 24-month maximum interval for submission of updates to the FSAR pusuant to 10 CFR 50.71(e)(4). The Commission has determined that, pursuant to 10 CFR 50.12(a), an exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with common defense or security, and is otherwise in the public interest. The Commission has also determined that there are special circumstances as defined in 10 CFR 50.12(a)(2)(ii) since the recent revision to 10 CFR 50.71(e), intended to decrease the burden associated with submittal of revisions to the FSAR, did not address multiple-unit sites with a common FSAR and provides that FSAR updates must be filed every 24 months. The licensee's proposed exemption provides the decrease in burden which was intended by the revision and, therefore, achieves the underlying purpose of the rule. The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the FSAR for the Donald C. Cook Nuclear Plant within 6 months of each outage. The licensee will be required to submit updates to the Donald C. Cook Nuclear Plant FSAR once every Unit 1 fuel cycle, but not to exceed 24 months from the last submittal.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (62 FR 59753).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 3d day of March 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–5947 Filed 3–6–98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–286]

Power Authority of the State of New York; 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–64 issued to New York Power Authority for operation of the Indian Point Nuclear Generating Unit No. 3 (IP3) located in Westchester County, New York.

The proposed amendment would change the pressure-temperature and overpressure limits.

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) Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously analyzed?

Response:

The proposed license amendment does not involve a significant increase in the probability or consequences of a previously analyzed accident. The pressure-temperature limit changes proposed by this amendment are based on supporting data and evaluation methodologies previously submitted to the NRC in References 2, 3 and 4 [see application dated February 27, 1998]. These limits are based upon the irradiation damage prediction methods of Regulatory Guide 1.99, Revision 2. The LTOPS [low-temperature overpressure protection] changes contained in this submittal have been conservatively adjusted in accordance with the new pressure-temperature limits, in accordance with the information contained in References 2 and 5 [see application dated February 27, 1998] and ASME Code Case N–514.

The revised version of Section 3.1.A.8 clarifies existing requirements related to the OPS [overpressure protection system] system and adds an eight hour completion time for compensating actions, consistent with the STS. The changes to Section 3.1.A.1.h, l, and j revise the requirements associated with the start of an RCP [reactor coolant pump]. These changes improve specification clarity and do not increase the probability or consequences of an accident.

The Technical Specification changes associated with the restriction on SI [safety injection] pumps provides added conservatism to the Technical Specifications and limits the likelihood of an RHR [residual heat removal] overpressurization event. Current plant procedures prohibit actuation of any SI pumps when RHR is in service, except during testing, loss of RHR cooling, or reduced inventory operations. Therefore, the change to the Technical Specifications will not alter current plant operation.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

The proposed license amendment does not create the possibility of a new or different kind of accident from any accident previously analyzed. The pressure-temperature limits are updating the existing limits by taking into account the effects of radiation embrittlement, utilizing criteria defined in Regulatory Guide 1.99, Revision 2, and extending the effective period to 13.3 EFPYs [effective full-power years]. The updated OPS limits have been adjusted to account for the effect of irradiation on the limiting reactor vessel material. These changes do not affect the way the pressure-temperature or OPS limits provide plant protection and no physical plant alterations are necessary.

The revisions to Section 3.1.A.8 concerning the OPS system improve on the clarity of existing specifications and add a completion time for compensating actions that is consistent with the STS. These changes do not involve any hardware modifications and do not affect the function of the OPS system.

The revisions concerning the operation of SI pumps bring the Technical Specifications into line with current operating procedures. The changes to Specification 3.1.A.1.h, l, and j provide specification clarity and are more conservative than existing Technical Specifications. Therefore, the changes cannot create the possibility of a new or different kind of accident.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

The proposed amendment does not involve a significant reduction in a margin of safety. The margins of safety against fracture provided by the pressure-temperature limits are those limits specified in 10 CFR Part 50, Appendix G, ASME [American Society of Mechanical Engineers] Boiler and Pressure Vessel Code Section XI, Appendix G, and Reference 4 [see application dated February 27, 1998]. The guidance in these documents has been utilized to develop the pressure-temperature limits with the requisite margins of safety for the heatup and cooldown conditions. The new LTOP limits are based upon References 2 and 5 [see application dated February 27, 1998] and ASME Code Case N–514.

The revisions to Section 3.1.A.8 clarify the requirements associated with the OPS system. The revisions associated with the operation of SI pumps with RHR in service (Sections 3.3.A.3, 8, 9 and 10) and the changes regarding RCP starts (Section 3.1.A.1.h, l, and j) are more conservative than the current Technical Specifications, and are consistent with plant operating procedures. Therefore, they do not reduce a 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 Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, 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 8, 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601. 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, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Susan F. Shankman: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. David Blabey, 10 Columbus Circle, New York, New York 10019, 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 February 27, 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Dated at Rockville, Maryland, this 4th day of March 1998.

For the Nuclear Regulatory Commission.

George F. Wunder,

Project Manager, Project Directorate I–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–5948 Filed 3–6–98; 8:45 am]

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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 be a temporary change to the Technical Specifications to remove the requirement to demonstrate the load shedding feature of MCC XEB4–3 as part of Surveillance Requirements (SRs) 4.8.1.1.2f.4)(a) and 4.8.1.1.2f.6)(a) until the plant startup subsequent to the next refueling outage or until the next outage greater than 24 hours in duration for each respective unit. This temporary change is requested as a result of the failure to confirm the load shedding feature of MCC XEB4–3 during the performance of these SRs for the Unit 1 and Unit 2 train B diesel generators (DGs). 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 February 20, 1998. The NRC orally issued the NOED at 4:49 pm EST on February 20, 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 February 24, 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?

The only potential impact of operating without having demonstrated the load shedding feature of MCC XEB4–3 is the potential that the train B DG for either CPSES Unit 1 or Unit 2 will not be able to perform its safety function following a postulated accident or event. TU Electric has evaluated the potential load added to the DGs if this bus does not shed and has concluded that the DGs remain fully capable of performing their safety function. As a result, there is no significant increase in the probability or consequences of an accident previously evaluated.

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