

submitted an analysis of the heatup characteristics of the spent fuel in the absence of SFP water inventory. The analysis was based on storing the fuel in a configuration consistent with the analysis. By letter dated December 18, 1997, the licensee stated that, as of October 23, 1997, the spent fuel assemblies had been rearranged within the SFP to comply with the configuration used for the heat-up analysis. The licensee concluded that air cooling of the fuel would be sufficient to maintain the integrity of the fuel cladding and that rapid zircaloy oxidation is no longer possible. The staff independently evaluated the licensee's conclusion and found it acceptable. The staff concluded that the cost of recovering from a loss of SFP water would be bounded by other accidents that may occur at a permanently defueled site.

In SECY 96-256, "Changes to the Financial Protection Requirements for Permanently Shutdown Nuclear Power Reactors, 10 CFR 50.54(w) and 10 CFR 140.11," dated December 17, 1996, the staff estimated the onsite cleanup costs of accidents considered to be the most costly at a permanently defueled site with spent fuel stored in the SFP. The staff found that the onsite recovery costs for a fuel handling accident could range up to \$24 million. The estimated onsite cleanup costs to recover from the rupture of a large liquid radwaste storage tank could range up to \$50 million. The licensee's proposed level of \$50 million for onsite property insurance is sufficient to cover these estimated cleanup costs.

The offsite cleanup costs of the accident scenarios discussed above are estimated to be negligible in SECY 96-256. However, a licensee's liability for offsite costs may be significant due to lawsuits alleging damages from offsite releases. Experience at Three Mile Island Unit 2 showed that significant judgments against a licensee can result despite negligible dose consequences from an offsite release. An appropriate level of financial liability coverage is needed to account for potential judgments and settlements and to protect the Federal Government from indemnity claims. The licensee's proposed level of \$100 million in primary offsite liability coverage is sufficient for this purpose.

The staff has determined that participation in the secondary insurance pool for offsite financial protection is not required for a permanently shut down and defueled plant after the time that air cooling of the spent fuel is sufficient to maintain the integrity of the fuel cladding. As noted above, the staff

finds that sufficient time has elapsed to ensure the integrity of the HNP spent fuel cladding.

#### IV

The NRC staff has completed its review of the licensee's request to reduce financial protection limits to \$50 million for onsite property insurance and \$100 million for offsite liability insurance. On the basis of its review, the NRC staff finds that the spent fuel stored in HNP's SFP is no longer susceptible to rapid Zircaloy oxidation. The requested reductions are consistent with SECY-96-256, "Changes to the Financial Protection Requirements for Permanently Shutdown Nuclear Power Reactors, 10 CFR 50.54(w) and 10 CFR 140.11," dated December 17, 1996. The Commission informed the staff by a staff requirements memo dated January 28, 1997, that it did not object to the insurance reductions recommended in SECY 96-256. The licensee's proposed financial protection limits will provide sufficient insurance to recover from limiting hypothetical events, if they occur. Thus, the underlying purposes of the regulations will not be adversely affected by the reductions in insurance coverage.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), an exemption to reduce onsite property insurance to \$50 million is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Further, special circumstances are present, as set forth in 10 CFR 50.12(a)(2)(ii). Therefore the Commission hereby grants an exemption from the requirement of 10 CFR 50.54(w).

In addition, the Commission has determined that, pursuant to 10 CFR 140.8, an exemption to reduce primary offsite liability insurance to \$100 million, accompanied by withdrawal from the secondary insurance pool for offsite liability insurance, is authorized by law and is in the public interest. Therefore, the Commission hereby grants an exemption from the requirements of 10 CFR 140.11(a)(4).

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of these exemptions will not have a significant effect on the quality of the human environment (63 FR 50929).

These exemptions are effective upon issuance.

Dated at Rockville, Maryland, this 19th day of November 1998.

For the Nuclear Regulatory Commission.

**Roy P. Zimmerman,**

*Acting Director, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-445 and 50-446]

### **Texas Utilities Electric Company, Comanche Peak Steam Electric Station, Units 1 and 2; 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 (the licensee) for operation of Comanche Peak Steam Electric Station, Units 1 and 2 located in Somervell County, Texas.

The proposed amendment would increase the allowed outage time (AOT) for a centrifugal charging pump from 72 hours to 7 days and add a Configuration Risk Management Program.

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. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

There is no effect on the probability of an event; the only potential effect is on the capability to mitigate the event. The centrifugal charging pumps are credited in the Final Safety Analysis Report Chapter 15

LOCA analysis for ECCS injection and for the containment sump recirculation mode for the design-basis LOCA. Increasing the AOT for the centrifugal charging pumps does not affect analysis assumptions regarding functioning of required equipment designed to mitigate the consequences of accidents. Further, the severity of postulated accidents and resulting radiological effluent releases will not be affected by the increased AOT.

A reliability analysis of the charging system found the change to have no significant impact on normal operation or on the RCP seal cooling function. Therefore, the change would not significantly increase in the probability of a seal LOCA.

The increase in the AOT potentially affects only the availability of the charging system for accident mitigation and has no effect on the ability of other ECCS systems to perform their functions. Through the use of a probabilistic risk assessment, it was determined that the proposed change would have an insignificant effect on the core damage frequency.

The proposed changes to the Technical Specification BASES are administrative in nature and do not change the specific Technical Specifications requirements. The changes to the BASES sections of the Technical Specifications ensure that when the centrifugal charging pumps are taken out of service, administrative controls are in place to consider and manage risk associated with the specific configuration of the plant. Changes to the Administrative Controls section of the Technical Specifications are administrative in nature and reflect addition of a configuration risk management program. These administrative changes provide additional assurance that risk is appropriately considered and managed during changing plant configurations in order to assure that intended plant design/safety functions will be maintained. No design basis accidents are affected by these proposed administrative changes as they do not impact nor affect accident analysis assumptions.

Therefore, the proposed change does not involve a 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 type of accident from any accident previously evaluated?

Unavailability of one centrifugal charging pump for a finite period of time is currently allowed by the Technical Specifications. Increasing the AOT from 72 hours to 7 days would not change the method that TU Electric operates CPSES, thus would not create a new condition. Further, the proposed change would not result in any physical alteration to any plant system, and there would not be a change in the method by which any safety related system performs its function. The ECCS would still be capable of mitigating the consequences of the design-basis accident LOCA with the one centrifugal charging pump operable. No new unanalyzed accident would be created.

The proposed changes to add a configuration risk management program and reference to that program in the BASES section of the Technical Specifications for

the Centrifugal Charging pumps will not delete any specification requirement or function already designated in the Technical Specifications. The administrative changes retain adequate regulatory basis to ensure that intended plant design/safety functions will be maintained. These changes are administrative in nature and do not affect the design or operation of any system, structure, or component in the plant. Accordingly, no new failure modes have been defined for any plant system or component important to safety, nor have any new initiating events been identified as a result of the proposed changes.

In summary, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

The proposed increase in the AOT does not impact either the physical protective boundaries or performance of safety systems for accident mitigation. There is no safety analysis impact since the extension of the centrifugal charging pump AOT interval will have no effect on any safety limit, protection system setpoint, or limiting condition of operation. There is no hardware change that would impact existing safety analysis acceptance criteria, therefore there is no significant change in the margin of safety.

The proposed changes involve the addition of a configuration risk management program and reference to that program in the BASES section of the Technical Specifications for the Centrifugal Charging pumps affected by License Amendment Request 96-06. These changes are administrative in nature and do not directly affect any protective boundaries nor impact the safety limits for the protective boundaries. The addition of the configuration risk management program provides additional assurance that adequate regulatory basis for continued proper administrative review and plant configuration control to ensure that actions prescribed in plant operating procedures are maintained so as not to impact the plant's margin of safety. Therefore, there is no significant reduction in the margin of safety.

In summary, the proposed change would not have a significant impact on the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change

during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By December 28, 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 University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, TX 76019. 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 George L. Edgar, Esq., Morgan, Lewis and Bockius, 1800 M Street, N.W., Washington, DC, 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 August 2, 1996 (TXX-96434), originally noticed in the **Federal Register** (62FR50011). The application has been supplemented by letters dated October 2, 1998 (TXX-98215), and November 13, 1998 (TXX-98241 and TXX-98244), 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 University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, TX 76019.

Dated at Rockville, Maryland, this 20th day of November 1998.

For the Nuclear Regulatory Commission.

**Timothy J. Polich,**

*Project Manager, Project Directorate IV-1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

### Florida Power and Light Company, Turkey Point Units 3 and 4; Environmental Assessment and Finding of No Significant Impact

[Docket Nos. 50-250 and 50-251]

The U.S. Nuclear Regulatory Commission (the Commission or NRC) is considering issuance of an exemption from certain requirements of its regulations to Florida Power and Light Company (the licensee), holder of Facility Operating Licenses Nos. DPR-31 and DPR-41 for operation of Turkey Point Units 3 and 4, respectively.

### Environmental Assessment

#### Identification of Proposed Action

The proposed action is in accordance with the licensee's application dated July 31, 1997, as supplemented by submittals dated July 2, and October 27, 1998, for exemption from certain requirements of Appendix R, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979," for Turkey Point Units 3 and 4. Specifically, the licensee requested an exemption from the requirements of Appendix R, Subsection III.G.2.a, for raceway fire barriers in the Open Turbine Building.

#### The Need for the Proposed Action

The Thermo-Lag fire barriers installed at Turkey Point Units 3 and 4 have a rating that does not meet the requirements specified in Subsection III.G.2.a. The proposed exemption is needed because compliance with the regulation would result in significant additional costs.

#### Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and