

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-259; License No. DPR-33]

Tennessee Valley Authority; Notice of Informal 10 CFR 2.206 Public Hearing

The U.S. Nuclear Regulatory Commission (NRC) will hold an informal public hearing regarding a petition submitted pursuant to 10 CFR 2.206 involving Browns Ferry Nuclear Plant, Unit 1, of the Tennessee Valley Authority (TVA or the licensee). The hearing will be held on October 26, 1998. The location of the hearing will be at the Browns Ferry Nuclear Plant Training Center, Auditorium. The Browns Ferry Nuclear Plant Training Center is located at Shaw Road and Nuclear Plant Road, Athens, Alabama. The hearing will be open to public attendance and will be transcribed.

The structure of the hearing shall be as follows:

Monday October 26, 1998:

1:00 p.m.—NRC opening remarks
1:15 p.m.—Petitioner's presentation
2:00 p.m.—NRC questions
2:15 p.m.—Licensee's presentation
3:00 p.m.—NRC questions
3:15 p.m.—Public Comments
3:45 p.m.—Licensee/Petitioner's final statements
4:00 p.m.—Meeting concludes

By letter dated April 5, 1997, the Union of Concerned Scientists (UCS or Petitioner) submitted a Petition pursuant to 10 CFR 2.206 requesting (1) that the operating license for Browns Ferry Nuclear Plant, Unit 1 be revoked and (2) that the NRC require TVA to submit either a decommissioning plan or a lay-up plan for Browns Ferry Nuclear Plant, Unit 1. In addition, the Petitioner requested a hearing on this petition to present new information on Browns Ferry Nuclear Plant, Unit 1 that would include a discussion of the licensing basis reconstitution that would be required to support restart, and certain financial aspects that might be a consideration for the TVA's decision for retaining the Browns Ferry Unit 1 operating license.

The purpose of this informal public hearing is to obtain additional information from the Petitioner, the licensee, and the public for NRC staff use in evaluating the Petition. Therefore, this informal public hearing will be limited to information relevant to issues raised in the Petition. The staff will not offer any preliminary views on its evaluation of the Petition. The informal public hearing will be chaired by a senior NRC official who will limit presentations to the above subject.

The format of the informal public hearing will be as follows: opening remarks by the NRC regarding the general 10 CFR 2.206 process, the purpose of the informal public hearing, and a brief summary of the Petition and its Addendum (15 minutes); time for the Petitioner to articulate the basis of the Petition (45 minutes); time for the NRC to ask the Petitioner questions for purposes of clarification (15 minutes); time for the licensee to address the issues raised in the Petition (45 minutes); time for the NRC to ask the licensee questions for purposes of clarification (15 minutes); time for public comments relative to the Petition (30 minutes); and time for licensee and Petitioner's final statements (15 minutes).

Members of the public who are interested in presenting information relative to the Petition should notify the NRC official named below, 5 working days prior to the hearing. A brief summary of the information to be presented and the time requested should be provided in order to make appropriate arrangements. Time allotted for presentations by members of the public will be determined based upon the number of requests received and will be announced at the beginning of the hearing. The order for public presentations will be on a first received first to speak basis.

Written statements will also be accepted and included in the record of the hearing. Written statements should be mailed to the U.S. Nuclear Regulatory Commission, Mail stop O-14B21, Attn: Albert W. De Agazio, Washington, DC 20555.

Requests for the opportunity to present information can be made by contacting Albert W. De Agazio, Project Manager, Division of Reactor Projects-I/II (telephone 301-415-1443) between 8:00 a.m. to 5:45 p.m. (EDT), Monday-Friday. Persons planning to attend this informal public hearing are urged to contact the above 1 or 2 days prior to the informal public hearing to be advised of any changes that may have occurred.

Dated at Rockville, Maryland, this 22nd day of September 1998.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Acting Director, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.
[FR Doc. 98-25831 Filed 9-24-98; 10:41 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-369 and 50-370]

Duke Energy Corporation; McGuire Nuclear Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-9 and NPF-17 issued to Duke Energy Corporation (DEC or the licensee) for operation of the McGuire Nuclear Station, Units 1 and 2 (McGuire), respectively, located at the licensee's site in Mecklenburg County, North Carolina.

Environmental Assessment*Identification of the Proposed Action*

The proposed action will replace the McGuire current Technical Specifications (CTS) to be consistent with the Improved Standard Technical Specifications (ITS) based on Revision 1 to NUREG-1431, "Standard Technical Specifications Westinghouse Plants BWR/4" April 1995, and the CTS for McGuire Units 1 and 2. The proposed action is in response to the licensee's application dated May 27, 1997, as supplemented on March 9, March 20, April 20, June 3, June 24, July 7, July 21, July 22, August 5, September 8, and September 15, 1998.

The Need for the Proposed Action

It has been recognized that nuclear safety in all plants would benefit from improvement and standardization of the TSs. The Commission's "NRC Interim Policy Statement on Technical Specification Improvements for Nuclear Power Reactors" (52 FR 3788, February 6, 1987), and later the Commission's "Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors" (58 FR 39132, July 22, 1993), formalized this need. To facilitate the development of individual improved TSs, each reactor vendor owners group (OG) and the NRC staff developed standard TSs (STS). For Westinghouse plants, the STS are published as NUREG-1431, and this document was the basis for the new McGuire Unit 1 and Unit 2 TSs. The NRC Committee to Review Generic Requirements reviewed the STS and made note of the safety merits of the STS and indicated its support of conversion to the STS by operating plants.

Description of the Proposed Change

The proposed revision to the TSs is based on NUREG-1431 and on guidance provided in the Final Policy Statement. Its objective is to completely rewrite, reformat, and streamline the existing TSs. Emphasis is placed on human factors principles to improve clarity and understanding. The Bases section has been significantly expanded to clarify and better explain the purpose and foundation of each specification. In addition to NUREG-1431, portions of the existing TSs were also used as the basis for the ITS. Plant-specific issues (unique design features, requirements, and operating practices) were discussed at length with the licensee, and generic matters with the OG.

The proposed changes from the existing TS can be grouped into four general categories, as follows:

1. Administrative (nontechnical) changes, which were intended to make the ITS easier to use for plant operations personnel. They are purely editorial in nature or involve the movement or reformatting of requirements without affecting technical content. Every section of the McGuire TSs has undergone these types of changes. In order to ensure consistency, the NRC staff and the licensee have used NUREG-1431 as guidance to reformat and make other administrative changes.

2. Relocation of requirements, which includes items that were in the existing McGuire TSs. The TSs that are being relocated to licensee-controlled documents are not required to be in the TSs under 10 CFR 50.36, as the TSs do not meet any of the four criteria contained in 10 CFR 50.36 for inclusion in the TSs. They are not needed to obviate the possibility that an abnormal situation or event will give rise to an immediate threat to public health and safety. The NRC staff has concluded that appropriate controls have been established for all of the current specifications, information, and requirements that are being moved to licensee-controlled documents. In general, the proposed relocation of items in the McGuire TSs to the Updated Final Safety Analysis Report, appropriate plant-specific programs, procedures, and ITS Bases follows the guidance of the Westinghouse STS (NUREG-1431). Once these items have been relocated by removing them from the TSs to licensee-controlled documents, the licensee may revise them under the provisions of 10 CFR 50.59 or other NRC staff-approved control mechanisms, which provide appropriate procedural means to control changes.

3. More restrictive requirements, which consist of proposed McGuire ITS items that are either more conservative than corresponding requirements in the existing McGuire TSs, or are additional restrictions that are not in the existing McGuire TSs but are contained in NUREG-1431. Examples of more restrictive requirements include: placing a limiting condition for operation on plant equipment that is not required by the present TSs to be operable; more restrictive requirements to restore inoperable equipment; and more restrictive surveillance requirements.

4. Less restrictive requirements, which are relaxations of corresponding requirements in the existing McGuire TSs that provide little or no safety benefit and place unnecessary burdens on the licensee. These relaxations were the result of generic NRC actions or other analyses. They have been justified on a case-by-case basis for McGuire and will be described in the staff's Safety Evaluation to be issued with the license amendments.

In addition to the changes previously described, the licensee proposed certain changes to the existing TSs that deviated from the STS in NUREG-1431. These additional proposed changes are described in the licensee's application and in the staff's Notices of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for a Hearing (63 FR 25107, 63 FR 25108, 63 FR 27761, 63 FR 40554; 63 FR 45524). Where these changes represent a change to the current licensing basis for McGuire, they have been justified on a case-by-case basis and will be described in the staff's Safety Evaluation to be issued with the license amendments.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed TS conversion would not increase the probability or consequences of accidents previously analyzed and would not affect facility radiation levels or facility radiological effluents.

Changes that are administrative in nature have been found to have no effect on the technical content of the TSs, and are acceptable. The increased clarity and understanding these changes bring to the TSs are expected to improve the operator's control of the plant in normal and accident conditions.

Relocation of requirements to licensee-controlled documents does not change the requirements themselves. Future changes to these requirements may be made by the licensee under 10

CFR 50.59 or other NRC-approved control mechanisms, which ensures continued maintenance of adequate requirements. All such relocations have been found to be in conformance with the guidelines of NUREG-1431 and the Final Policy Statement, and, therefore, are acceptable.

Changes involving more restrictive requirements have been found to be acceptable and are likely to enhance the safety of plant operations.

Changes involving less restrictive requirements have been reviewed individually. When requirements have been shown to provide little or no safety benefit or to place unnecessary burdens on the licensee, their removal from the TSs was justified. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of a generic NRC action, or of agreements reached during discussions with the OG and found to be acceptable for McGuire. Generic relaxations contained in NUREG-1431 as well as proposed deviations from NUREG-1431 have also been reviewed by the NRC staff and have been found to be acceptable.

In summary, the proposed revision to the TSs was found to provide control of plant operations such that reasonable assurance will be provided so that the health and safety of the public will be adequately protected.

These TS changes will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in individual or cumulative occupational or public radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action involves features located entirely within the restricted area as defined in 10 CFR Part 20. The proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no significant environmental impact associated with the proposed amendments, any alternatives with equal or greater environmental impact need not be evaluated. The principal

alternative to this action would be to deny the request for the amendment (i.e., "no action"). Such action would not reduce the environmental impacts of plant operations. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action did not involve the use of any resources not previously considered in the Final Environmental Statement related to the operation of the McGuire Units 1 and 2.

Agencies and Persons Consulted

In accordance with its stated policy, on September 18, 1998, the staff consulted with the North Carolina State official, Mr. J. James, of the North Carolina Department of Environment, Commerce and Natural Resources, Division of Radiation Protection. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed amendments.

For further details with respect to this action, see the licensee's letter dated May 27, 1997, as supplemented on March 9, March 20, April 20, June 3, June 24, July 7, July 21, July 22, August 5, September 8, and September 15, 1998, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the J. Murrey Atkins Library, University of North Carolina at Charlotte, 9201 University City Boulevard, Charlotte, North Carolina.

Dated at Rockville, Maryland, this 22nd day of September 1998.

For the Nuclear Regulatory Commission.

Peter S. Tam,

*Acting Director, Project Directorate II-2,
Division of Reactor Projects—I/II, Office of
Nuclear Reactor Regulation.*

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-498 and 50-499]

Houston Lighting & Power Company, et al.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering approval, by issuance of an order under 10 CFR 50.80, of the indirect transfer of Facility Operating Licenses Nos. NPF-76 and NPF-80, to the extent they are held by Central Power and Light Company (CPL) for the South Texas Project, Units 1 and 2 (STP), located in Matagorda County, Texas.

Environmental Assessment

Identification of the Proposed Action

The proposed action would consent to the indirect transfer of the licenses with respect to a proposed merger between Central and South West Corporation (CSW) and American Electric Power Company, Inc. (AEP). CSW is the parent holding company of CPL, which holds licenses to possess interests in STP. Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, and STP Nuclear Operating Company are holders of Facility Operating Licenses Nos. NPF-76 and NPF-80, issued on March 22, 1988, and March 28, 1989, respectively. Facility Operating Licenses Nos. NPF-76 and NPF-80 authorize the holders to possess STP, and authorize STP Nuclear Operating Company to use and operate STP in accordance with the procedures and limitations set forth in the operating licenses. By application dated June 16, 1998, submitted under cover of a letter dated June 19, 1998, as supplemented by letter dated June 23, 1998, and enclosures thereto, the Commission was informed that CSW and AEP have entered into a merger agreement under which CSW would become a wholly-owned subsidiary of AEP with CPL remaining a wholly-owned subsidiary of CSW. The application seeks approval of the indirect transfer of the interests held by CPL under the STP operating licenses to AEP to the extent affected by the proposed merger.

According to the application, the merger will have no adverse effect on either the technical management or operation of STP since STP Nuclear Operating Company, responsible for the operation and maintenance of STP, is not involved in the merger. Houston Lighting & Power Company, City Public

Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, and STP Nuclear Operating Company will remain licensees responsible for their possessory interests and related obligations. No direct transfer of the licenses will result from the merger.

The proposed action is in accordance with CPL's application dated June 16, 1998, submitted under cover of a letter dated June 19, 1998, as supplemented by letter dated June 23, 1998, and enclosures thereto.

The Need for the Proposed Action

The proposed action is needed to allow the proposed merger to be consummated, to the extent such merger will result in the indirect transfer of the licenses discussed above.

Environmental Impacts of the Proposed Action

The proposed action involves administrative activities regarding a corporate merger involving a non-licensee holding company and is unrelated to plant operation.

The proposed action will not result in an increase in the probability or consequences of accidents or result in a change in occupational or public dose. Therefore, there are no radiological impacts associated with the proposed action.

The proposed action will not result in a change in nonradiological plant effluents and will have no other nonradiological environmental impact.

Accordingly, the Commission concludes that there are no environmental impacts associated with this action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the "Final Environmental Statement Related to the Operation of South Texas Project, Units 1 and 2," dated August 1986, in NUREG-1171.

Agencies and Persons Consulted

In accordance with its stated policy, on August 12, 1998, the staff consulted with the Texas State official regarding the environmental impact of the proposed action. The State official had no comments.