requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing in connection with this action as it applies to the Improved Technical Specifications was published in the **Federal Register** on July 22, 1997 (62 FR 39283). No request for a hearing or petition for leave to intervene was filed following this notice. The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of the amendment will not have a significant effect on the quality of the human environment (63 FR 13078, dated March 17, 1998).

Notices of Consideration of Issuance of Amendment to Facility Operation License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing in connection with this action as it applies to the revised combinations of emergency core cooling systems/subsystems that may be out of service and to the relaxed required flowrates for the core spray, the low pressure coolant injection, and the high pressure coolant injection systems were published in the **Federal Register** on December 31, 1997 (62 FR 68306) and February 11, 1998 (63 FR 6986), respectively. No request for a hearing or petition for leave to intervene was filed following these notices and no significant hazards consideration comments were received.

For further details with respect to the action see (1) the application for amendment dated October 30, 1996, as supplemented by letters dated June 10, September 5, 17, and 30, October 16, November 18 and 21, December 8 and 15, 1997, January 2, 5, 12, 22 and 23, February 10, 26, March 23, 31, and April 17, 1998, (2) Amendment No. 223 to License No. DPR–49, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. All of these items 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 local public document room located at the Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, IA 52401.

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

For the Nuclear Regulatory Commission.

Richard J. Laufer,

Project Manager, Project Directorate III–3, Division of Reactor Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 98–14392 Filed 5–29–98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–298]

In the Matter of: Nebraska Public Power District (Cooper Nuclear Station); Exemption

I

The Nebraska Public Power District (the licensee) is the holder of Facility Operating License No. DRP–46, which authorizes operation of the Cooper Nuclear Station. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The facility consists of one boiling-water reactor at the licensee's site located in Nemaha County, Nebraska.

II

Section 70.24 of Title 10 of the Code of Federal Regulations, ''Criticality Accident Requirements,'' requires that each licensee authorized to possess special nuclear material (SNM) shall maintain a criticality accident monitoring system in each area where such material is handled, used, or stored. Subsections (a)(1) and (a)(2) of 10 CFR 70.24 specify detection and sensitivity requirements that these monitors must meet. Subsection (a)(1) also specifies that all areas subject to criticality accident monitoring must be covered by two detectors. Subsection (a)(3) of 10 CFR 70.24 requires licensees to maintain emergency procedures for each area in which this licensed SNM is handled, used, or stored and provides that (1) the procedures ensure that all personnel withdraw to an area of safety upon the sounding of a criticality accident monitor alarm, (2) the procedures must include drills to familiarize personnel with the evacuation plan, and (3) the procedures designate responsible individuals for determining the cause of the alarm and placement of radiation survey instruments in accessible locations for use in such an emergency. Subsection (b)(1) of 10 CFR 70.24 requires licensees to have a means to identify quickly personnel who have received a dose of 10 rads or more. Subsection (b)(2) of 10 CFR 70.24 requires licensees to maintain personnel decontamination facilities, to maintain arrangements for a physician and other medical personnel qualified to handle radiation emergencies, and to maintain arrangements for the transportation of contaminated individuals to treatment facilities outside the site boundary. Paragraph (c) of 10 CFR 70.24 exempts Part 50 licensees from the requirements of paragraph (b) of 10 CFR 70.24 for SNM used or to be used in the reactor. Paragraph (d) of 10 CFR 70.24 states that any licensee who believes that there is good cause why he should be granted an exemption from all or part of 10 CFR 70.24 may apply to the Commission for such an exemption and shall specify the reasons for the relief requested.

III

The SNM that could be assembled into a critical mass at Cooper Nuclear Station is in the form of nuclear fuel; the quantity of SNM other than fuel that is stored on site in any given location is small enough to preclude achieving a critical mass. The Commission's technical staff has evaluated the possibility of an inadvertent criticality of the nuclear fuel at Cooper Nuclear Station, and has determined that it is extremely unlikely for such an accident to occur if the licensee meets the following seven criteria:

1. Only three new assemblies are allowed out of a shipping cask or storage rack at one time.

2. The k-effective does not exceed 0.95, at a 95% probability, 95% confidence level in the event that the fresh fuel storage racks are filled with fuel of the maximum permissible U–235 enrichment and flooded with pure water.

3. If optimum moderation occurs at low moderator density, then the k-effective does not exceed 0.98, at a 95% probability, 95% confidence level in the event that the fresh fuel storage racks are filled with fuel of the maximum permissible U–235 enrichment and flooded with a moderator at the density corresponding to optimum moderation.

4. The k-effective does not exceed 0.95, at a 95% probability, 95% confidence level in the event that the spent fuel storage racks are filled with fuel of the maximum permissible U–235 enrichment and flooded with pure water.

5. The quantity of forms of special nuclear material, other than nuclear fuel, that are stored on site in any given

area is less than the quantity necessary for a critical mass.

6. Radiation monitors, as required by General Design Criterion 63, are provided in fuel storage and handling areas to detect excessive radiation levels and to initiate appropriate safety actions.

7. The maximum nominal U–235 enrichment is limited to 5.0 weight percent.

By letter dated February 23, 1998, the licensee requested an exemption from 10 CFR 70.24. In this request the licensee addressed the seven criteria given above. The Commission's technical staff has reviewed the licensee's submittals and has determined that Cooper Nuclear Station meets the applicable criteria. Criteria 2 and 3 are not applicable to the Cooper Nuclear Station since the fresh fuel storage racks are not currently in use and administrative controls prevent their use. Therefore, the staff has determined that it is extremely unlikely for an inadvertent criticality to occur in SNM handling or storage areas at Cooper Nuclear Station.

The purpose of the criticality monitors required by 10 CFR 70.24 is to ensure that if a criticality were to occur during the handling of SNM, personnel would be alerted to that fact and would take appropriate action. The staff has determined that it is extremely unlikely that such an accident could occur; furthermore, the licensee has radiation monitors, as required by General Design Criterion 63, in fuel storage and handling areas. These monitors will alert personnel to excessive radiation levels and allow them to initiate appropriate safety actions. The low probability of an inadvertent criticality, together with the licensee's adherence to General Design Criterion 63, constitute good cause for granting an exemption to the requirements of 10 CFR 70.24.

IV

The Commission has determined that, pursuant to 10 CFR 70.14, this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants the Nebraska Public Power District an exemption from the requirements of 10 CFR 70.24.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (63 FR 28012).

This exemption is effective upon issuance.

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

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–14387 Filed 5–29–98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–259, 50–260 and 50–296]

Tennessee Valley Authority; Notice of Consideration of Issuance of Amendment to Facility Operating Licenses and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (NRC, the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR–33, DPR–52 and DPR–68 issued to the Tennessee Valley Authority (TVA or the licensee) for operation of the Browns Ferry Nuclear Plant (Browns Ferry, BFN), Units 1, 2 and 3, located in Limestone County, Alabama.

Originally, in a letter dated September 6, 1996, the licensee proposed changes for a full conversion from the current Technical Specifications (TS) to a set of TS based on NUREG–1433, Revision 1, ''Standard Technical Specifications for General Electric Plants, BWR/4,'' dated April 1995. NUREG–1433 has been developed through working groups composed of both NRC staff members and the BWR/4 owners and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve TS. As part of this submittal, the licensee 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 current Browns Ferry TS, and, using NUREG–1433 as a basis, developed a proposed set of improved TS for BFN. The criteria in the final policy statement were subsequently added to 10 CFR 50.36, ''Technical Specifications,'' in a rule change which was published in the **Federal Register** (FR) on July 19, 1996 (60 FR 36953) and became effective on August 18, 1995. In addition to the above changes related to conversion of the current TS to be similar to the Improved Standard Technical Specifications (ISTS) in NUREG 1433, the licensee proposed three less restrictive changes that are not considered within the scope of the normal ISTS conversion process. These proposed additional changes would (1) allow two Residual Heat Removal (RHR) Low Pressure Coolant Injection (LPCI) pumps (two in one loop or one in both loops) to be inoperable for 7 days provided other low pressure emergency core cooling system (ECCS) pumps are operable. Current TS requirements allow only one LPCI pump to be inoperable, and (2) require only two ECCS subsystems to be operable during shutdown. The current TS, which define subsystems in the same manner as the ISTS, require three subsystems to be operable, and (3) reduce the number of RHR Service Water pumps required to be operable under certain conditions.

The licensee's proposed changes in its application dated September 6, 1996, including the three additional changes, were originally noticed on October 23, 1996 (61 FR 55026).

By letters dated June 6, and December 11, 1996, April 11, May 1, August 14, October 15, November 5 and 14, December 3, 4, 15, 22, 23, 29, and 30, 1997, January 23, March 12 and 13, April 16, 20, and 28, May 7, 14, and 19, 1998, the licensee provided supplemental information, and proposed additional changes. Some of these additional changes were ''less restrictive and plant specific changes'' that were not included in the original notice. They are addressed in this notice. Other changes are related to conversion of the current TS to those similar to the ISTS in NUREG 1433 and are considered to be within the scope of original FR notice dated October 23, 1996, and therefore, are not addressed in this notice.

The additional ''less restrictive and plant specific changes'' involve: (1) plant-specific application of generically approved methodology supporting extended instrument surveillance intervals and allowed outage times, (2) BFN's operating practice to treat secondary containment as a single zone rather than three independent zones for containment isolation, (3) TS changes to support installation of a Power Range Neutron Monitoring System, Average Power Range Monitor and Rod Block Monitor TS improvements, and the Maximum Extended Load Line Limit analysis, (4) revising the current TS 2.02, consistent with ISTS, to specify that reactor vessel water level should be greater than the top of the active irradiated fuel, instead of specifying actual water level, (5) proposing an ISTS to reflect plant-specific design condition that excludes average U–235 enrichment of 4.5 weight percent, and (6) TS changes to allow spiral offload procedures and adopt a revision to surveillance requirement 3.3.1.2.4 Note