

below by June 21, 1999. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Erik Godwin, Office of Information and Regulatory Affairs (3150-), NEOB-10202, Office of Management and Budget, Washington, DC 20503
Comments can also be submitted by telephone at (202) 395-3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, MD, this 17th day of May 1999.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-249]

Commonwealth Edison Company; 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. DPR-25, issued to Commonwealth Edison Company (ComEd, the licensee), for operation of the Dresden Nuclear Power Station, Unit 3, located in Grundy County, Illinois.

The proposed amendment would reduce the number of safety valves required for overpressure protection at Dresden, Unit 3, by excluding from Technical Specifications (TS) section 3.6.E the safety valve function of the Target Rock safety/relief valve (SRV). The proposed amendment would also move the safety valve lift pressure setpoints from TS section 3.6.E to TS section 4.6.E.

This request for amendment was submitted under exigent circumstances to prevent undue shutdown or derate of the unit due to the safety valve function of the Target Rock safety/relief valve becoming inoperable on May 3, 1999. The time necessary for ComEd to develop this TS request would not allow the normal 30-day period for public comment since ComEd had no prior knowledge of this inoperability.

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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. Does the change involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated?

The probability of an evaluated accident is derived from the probabilities of the individual precursors to that accident. The consequences of an evaluated accident are determined by the operability of plant systems designed to mitigate those consequences. Limits have been established consistent with NRC-approved methods to ensure that fuel performance during normal, transient, and accident conditions is acceptable. The proposed change to permit operation with the Target Rock valve safety function OOS (out of service) does not affect the ability of plant systems to adequately mitigate the consequences of an accident previously evaluated.

This conclusion was derived by evaluating all applicable analyses including thermal limit, ASME (American Society of Mechanical Engineers) pressurization events, margin to unipiped safety valve, anticipated transient analysis without scram, LOCA (loss of coolant accident), station blackout, and Appendix R analyses. Therefore, there is no increase in the probability or consequences of an accident previously evaluated because the analyses support operation with the Target Rock SRV safety function OOS.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

Since the requested change has been previously evaluated, no new precursors of an accident are created and no new

or different kinds of accidents are created. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

This conclusion was derived by evaluating all applicable analyses including thermal limit, ASME pressurization events, margin to unipiped safety valve, anticipated transient analysis without scram events, station blackout, and Appendix R analyses. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated because the analyses support operation with the Target Rock SRV safety function OOS.

3. Does the change involve a significant reduction in a margin of safety?

Allowing Dresden operation with the Target Rock SRV safety function out of service will not involve any reduction in margin of safety. This conclusion was derived by evaluating all existing analyses including thermal limit, ASME pressurization events, margin to unipiped safety valve, anticipated transient analysis without scram events, station blackout, and Appendix R analyses. The analyses previously evaluated remain valid and conservative. Thus there is no reduction in the margin of safety.

Therefore, based upon the above evaluation, ComEd has concluded that these changes do not constitute a significant hazards consideration.

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 by close of business (4:15 p.m. EDST) within 14 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 14-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 14-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. 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 Review and Directives Branch, Division of Freedom of Information and Publications 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 June 21, 1999, 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 Morris Area Public Library District, 604 Liberty Street, Morris, Illinois 60450. 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 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, US 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 Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690-0767, 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 May 5, 1999, 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 Morris Area Public Library District, 604 Liberty Street, Morris, Illinois 60450.

Dated at Rockville, Maryland, this 18th day of May 1999.

For the Nuclear Regulatory Commission.
Lawrence W. Rossbach,
*Project Manager, Section 2, Project
 Directorate III, Division of Licensing Project
 Management, Office of Nuclear Reactor
 Regulation.*
 [FR Doc. 99-13023 Filed 5-20-99; 8:45 am]
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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-289]

GPU Nuclear Inc., et al; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of GPU Nuclear, Inc., et al., (the licensee) to withdraw its August 29, 1996, application as supplemented by letter dated October 3, 1996, for proposed amendment to Facility Operating License No. DPR-50 for the Three Mile Island Nuclear Station, Unit No. 1, located in Dauphin County, Pa.

The proposed amendment requested deletion of several limiting conditions for operation and related surveillance requirements that the licensee judged did not meet the criteria for inclusion in technical specifications (TS) as set forth in 10 CFR 50.36(c)(2)(ii) and are not included in the Revised Standard Technical Specifications for B&W plants as delineated in NUREG 1430. The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on December 18, 1996 (61 FR 66708). However, by letter dated April 27, 1999, the licensee withdrew the proposed change request.

For further details with respect to this action, see the application for amendment dated August 29, 1996, as supplemented October 3, 1996, and the licensee's letter dated April 27, 1999, which withdrew the application for license amendment. The above documents 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 Law/Government Publications Section, State Library of Pennsylvania, (Regional Depository) Walnut Street and Commonwealth Avenue, P.O. Box 1601, Harrisburg, PA 17105.

Dated at Rockville, MD, this 14th day of May 1999.

For the Nuclear Regulatory Commission.
Timothy G. Colburn, Sr.,
*Project Manager, Section 2, Project
 Directorate I, Division of Licensing Project
 Management, Office of Nuclear Reactor
 Regulation.*
 [FR Doc. 99-12904 Filed 5-20-99; 8:45 am]
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NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8989]

Order To Exempt Envirocare of Utah, Inc. From Certain NRC Licensing Requirements for Special Nuclear Material

Background

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is issuing an Order pursuant to section 274f of the Atomic Energy Act to Envirocare of Utah, Inc. (Envirocare) from certain NRC regulations. The exemption will allow Envirocare, under specified conditions, to possess waste containing special nuclear material (SNM), in greater mass quantities than specified in 10 CFR part 150, at Envirocare's low-level waste (LLW) disposal facility located in Clive, Utah, without obtaining an NRC license pursuant to 10 CFR part 70. NRC has previously published an Environmental Assessment (EA) and Finding of No Significant Impact in the **Federal Register**. In addition, a description of the operations at the facility and staff's safety analysis for the exemption are discussed in a Safety Evaluation Report (SER), which is available in the public docket room.

Order

I.

Envirocare of Utah, Inc. (Envirocare) operates a low-level waste disposal facility in Clive, Utah. This facility is licensed by the State of Utah, an NRC Agreement State, under a 10 CFR part 61 equivalent license (UT 2300249). In 1988, Envirocare began accepting naturally occurring radioactive material (NORM) waste. In 1992, Envirocare began accepting very low activity, low-level waste (LLW) primarily generated during the decommissioning of nuclear facilities. Envirocare's State of Utah radioactive materials license (RML) has been amended to permit disposal of other types of LLW. Envirocare is also licensed by Utah to dispose of mixed radioactive and hazardous wastes (MW). In addition, Envirocare has an NRC license to dispose of waste containing 11(e)2 byproduct material. The MW and

11(e)2 byproduct material are disposed of in separate disposal cells from the LLW. The MW and LLW streams may contain quantities of special nuclear material (SNM).

Envirocare receives wastes by rail and truck. Separate storage and disposal facilities exist for the LLW and MW. Envirocare's method of disposal is to remove the waste from its container or dump bulk waste into lifts and compact the material. Subsequent lifts of material are placed above completed lifts. The waste streams are diverse and vary from contaminated soils and debris from decommissioning facilities to dry active waste (DAW) and resins from operating facilities.

In addition to disposing of mixed waste, Envirocare also has capabilities to treat mixed waste prior to disposal. This treatment typically includes chemically stabilizing of hazardous constituents by mixing the waste with various reagents, and micro- and macro-encapsulation of waste with low density polyethylene plastic. The applicable hazardous waste regulations require bench scale treatability studies prior to treating the bulk of the waste.

II

Pursuant to 10 CFR 70.14, "the Commission may * * * grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest."

Section 70.3 of 10 CFR Part 70 requires persons who own, acquire, deliver, receive, possess, use, or transfer SNM to obtain a license pursuant to the requirements in 10 CFR Part 70. Section 10 CFR 150.10 exempts persons in Agreement States, who possess SNM in quantities not sufficient to form a critical mass, from Commission-imposed licensing requirements and regulations. The method for calculating a quantity of SNM not sufficient to form a critical mass is set forth in 10 CFR 150.11. Therefore, Envirocare is currently limited by regulation and its State of Utah license to possess SNM in quantities set out in 10 CFR 150.10 and 150.11. The SNM possession limits in the regulation and license, as they relate to LLW disposal facilities, apply to above-ground possession prior to disposal. Therefore, once the SNM is disposed of, the possession limits no longer apply.

In response to an inspection by the State of Utah which determined that Envirocare had exceeded its Agreement State license limits for the possession of U-235, NRC conducted its own