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Dated at Rockville, Maryland this 15th day of April 1999.

For the Nuclear Regulatory Commission.

**John T. Harrison,**

*Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-483]

### Union Electric Company; Notice of Consideration of Issuance of Amendment to Facility Operating License 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-30, issued to the Union Electric Company (UE or the licensee), for operation of the Callaway Plant, Unit 1 (CW), located in Callaway County, Missouri.

The initial notice of consideration of issuance of amendment to facility operating license and opportunity for hearing was originally published in the **Federal Register** (63 FR 53468) on October 5, 1998. The information included in the supplemental letters indicates that the original notice, that included 14 proposed beyond-scope issues (BSIs) to the Improved Technical Specifications (ITS) conversion, needs to be expanded (to add 17 new BSIs) and revised (to delete 7 previous BSIs) to include a total of 24 BSIs. This notice supersedes the previous notice.

The proposed amendment, requested by the licensee in a letter dated May 15, 1997, as supplemented by letters dated June 26, August 4, August 27, September 24, October 21, November 23, November 25, December 11 and December 22, 1998, and February 5, March 9, April 7, and April 21, 1999, would represent a full conversion from the current Technical Specifications (CTS) to a set of ITS based on NUREG-1431, "Standard Technical Specifications, Westinghouse Plants," Revision 1, dated April 1995 (the STS). NUREG-1431 has been developed by the Commission's staff through working groups composed of both NRC staff members and industry representatives,

and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve the Technical Specifications (TS) for nuclear power plants. As part of this submittal, the licensee has applied the criteria contained in the Commission's "Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors (Final Policy Statement)," published in the **Federal Register** on July 22, 1993 (58 FR 39132), to the CTS, and, using NUREG-1431 as a basis, proposed an ITS for CW. The criteria in the Final Policy Statement were subsequently added to 10 CFR 50.36, "Technical Specifications," in a rule change that was published in the **Federal Register** on July 19, 1995 (60 FR 36953) and became effective on August 18, 1995.

This conversion is a joint effort in concert with three other utilities: Pacific Gas & Electric Company for Diablo Canyon Power Plant, Units 1 and 2 (Docket Nos. 50-275 and 50-323); TU Electric for Comanche Peak Steam Electric Station, Units 1 and 2 (Docket Nos. 50-445 and 50-446); and Wolf Creek Nuclear Operating Corporation for Wolf Creek Generating Station (Docket No. 50-482). This joint effort includes a common methodology for the licensees in marking-up the CTS and NUREG-1431 Specifications, and the NUREG-1431 Bases, that has been accepted by the staff. This includes the convention that, if the words in a CTS specification are not the same as the words in the ITS specification but they mean the same or have the same requirements as the words in the ITS specification, the licensees do not indicate or describe a change to the CTS.

This common methodology is discussed at the end of Enclosure 2, "Mark-Up of Current TS"; Enclosure 5a, "Mark-Up of NUREG-1431 Specifications"; and Enclosure 5b, "Mark-Up of NUREG-1431 Bases," for each of the 14 separate ITS sections that were submitted with the licensee's application. For each of the 14 ITS sections, there is also the following: Enclosure 1, the cross reference table, sorted by CTS and ITS Specifications; Enclosure 3, the description of the changes to the CTS section and the comparison table showing which plants (of the four licensees in the joint effort) that each change applies to; Enclosure 4, the no significant hazards consideration (NSHC) of 10 CFR 50.91 for the changes to the CTS with generic NSHCs for administrative, more restrictive, relocation, and moving-out-of-CTS changes, and individual NSHCs for less restrictive changes and with the organization of the NSHC evaluation

discussed in the beginning of the enclosure; and Enclosure 6, the descriptions of the differences from NUREG-1431 specifications and the comparison table showing which plants (of the four licensees in the joint effort) that each difference applies to. Another convention of the common methodology is that the technical justifications for the less restrictive changes are included in the NSHCs.

The licensee has categorized the proposed changes to the CTS into four general groupings. These groupings are characterized as administrative changes, relocated changes, more restrictive changes and less restrictive changes.

Administrative changes are those that involve restructuring, renumbering, rewording, interpretation and complex rearranging of requirements and other changes not affecting technical content or substantially revising an operating requirement. The reformatting, renumbering and rewording process reflects the attributes of NUREG-1431 and does not involve technical changes to the existing TS. The proposed changes include (a) providing the appropriate numbers, etc., for NUREG-1431 bracketed information (information that must be supplied on a plant-specific basis, and which may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG-1431 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accident or transient events.

Relocated changes are those involving relocation of requirements and surveillances for structures, systems, components, or variables that do not meet the criteria for inclusion in the TS. Relocated changes are those current TS requirements that do not satisfy or fall within any of the four criteria specified in the Commission's policy statement and may be relocated to appropriate licensee-controlled documents.

The licensee's application of the screening criteria is described in Attachment 2 to its May 15, 1997, submittal, which is entitled, "General Description and Assessment." The affected structures, systems, components or variables are not assumed to be initiators of analyzed events and are not assumed to mitigate accident or transient events. The requirements and surveillances for these affected structures, systems, components, or variables will be relocated from the TS to administratively controlled documents such as the quality assurance program,

the Final Safety Analysis Report (FSAR), the ITS Bases, the Technical Requirements Manual (TRM) that is incorporated by reference in the FSAR, the Core Operating Limits Report (COLR), the Offsite Dose Calculation Manual (ODCM), the Inservice Testing (IST) Program, or other licensee-controlled documents. Changes made to these documents will be made pursuant to 10 CFR 50.59 or other appropriate control mechanisms, and may be made without prior NRC review and approval. In addition, the affected structures, systems, components, or variables are addressed in existing surveillance procedures that are also subject to 10 CFR 50.59. These proposed changes will not impose or eliminate any requirements.

More restrictive changes are those involving more stringent requirements compared to the CTS for operation of the facility. These more stringent requirements do not result in operation that will alter assumptions relative to the mitigation of an accident or transient event. The more restrictive requirements will not alter the operation of process variables, structures, systems, and components described in the safety analyses. For each requirement in the CTS that is more restrictive than the corresponding requirement in NUREG-1431 that the licensee proposes to retain in the ITS, they have provided an explanation of why they have concluded that retaining the more restrictive requirement is desirable to ensure safe operation of the facility because of specific design features of the plant.

Less restrictive changes are those where CTS requirements are relaxed or eliminated, or new plant operational flexibility is provided. The more significant "less restrictive" requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the TSs may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of the Owners Groups' comments on the Improved Standard Technical Specifications. Generic relaxations contained in NUREG-1431 were reviewed by the staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. The licensee's design will be reviewed to determine if the specific design basis and licensing basis

are consistent with the technical basis for the model requirements in NUREG-1431, thus providing a basis for these revised TS, or if relaxation of the requirements in the current TS is warranted based on the justification provided by the licensee.

These administrative, relocated, more restrictive, and less restrictive changes to the requirements of the CTS do not result in operations that will alter assumptions relative to mitigation of an analyzed accident or transient event.

In addition to the proposed changes solely involving the conversion, there are also changes proposed that are different than the requirements in both the CTS and the improved Standard Technical Specifications (NUREG-1431). The first 7 beyond-scope issues (BSIs) were included in the previous (superceded) notice and still apply to the conversion, however there are 17 additional BSIs. The additional BSIs are discussed in the licensee's response to requests for additional information (RAIs) from the NRC staff. These proposed BSIs to the ITS conversion are as follows:

1. ITS Surveillance Requirement (SR) 3.2.1.1 and SR 3.2.1.2—add frequency of once within 24 hours to CTS 4.2.2.2.d for verifying the axial heat flux hot channel factor is within limits after achieving equilibrium conditions.

2. ITS Limiting Condition for Operation (LCO) 3.3.9—revise Action 5.b of CTS Table 3.3-1 to increase the verification interval for unborated water source isolation valve position from 14 days to 31 days.

3. ITS LCO 3.4.7 and SRs 3.4.5.2, 3.4.6.2, and 3.4.7.2—revise steam generator (SG) level requirements from 10% wide range to 4% narrow range in CTS SRs 4.4.1.2.2 and 4.4.1.3.2 for Modes 3, 4, and 5 to ensure SG tubes are covered and provide an adequate heat sink.

4. ITS LCO 3.4.1.2—revise applicability note to CTS LCO 3.4.9.3 to allow a longer time, up to 1 hour, for both centrifugal charging pumps to be capable of injecting into the reactor coolant system.

5. ITS LCO 3.7.15—changes reference for the spent fuel pool level from that above top of fuel stored in racks to that above the top of racks in CTS LCO 3.9.11.

6. ITS 5.6.5.a—adds the refueling boron concentration to the core operating limits report in CTS 6.9.1.9.

7. ITS 5.7.1—changes limits for high radiation areas in CTS 6.12.1 to reflect the requirements of revised 10 CFR Part 20.

8. Change 1-34-LS-2 (ITS Table 1.1-1), question 1.1-9, response letter dated

April 21, 1999. The proposed change adds notes to CTS Table 1.2 to identify the number of reactor vessel head closure bolts required to be fully tensioned for Modes 4 and 5. A Note is also proposed to address Mode 6 bolt requirements.

9. Change 1-7-LS-3 (ITS Table 3.3-1), question 3.3-107, response letter dated November 25, 1998. The proposed change to CTS Table 3.3-1 would (1) extend the completion time for CTS Action 3.b from no time specified to 24 hours for channel restoration or changing the power level to either below P-6 or above P-10, (2) change the applicable modes and delete CTS Action 3.a because it is now outside the revised intermediate range neutron flux channel applicability, and (3) add a less restrictive new action that requires immediate suspension of operations involving positive reactivity additions and a power reduction below P-6 within two hours, but no longer requires a reduction to Mode 3.

10. Change 1-22-M (ITS SR 3.3.1.8), question 3.3-49, response letter dated November 25, 1998. The proposed change would add quarterly channel operational tests (COTs) to CTS Table 4.3-1 for the power range neutron flux-low, intermediate range neutron flux, and source range neutron flux trip functions. The CTS only require a COT prior to startup for these functions. New Note 19 (which is from the STS) would be added to require that the new quarterly COT be performed within 12 hours after reducing power below P-10 for the power range and intermediate range (P-10 is the dividing point marking the applicability for these trip functions), if not performed in the previous 92 days. New Note 20 (which is from the STS), would be added to state that the P-6 and P-10 interlocks are verified to be in their required state during all COTs on the power range neutron flux-low and intermediate range neutron flux trip functions.

11. Change 1-46-M, (ITS Table 3.3.1-1 and 3.3.2-1), question 3.3-04, response letter dated March 9, 1999. The proposed change would revise CTS Table 3.3-1 Action 13 and CTS Table 3.3-3 Action 36 to require an inoperable SG low-low level (normal containment environment) instrument channel be placed in the tripped condition within 6 hours. The option to place the associated environmental allowance monitor (EAM) channels in trip would be deleted.

12. Change 4-09-LS-36, (ITS SR 3.4.11.1), question 3.4.11-4, response letter dated September 24, 1998. The proposed change would limit the CTS SR 4.4.4.2 requirement to perform the

92-day surveillance of the pressurizer power operated relief (PORV) block valves so that it is not required to be performed if the block valve is closed to meet CTS LCO 3.4.4 Action a. A note is also proposed to be added to action d to state that the Action does not apply if the block valve is inoperable solely to satisfy CTS LCO 3.4.4 Action b or c.

13. Change 10-20-LS-39 (ITS LCO 3.7.10), question 3.7.10-14, response letter dated October 21, 1998. The proposed change would add an action to CTS LCO 3.7.6 for ventilation system pressure envelope degradation that allows 24 hours to restore the control room pressure envelope through repairs before requiring the unit to perform an orderly shutdown. The new action has a longer allowed outage time than LCO 3.0.4 which the CTS would require to be entered immediately. The change would recognize that the ventilation trains associated with the pressure envelope would still be operable.

14. Change 2-25-LS-23 (ITS SR 3.8.4.7 and SR 3.8.4.8), the change, proposed in the amendment application, would allow substitution of a modified performance discharge test for the battery service test in CTS SR 4.8.2.1.e.

15. Change 1-09-A (ITS 5.0), question Q5.2-1, response letter dated September 24, 1998. The proposed change would replace CTS 6.2.2.e requirements concerning overtime with a reference to administrative procedures for the control of working hours.

16. Change 1-15-A (ITS 5.2.2.f), question Q5.2-1, response letter dated September 24, 1998. The proposed change would revise CTS 6.2.2.g to eliminate the title of Shift Technical Advisor (STA). The engineering expertise would be maintained on shift, but not as a separate individual, as allowed by the Commission's Policy Statement on engineering expertise.

17. Change 2-17-LS-1 (ITS 5.5.7), question Q5.5-2, response letter dated September 24, 1998. The proposed change would add an allowance to the CTS for the reactor coolant pump flywheel inspection program to permit an exception to the examination requirements specified in CTS SR 6.8.5.b (Regulatory position C.b.4 of NRC Regulatory Guide 1.14, "Reactor Coolant Pump Flywheel Integrity," Revision 1.) The exception would allow either an ultrasonic volumetric or surface examination as an acceptable inspection method.

18. Change 2-18-A (ITS 5.0), question Q5.2-1, response letter dated September 24, 1998. The proposed change would revise the CTS 6.8.4.e.7 dose rate limits in the radiological effluents controls

program to reflect 10 CFR Part 20 requirements.

19. Change 2-22-A (ITS 5.5.4.k), question Q5.2-1, response letter dated September 24, 1998. The proposed change would revise the radiological effluents controls program in CTS 6.8.3.e to add clarifying statements denoting that the provisions of CTS 4.0.2 and 4.0.3, which allow extensions to surveillance frequencies, are also applicable to these program activities.

20. Change 3-18-LS-5 (ITS 5.6.4), question Q5.2-1, response letter dated September 24, 1998. The CTS 6.9.1.8 requirement to provide documentation of all challenges to the power operated relief valves (PORVs) and safety valves on the reactor coolant system would be deleted. This would be based on NRC Generic Letter (GL) 97-02, "Revised Contents in the Monthly Operating Report," which reduced the requirements for submitting such information to the NRC. The GL did not include these valves for information to be submitted.

21. Change 9-14-M (ITS SR 3.4.12.3). The change, proposed in the amendment application, would add a new surveillance requirement to CTS LCO 3.4.9.3 on overpressure protection systems to verify each accumulator is isolated when the accumulator pressure is greater than or equal to the maximum reactor coolant system (RCS) pressure for the existing RCS cold leg temperature allowed by the pressure/temperature limit curves provided in the pressure temperature limit report.

22. Change 14-09-M (ITS 3.7.16), question 3.7.16-3, response letter dated March 9, 1999. The proposed change would add a new LCO, with actions and surveillance requirements from the ITS, to the CTS for the allowable fuel storage boron concentration. The new specification is based on ITS 3.7.17 with the proposed minimum acceptable boron concentration for the spent fuel storage pool being 2165 ppm boron.

23. Change 1-15-A (ITS SR 3.3.1.15), question TR-3.3-007, response letter dated December 22, 1998. The proposed change would modify the applicability of the reactor trip on turbine trip function in CTS Table 3.3-1 by adding a new footnote (c) stating that this function would only be required to be operable above the P-9 interlock. This is proposed since this function is blocked below the P-9 interlock. The applicability change would also be reflected in the revised trip actuating device operational test (TADOT) requirements for functional unit #16 in CTS Table 4.3-2.

24. Change 1-30-M (ITS LCO 3.3.9) questions 3.3-119 and 3.3-121,

response letter dated April 21, 1999. The proposed change would add a new LCO with actions and SR from the ITS for the boron dilution mitigation system. Additional restrictions not in the CTS would be added to address the requirement that one RCS loop shall be in operation for Modes 2 (below P-6), 3, 4 and 5. This is not included in the CTS or ITS 3.3.9.

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.

By May 27, 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 Elmer Ellis Library, University of Missouri, Columbia, Missouri, 65201. 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 a 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.

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 Mr. John O'Neill, Esq., Shaw, Pittman, Potts

& Trowbridge, 2300 N Street, N.W., Washington, D.C., 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).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated May 15, 1997, as supplemented by letters dated June 26, August 4, August 27, September 24, October 21, November 23, November 25, December 11 and December 22, 1998, and February 5, March 9, April 7, and April 21, 1999, 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 Elmer Ellis Library, University of Missouri, Columbia, Missouri, 65201.

Dated at Rockville, Maryland, this 21st day of April 1999.

For the Nuclear Regulatory Commission,  
**Mel Gray,**

*Project Manager, Section 2, Project Directorate IV & Decommissioning Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 99-10493 Filed 4-26-99; 8:45 am]

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## U.S. NUCLEAR REGULATORY COMMISSION

[Dockets 72-1021 and 72-1027]

### Transnuclear, Inc.; Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Proposed Exemption From Certain Requirements of 10 CFR Part 72

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the provisions of 10 CFR 72.124(b) to

Transnuclear, Inc. (TN or applicant) for the TN-32 spent fuel storage cask. The requested exemption would allow TN to confirm the efficacy of the cask's fixed neutron poisons by analysis. TN, located in Hawthorne, New York, is seeking a Certificate of Compliance (CoC) for the TN-32 dry spent fuel storage cask. The cask is intended for use under the general license provisions of Subpart K of 10 CFR Part 72 by Duke Power Company (Duke) at the McGuire Nuclear Station (McGuire) located in Cornelius, North Carolina and Wisconsin Electric Power Company (WEPCo) at the Point Beach Nuclear Power Station (Point Beach) located in Two Rivers, Wisconsin. The TN-32 dry spent fuel storage cask is currently used at Surry and North Anna Power Stations under a site-specific license and an exemption to 10 CFR 72.124(b) was granted for these casks.

### Environmental Assessment (EA)

*Identification of Proposed Action:* The staff is considering issuance of an exemption from the requirements of 10 CFR 72.124(b) which states, in part, that: "Where solid neutron absorbing materials are used, the design shall provide for positive means to verify their continued efficacy." Specifically, the staff is considering granting an exemption from the requirement to use positive means to verify continued efficacy of neutron absorbing materials. The proposed action before the Commission is whether to grant this exemption under 10 CFR 72.7.

*Need for the Proposed Action:* The exemption to 10 CFR 72.124(b) is necessary because, while this requirement is appropriate for wet spent fuel systems, it is not appropriate for dry spent fuel storage systems such as the TN-32. Periodic verification of neutron poison effectiveness is neither necessary nor possible for these casks. It is also necessary to ensure that the certification process for the TN-32 cask takes into account previous staff conclusions that fixed neutron poisons in these storage casks will remain effective over the 20-year period of the license. On June 9, 1998, the Commission issued a proposed rule (63 FR 31364) to revise 10 CFR 72.124(b). The Commission proposed that for dry spent fuel storage systems, the continued efficacy of neutron absorbing material may be confirmed by a demonstration and analysis before use, showing that significant degradation of the material cannot occur over the life of the facility. A final rule to revise this regulation has not yet been issued by the Commission.