II

In exemptions dated March 27, 1984, and August 12, 1987, concerning the requirements of Section III.G, Appendix R to 10 CFR Part 50, the staff approved the use of 1-hour-rated fire barriers in lieu of 3-hour barriers in certain outdoor areas at Turkey Point Units 3 and 4. In addition, the staff found that, for certain outdoor areas not protected by automatic fire detection and suppression systems, separation of cables and equipment and associated non-safety-related circuits of redundant trains by a horizontal distance of 20 feet free of intervening combustibles provided an acceptable level of fire safety.

On the basis of the results of the industry's Thermo-Lag fire endurance testing program, the licensee concluded that the outdoor Thermo-Lag fire barrier designs cannot achieve a 1-hour fire-resistive rating but can achieve a 30-minute fire-resistive rating when exposed to a test fire that follows the American Society for Testing and Materials E–119 standard time-temperature curve. Because of these test results, the licensee in a letter dated June 15, 1994, requested an exemption to use 30-minute fire barriers for outdoor applications in lieu of the 1-hour fire barriers previously approved; however, the exemption request was withdrawn by letter dated June 28, 1996.

In a letter dated December 12, 1996, as supplemented on July 31, October 31, and December 17, 1997, the licensee requested an exemption from the requirements pertaining to the 3-hour fire barriers required by Section III.G.2.a, Appendix R to 10 CFR Part 50, for the outdoor areas, excluding the turbine building area. The licensee requested that the NRC approve the use of 25-minute raceway fire barriers for these outdoor applications in lieu of the 1-hour fire barriers that were previously approved (refer to safety evaluations dated March 27, 1984, and August 12, 1987). This request was based on the following: (1) the fire loading and potential fire severities are low; (2) there are minimal ignition sources; (3) transient ignition sources and combustibles are controlled in these zones; and (4) manual fire fighting equipment is readily accessible to these zones.

On February 24, 1998, the staff issued a partial exemption for fire zones 47, 54, 113, 114, 115, 116, 118, 119, 120, and 143, and denied the request for fire zone 106R. In addition, the licensee was informed that the staff will be evaluating the remaining fire zones separately. Specifically, the remaining fire zones are 79-partial, 81, 84-partial, 86, 88-partial, 89-partial, and 131. Subsequently, by letters dated June 2 and August 4, 1998, the licensee submitted additional information in support of the exemption request for the remaining fire zones.

III

The underlying purpose of Section III.G.2.a, Appendix R to 10 CFR Part 50, is to provide reasonable assurance that one safe shutdown train and associated circuits used to achieve and maintain safe shutdown are free of fire damage.

On the basis of the staff's supporting safety evaluation of the licensee's submittals, the staff concludes that the exemption from the requirements of Section III.G.2.a of Appendix R, for fire zones 79-partial, 81, 84-partial, 86, 88-partial, and 89-partial, as requested by the licensee, provides an adequate level of fire safety, and presents no undue risk to public health and safety. In addition, the staff concludes the underlying purpose of the rule is achieved. Fire zone 131 will be addressed separately.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security. In addition, the Commission has determined that special circumstances are present in that application of the Regulation is not necessary to achieve the underlying purpose of the rule. Therefore, the Commission hereby grants Florida Power and Light Company an exemption from the requirements of Section III.G.2.a of Appendix R to 10 CFR Part 50, as requested in its above-referenced submittals, for fire zones 79-partial, 81, 84-partial, 86, 88-partial, and 89-partial.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this exemption for fire zones 79-partial, 81, 84-partial, 86, 88-partial, and 89-partial, will not have a significant effect on the quality of the human environment (63 FR 52310).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 8th day of October 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–27808 Filed 10–15–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

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

Tennessee Valley Authority; Notice of Withdrawal of Application for Amendement to Facility Operating License

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has granted a request by the Tennessee Valley Authority (TVA or the licensee) to withdraw its June 16, 1995, application for an amendment to Facility Operating License Nos. DPR–33, DPR–52 and DPR–68 issued to the licensee for operation of the Browns Ferry Nuclear Plant (BFN), Units 1, 2 and 3, respectively, located in Limestone County, Alabama. Notice of consideration of issuance of this amendment was published in the **Federal Register** on August 16, 1995 (60 FR 42610).

The purpose of the licensee's amendment request was to allow the Traveling In-core Probe (TIP) system to be considered operable with less than five TIP machines operable. This change would allow the data normally supplied by the inoperable TIP unit to be supplied by either substituting data from traverses of symmetric TIP locations or using normalized TIP readings calculated by the on-line core monitoring system.

On July 14, 1998, NRC issued Amendment Nos. 234, 253, and 212 to Facility Operating License Nos. DPR–33, DPR–52, and DPR–69 for BFN Units 1, 2, and 3 respectively, which approved conversion of CTS to Improved Technical Specifications (ITS). With the implementation of the ITS, there are no explicit requirements for TIP operability. As a result, by letter dated September 18, 1998, TVA informed the NRC staff that it no longer requires staff action on its June 16, 1995 application for TIP operability. Thus the licensee's June 16, 1995 application is considered withdrawn by the licensee.

For further details with respect to this action, see the application for amendments dated June 16, 1995, the licensee's September 18, 1998 letter and the staff's letter dated October 7, 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 Athens Public Library, 405 E. South Street, Athens, Alabama.

Dated at Rockville, Maryland, this 7th day of October 1998.

For the Nuclear Regulatory Commission.

L. Raghavan,

Senior Project Manager, Project Directorate II–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–27807 Filed 10–15–98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Assessment of the Use of Potassium Iodide (KI) As a Public Protective Action During Severe Reactor Accidents; Withdrawal of Draft NUREG

AGENCY: Nuclear Regulatory Commission.

ACTION: Withdrawal of draft NUREG–1633.

SUMMARY: On July 20, 1998, the NRC announced the availability of Draft NUREG–1633, ''Assessment of the Use of Potassium iodide (KI) As a Public Protective Action During Severe Reactor Accidents,'' and requested comments by September 14, 1998. Based on the many useful public comments received, a substantially revised document that takes those comments into account will be issued in its place, and the draft NUREG is therefore being withdrawn.

FOR FURTHER INFORMATION CONTACT: Aby S. Mohseni, Incident Response Division, Office for Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001, telephone 301–415 6409, e-mail asm@nrc.gov.

SUPPLEMENTARY INFORMATION: On June 26, 1998, the Commission granted a petition for rulemaking on the use of KI around nuclear power plants and directed the staff to issue the draft NUREG–1633 for public comment. On September 30, 1998, the Commission directed the staff to issue a **Federal Register** notice stating that, in light of the many useful public comments on draft NUREG–1633, a substantially revised document that takes those comments into account will be issued in its place, and that the draft NUREG is therefore being withdrawn. The reissued document will include an improved discussion on how the practical problems in KI stockpiling, distribution, and use are handled in the States that already use KI as a supplement and in the numerous nations which use KI as a supplement. A discussion, in some detail, of the various guidance documents of the World Health Organization and International Atomic Energy Agency, as well as the U.S. Food and Drug Administration, on this subject will also be included in the revised document. The revised NUREG will be consistent with the policy adopted by the Commission in response to the petition for rulemaking and will fairly discuss the factors that need to be weighed in the State and local decisions. The staff anticipates making the revised draft NUREG–1633 in its final form by September, 1999. Subsequently, the staff will develop an information brochure based on NUREG–1633 to assist State and local planners in reaching an informed decision as to whether KI is an appropriate protective supplement.

Dated at Rockville, Maryland, this 2nd day of October 1998.

For the Nuclear Regulatory Commission.

Frank J. Congel,

Director, Incident Response Division, Office for Analysis and Evaluation of Operational Data.

[FR Doc. 98–27812 Filed 10–15–98; 8:45 am]

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OFFICE OF MANAGEMENT AND BUDGET

Cost of Hospital and Medical Care Treatment Furnished by the United States; Certain Rates Regarding Recovery From Tortiously Liable Third Persons

By virtue of the authority vested in the President by Section 2(a) of Pub. L. 87–693 (76 Stat. 593; 42 U.S.C.2652), and delegated to the Director of the Office of Management and Budget by Executive Order No. 11541 of July 1, 1970 (35 FR 10737), the two sets of rates outlined below are hereby established. These rates are for use in connection with the recovery, from tortiously liable third persons, of the cost of hospital and medical care and treatment furnished by the United States (part 43, chapter I, title 28, Code of Federal Regulations) through three separate Federal agencies. The rates have been established in accordance with the requirements of OMB Circular A–25, requiring reimbursement of the full cost of all services provided. The rates are established as follows:

1. Department of Defense

The FY 1999 Department of Defense (DoD) reimbursement rates for inpatient, outpatient, and other services are provided in accordance with Section 1095 of title 10, United States Code. Due to size, the sections containing the Drug Reimbursement Rates (Section III.E) and the rates for Ancillary Services Requested by Outside Providers (Section III.F) are not included in this package. The Office of the Assistant Secretary of Defense (Health Affairs) will provide these rates upon request. The medical and dental service rates in this package (including the rates for ancillary services, prescription drugs or other procedures requested by outside providers) are effective October 1, 1998.

2. Health and Human Services

The sum of obligations for each cost center providing medical service is broken down into amounts attributable to inpatient care on the basis of the proportion of staff devoted to each cost center. Total inpatient costs and outpatient costs thus determined are divided by the relevant workload statistic (inpatient day, outpatient visit) to produce the inpatient and outpatient rates. In calculation of the rates, the Department's unfunded retirement liability cost and capital and equipment depreciation cost were incorporated to conform to requirements set forth in OMB Circular A–25. In addition, each cost center's obligations include obligations from certain other accounts, such as Medicare and Medicaid collections and Contract Health funds that were used to support direct program operations. Certain cost centers that primarily support workload outside of the directly operated hospitals or clinics (public health nursing, public health nutrition, health education) were excluded. These obligations are not a part of the traditional cost of hospital operations and do not contribute directly to the inpatient and outpatient visit workload. Overall, these rates reflect a more accurate indication of the cost of care in HHS facilities.

In addition, separate rates per inpatient day and outpatient visit were computed for Alaska and the rest of the United States. This gives proper weight to the higher cost of operating medical facilities in Alaska.

1. Department of Defense

For the Department of Defense, effective October 1, 1998 and thereafter: