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.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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 M.S. Ross, Florida Power & Light Company, P.O. Box 14000, Juno Beach, FL, 33408–0420, 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 October 29, 1998, which is 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 Indian River Community College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34981–5596.

Dated at Rockville, Maryland, this 30th day of October 1998.

For the Nuclear Regulatory Commission.

William C. Gleaves,

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

[FR Doc. 98–29642 Filed 11–4–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–302]

Florida Power Corporation et al. (Crystal River Unit 3); Exemption

I

The Florida Power Corporation et al. (FPC or the licensee) is the holder of Facility Operating License No. DPR–72, which authorizes the operation of Crystal River Unit 3. The license states that the licensee is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC or the Commission) now or hereafter in effect.

The facility consists of a pressurized-water reactor at the licensee's site located in Citrus County, Florida.

II

The Code of Federal Regulations at 10 CFR Part 50, Appendix K, Section I.D.1, ''Single Failure Criterion,'' requires that accident evaluations use the combination of emergency core cooling system (ECCS) subsystems assumed to be operative ''after the most damaging single-failure of ECCS equipment has taken place.'' The proposed action would exempt the licensee from the single-failure requirement for very-low-probability scenarios under certain circumstances. The exemption is limited to the systems required for preventing boron precipitation during the long-term cooling phase of a loss-of-coolant accident (LOCA). 10 CFR 50.46(b)(5) requires that the ECCS be capable of providing long-term core cooling. Post-accident boron precipitation is a potential, but unlikely, challenge to maintaining long-term core cooling.

By letter dated October 31, 1997, as supplemented by letters dated December 13, 1997, February 27, 1998, and April 24, 1998, FPC requested an amendment to its operating license for Crystal River Unit 3. The FPC amendment request addressed prevention of boron precipitation following a LOCA that involved the following:

(1) Reactor vessel vent valves (RVVVs) that are effective when needed for all LOCA conditions except for (a) some LOCAs between the reactor coolant pumps and the reactor vessel (RV) at an elevation below the cold-leg mid-pipe at the junction with the RV and (b) decay heat generation rate comparable to approximately a month following extended operation at full power for some LOCAs.

(2) If the RVVVs are not effective, then, according to the licensee's

calculations, Motor Control Center (MCC) 3AB is needed to provide power to open valves within 8 hours for the worst-case LOCA to (a) initiate water injection via auxiliary pressurizer spray (APS) or (b) initiate the dump-to-sump (DTS) method of moving water from a hot leg to the reactor building sump.

Should MCC 3AB fail before the APS or DTS initiates, both of these systems will fail to initiate in these licensing scenarios. In a June 4, 1998, submittal, FPC requested an exemption from the single-failure requirement with respect to this failure. FPC justified its request by stating that the proposed exemption meets the underlying purpose of the rule in that there are conservatisms in the calculations that cause underprediction of available repair time, so that, using realistic assumptions, sufficient time would be available to perform repairs to restore MCC 3AB if needed. As a result, the licensee stated that there was reasonable assurance of the availability of an active boron precipitation method (APS or DTS) if one were needed. FPC states that timely recognition of boron precipitation is assured by compliance with plant procedures and further states that prompt operator actions will be taken to restore an active method in the event of MCC 3AB failure.

One element of the licensee's justification was to credit flow through the hot-leg nozzle gaps. According to FPC's calculations, APS is not fully effective until 21 hours after LOCA initiation, but it may be needed within 8 hours if a single failure other than the failure of MCC 3AB makes DTS unavailable. FPC addressed this problem by crediting flow through hot-leg nozzle gaps to provide a boron dilution means for the first 21 hours. However, the NRC does not accept credit for hot-leg nozzle gap flow because FPC has not established that the nozzle gaps will remain functional after a LOCA. Therefore, during this time period, a failure to meet the Appendix K Item I.D.1 single-failure criterion remains. However, the NRC has determined that the licensee has given adequate justification in its submittal to extend the exemption to this scenario.

III

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 (1) when the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security and (2) when special circumstances are present. Special circumstances are present whenever, according to 10 CFR 50.12(a)(2)(ii), ''Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. . . .''

The underlying purpose of the single-failure criterion requirement is to assure long-term cooling performance of the ECCS in the event of the most damaging single-failure of ECCS equipment. As a licensing review tool, the single-failure criterion helps assure reliable systems as an element of defense in depth. As a design and analysis tool, it promotes reliability through enforced redundancy. Since only those systems or components that are judged to have a credible chance of failure are assumed to fail, the criterion is applied to such responses as valve movement on demand, emergency diesel generator start, short circuit in an electrical bus, and fluid leakage caused by gross failure of a pump or valve seal during long-term cooling. Reactor vessels or certain types of structural elements within systems, when combined with other unlikely events, are not assumed to fail because the probabilities of the resulting scenarios have been deemed sufficiently small that they need not be considered. Certain passive failures 24 hours or more after initiation of a LOCA, such as pipe breaks, are not addressed as single failures because the compounded probabilities were judged sufficiently small that they could be discounted without affecting overall systems reliability.

The single-failure criterion was developed without the benefit of numerical failure assessments. Regulatory requirements and guidance consequently were based upon categories of equipment and examples that must be covered or that are exempt, and do not allow a probabilistic consideration during routine implementation. Hence, a single failure, whether or not there is a substantial impact upon overall system reliability, would not meet the regulatory requirements. A non-beneficial result is inconsistent with the objective of the single-failure criterion, which was not intended to force changes if essentially no benefit would accrue. This is the case with the potential MCC 3AB failure.

FPC estimated that the combined probability of the LOCA of concern and failure of MCC 3AB is 10^{-10}/reactor-year. (The probability of the LOCA of concern is 10^{-7}/reactor-year and the failure probability of MCC 3AB given the LOCA of concern is 10^{-3}/reactor-year.) If MCC 3AB were to fail, FPC would initiate its Emergency Plan Implementing Procedure to re-power MCC 3AB from an alternate electric power source. FPC stated that sufficient time will be available and that radiological conditions should permit such activities.

In addition, there are other conservatisms in the licensee's analyses. These include:

- *Presence of buffer compounds may increase solubility limit margins.* FPC concluded that solutes in the sump water will increase boron solubility, but did not credit the effect in its calculations. This is a conservatism when considering MCC 3AB repair and APS unavailability time.
- *Decay heat was calculated using Appendix K methods.* FPC's calculations, in accordance with its licensing basis, use a decay heat generation rate that is roughly 25 percent too high. A realistic decay heat would increase the time available before boron precipitation became a concern. This is a significant conservatism when considering MCC 3AB repair and APS unavailability time.
- *Boron solubility.* FPC used a boron solubility decreased by 4 weight percent from the published values, consistent with previously accepted evaluation models. This is a conservatism when considering MCC 3AB repair and APS unavailability time.
- *Boron precipitation.* The approved evaluation models are based upon preventing precipitation. Should precipitation occur, significant boron would have to precipitate to prevent core cooling. This unquantified conservatism is significant when considering MCC 3AB repair and APS unavailability time.

Despite the licensee's determination that there is no safety-significant vulnerability associated with the two particular instances of failing to meet the single-failure criterion, FPC has developed and implemented procedures to address the conditions should they occur. It has shown that there is essentially no benefit to be achieved by investing in additional equipment to eliminate the single-failure aspects since the combined probability of the LOCA of concern with the failure is very low. With regard to the availability of APS during the first 21 hours following a LOCA should DTS be unavailable, realistic calculations without the conservative assumptions discussed above predict that APS would be available.

These calculations, along with the low estimate of core damage probability resulting from this scenario, result in a

conclusion that essentially no benefit would be achieved by requiring modifications to meet the single-failure criteria for the specific scenario during this time period.

IV

For these foregoing reasons, the NRC staff has concluded that it is not necessary to meet the single-failure requirement of Appendix K, Section I.D.1, with respect to (1) failure of Motor Control Center 3AB and the resulting inability to initiate an active means of controlling core boron concentration and (2) the active methods not meeting the single-failure criterion for the period when approved licensing methods predict that APS is not effective following certain LOCAs to adequately ensure that boron precipitation does not interfere with long-term cooling. The NRC staff has determined that there are special circumstances present, as specified in 10 CFR 50.12.(a)(2)(ii), in that application of 10 CFR Part 50, Appendix K, Section I.D.1, is not necessary in order to achieve the underlying purpose of this regulation, which is to provide adequate assurance that boron precipitation will not interfere with the capability of the ECCS to provide long-term core cooling.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), 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 following exemption:

The Florida Power Corporation, et al., is exempt from the single-failure criterion requirement of 10 CFR Part 50, Appendix K, Section I.D.1, with respect to (1) failure of Motor Control Center 3AB and the resulting inability to initiate an active means of controlling core boron concentration and (2) failure of the active means to meet the single-failure criterion for the period when approved licensing methods predict that APS is not effective following reactor coolant pump discharge breaks provided that: procedural guidance shall be maintained that describes the actions necessary to restore an active method of boron precipitation mitigation in the event of a failure of Motor Control Center 3AB.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (63 FR 54162).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 29th day of October, 1998.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–29644 Filed 11–4–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–397]

Washington Public Power Supply System (Nuclear Project No. 2; Correction to Confirmatory Order Modifying License Effective Immediately

On March 25, 1998, the Commission issued a Confirmatory Order Modifying License for the Washington Public Power Supply System (WPPSS) Nuclear Project No. 2. The Order confirmed WPPSS' commitment to complete implementation of Thermo-Lag 330–1 fire barriers corrective actions. The Order was published in the **Federal Register** on April 2, 1998 (63 FR 16289). In Column 3, Line 4, ''3485'' should read ''3486''.

Dated at Rockville, Maryland, this 30th day of October 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–29643 Filed 11–4–98; 8:45 am]

BILLING CODE 7590–01–P '

RAILROAD RETIREMENT BOARD

1999 Railroad Experience Rating Proclamations, Monthly Compensation Base and Other Determinations

AGENCY: Railroad Retirement Board.

ACTION: Notice.

SUMMARY: Pursuant to section 8(c)(2) and section 12(r)(3) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(2) and 45 U.S.C. 362(r)(3), respectively), the Board gives notice of the following:

1. The balance to the credit of the Railroad Unemployment Insurance (RUI) Account, as of June 30, 1998, is $81,520,684.90;
2. The September 30, 1998, balance of any new loans to the RUI Account, including accrued interest, is zero;
3. The system compensation base is $2,817,307,517.24 as of June 30, 1998;
4. The cumulative system unallocated charge balance is ($202,216,518.19) as of June 30, 1998;
5. The pooled credit ratio for calendar year 1999 is zero;
6. The pooled charged ratio for calendar year 1999 is zero;
7. The surcharge rate for calendar year 1999 is 1.5 percent;
8. The monthly compensation base under section 1(i) of the Act is $970 for months in calendar year 1999;
9. The amount described in section 1(k) of the Act as ''2.5 times the monthly compensation base'' is $2,425 for base year (calendar year) 1999;
10. The amount described in section 2(c) of the Act as ''an amount that bears the same ratio to $775 as the monthly compensation base for that year as computed under section 1(i) of this Act bears to $600'' is $1,253 for months in calendar year 1999;
11. The amount described in section 3 of the Act as ''2.5 times the monthly compensation base'' is $2,425 for base year (calendar year) 1999;
12. The amount described in section 4(a–2)(i)(A) of the Act as ''2.5 times the monthly compensation base'' is $2,425 with respect to disqualifications ending in calendar year 1999;
13. The maximum daily benefit rate under section 2(a)(3) of the Act is $46 with respect to days of unemployment and days of sickness in registration periods beginning after June 30, 1999.

DATES: The balance in notice (1) and the determinations made in notices (3) through (7) are based on data as of June 30, 1998. The balance in notice (2) is based on data as of September 30, 1998. The determinations made in notices (5) through (7) apply to the calculation, under section 8(a)(1)(C) of the Act, of employer contribution rates for 1999. The determinations made in notices (8) through (12) are effective January 1, 1999. The determination made in notice (13) is effective for registration periods beginning after June 30, 1999.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611–2092.

FOR FURTHER INFORMATION CONTACT: Marla L. Huddleston, Bureau of the Actuary, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611–2092, telephone (312) 751–4779.

SUPPLEMENTARY INFORMATION: The RRB is required by section 8(c)(1) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(1)) as amended by Public Law 100–647, to proclaim by October 15 of each year certain system-wide factors used in calculating experience-based employer contribution rates for the following year. The RRB is further required by section 8(c)(2) of the Act (45 U.S.C. 358(c)(2)) to publish the amounts so determined and proclaimed. The RRB is required by section 12(r)(3) of the Act (45 U.S.C. 362(r)(3)) to