are present as defined in 10 CFR 50.12(a)(2)(ii).

IV

The Commission has determined that, pursuant to 10 CFR 50.12, the exemption 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, and is otherwise in the public interest. Therefore, the Commission hereby grants Arizona Public Service Company an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the Palo Verde UFSAR annually or within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the Palo Verde UFSAR, the quality assurance program, and the 10 CFR 50.59 safety evaluation summary reports to the NRC no later than 24 months from the previous revision.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (64 FR 36410).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 8th day of July 1999.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing and Project Management, Office of Nuclear Reactor Regulation.

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BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–250 and 50–251]

Florida Power and Light Company, Turkey Point Nuclear Plant, Units 3 and 4; Confirmatory Order Modifying License Effective Immediately

I

Florida Power and Light Company (FPL or the Licensee) is the holder of Facility Operating Licenses, Nos. DPR–31 and DPR–41, which authorize operation of Turkey Point, Units 3 and 4, located in Dade County, Florida.

II

The staff of the U.S. Nuclear Regulatory Commission (NRC, the Commision) has been concerned that Thermo-Lag 330–1 fire barrier systems installed by licensees may not provide the level of fire endurance intended and that licensees that use Thermo-Lag 330–1 fire barriers may not be meeting regulatory requirements. During the 1992 to 1994 timeframe, the NRC staff issued Generic Letter 92–08, ''Thermo-Lag 330–1 Fire Barriers'' and subsequent requests for additional information that requested licensees to submit plans and schedules for resolving the Thermo-Lag issue. The NRC staff has obtained and reviewed all licensees' corrective plans and schedules. The staff is concerned that some licensees may not be making adequate progress toward resolving the plant-specific issues, and that some implementation schedules may be either too tenuous or too protracted. For example, several licensees informed the NRC staff that their completion dates had slipped by 6 months to as much as 3 years. For plants that have completion action scheduled beyond 1997, the NRC staff has met with these licensees to discuss the progress of the licensees' corrective actions and the extent of licensee management attention regarding completion of Thermo-Lag corrective actions. In addition, the NRC staff discussed with licensees the possibility of accelerating their completion schedules.

FPL was one of the licensees with which the NRC staff held meetings. Based on the information submitted by FPL in its December 9, 1998, letter, the NRC staff has concluded that the schedules presented by FPL are reasonable. This conclusion is based on (1) the amount of installed Thermo-Lag, (2) the complexity of the plant-specific fire barrier configurations and issues, (3) the need to perform certain plant modifications during outages as opposed to those that can be performed while the plant is at power, and (4) integration with other significant, but unrelated issues that FPL is addressing at its plant. In order to remove compensatory measures such as fire watches, it has been determined that resolution of the Thermo-Lag corrective actions by FPL must be completed in accordance with current FPL schedules. By letter dated January 29, 1999, the NRC staff notified FPL of its plan to incorporate FPL's schedule commitment into a requirement by issuance of an order and requested consent from the Licensee. By letter dated February 8, 1999, as modified by letter dated May 27, 1999, the Licensee provided its consent to issuance of a Confirmatory Order.

III

The Licensee's commitment as set forth in its letter of February 8, 1998, as modified by letter dated May 27, 1999, is acceptable and is necessary for the NRC to conclude that public health and safety are reasonably assured. To preclude any schedule slippage and to assure public health and safety, the NRC staff has determined that the Licensee's commitment in the February 8, 1999 letter, as modified by letter dated May 27, 1999, be confirmed by this Order. The Licensee has agreed to this action by letter dated May 27, 1999. Based on the above, and the Licensee's consent, this Order is immediately effective upon issuance.

IV

Accordingly, pursuant to sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, *it is hereby ordered*, effective immediately, that:

FPL shall complete final implementation of Thermo-Lag 330–1 fire barrier corrective actions at Turkey Point Plant, Units 3 and 4, described in the FPL submittal to the NRC dated December 9, 1998, by December 31, 2001.

The resolution of any new Thermo-Lag corrective actions resulting from a potential Fire Protection Functional Inspection or the on-going Fire Protection Functional Inspection Self-Assessment at Turkey Point Units 3 and 4, are not considered part of this confirmatory order.

The Director, Office of Nuclear Reactor Regulation, may relax or rescind, in writing, any provisions of this Confirmatory Order upon a showing by the Licensee of good cause.

V

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attention: Chief, Rulemaking and Adjudications Staff, Washington, DC 20555. Copies of the hearing request shall also be sent to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region II, Atlanta Federal Center, M/S 23T85, 61 Forsyth Street, SW, Atlanta, GA 30303–3415 and to the Licensee. If such a person requests a hearing, that person

shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

Dated at Rockville, Maryland, this 9th day of July 1999.

For the Nuclear Regulatory Commission.

Roy P. Zimmerman,

Deputy Director, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–482]

Wolf Creek Nuclear Operating Corporation; 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 No. NPF–42 issued to Wolf Creek Nuclear Operating Corporation (the licensee) for operation of the Wolf Creek Generating Station (WCGS) located in Coffey County, Kansas.

The proposed amendment request dated June 30, 1999, would revise Technical Specification (TS) 3/4.7.5 of the current TSs by adding a temporary action statement that would allow the plant to operate for up to 12 hours with an inlet temperature up to but less than 95 degrees F. The current TS limit is 90 degrees F. This new action statement would be temporary in that it would be effective until September 30, 1999, after the summer. This action statement was added to the current TSs in Amendment 118 dated July 18, 1998, but it was only effective until September 30, 1998. Amendment 118 was issued because in 1998 the WCGS cooling lake that provides inlet water to the plant exceeded 89 degrees F and, due to predictions for continuing harsh meteorological conditions throughout the summer of 1998, the concern existed that the plant inlet temperature would exceed 90 degrees F and the plant would be forced to have an unnecessary shutdown. The licensee submitted a permanent change to TS 3/4.7.5 on January 12, 1999; however, the Commission considers this proposed change to be generic in nature and should be reviewed as a change to NUREG–1431, Standard Technical Specifications, Westinghouse Plants.'' NUREG–1431 is the standard for the Improved Technical Specifications that were issued for WCGS in Amendment 123 dated March 31, 1999. To allow the Commission sufficient time to review the generic change to NUREG–1431, the licensee was requested to resubmit the temporary change approved in Amendment 118 with the temporary change being effective until September 30, 1999, for the warm weather of this summer. This is the change submitted by the licensee on June 30, 1999.

The proposed change is only to the current TSs because the improved TSs issued in Amendment 123 will become effective after September 30, 1999, when this temporary change is no longer valid.

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. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change does not involve any physical alteration of plant systems, structures or components. The proposed change provides an allowed time [12 hours] for the plant to continue operation with plant inlet water temperature in excess of the current technical specification limit of 90°F, but less than the design limit of 95°F for plant components. The plant inlet water temperature is not assumed to be an initiating condition of any accident analysis evaluated in the updated safety analysis report (USAR). Therefore, the allowance of a limited time for the water temperature to be in excess of the current limit does not involve an increase in the probability of an accident previously evaluated in the USAR. The UHS [ultimate heat sink] supports operability of safety related systems used to mitigate the consequences of an accident. Plant operation for brief periods with plant inlet water temperature greater than 90°F but less than 95°F will not adversely affect the operability of these safety-related systems and will not adversely impact the ability of these systems to perform their safety-related functions. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated in the USAR.

2. The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change does not involve any physical alteration of plant systems, structures or components. The temperature of the plant inlet water being greater than 90°F but less than 95°F for a short period [12 hours] does not introduce new failure mechanisms for systems, structures or components not already considered in the USAR. Therefore, the possibility of a new or different kind of accident from any accident previously evaluated is not created.

3. The proposed change does not involve a significant reduction in the margin of safety.

The proposed change will allow an increase in plant inlet water temperature above the current technical specification limit of 90°F for the Ultimate Heat Sink, and delay the requirement to shutdown the plant when the plant inlet water system temperature limit is exceeded for 12 hours. The proposed change does not alter any safety limits, limiting safety system settings, or limiting conditions for operation [except for TS 3/4.7.5], and the proposed temperature increase will remain below the design limit cooling water input value for safety-related equipment. Thus, the proposed change does not involve a significant reduction in any 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.