

granted the request of PECO Energy Company (the licensee) to withdraw its May 5, 1997, application for proposed amendments to Facility Operating License Nos. DPR-44 and DPR-56 for Peach Bottom Atomic Power Station, Units 2 and 3, located in York County, Pennsylvania.

The proposed amendments would have involved an unreviewed safety question (USQ) and modified the facility, as described in the Updated Final Safety Analysis Report, by replacing the suction strainers for emergency core cooling system.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on June 25, 1997 (62 FR 34318). However, by letter dated December 11, 1998, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated May 5, 1997, as supplemented by letters dated August 22 and September 26, 1997; and the licensee's letter dated December 11, 1998, 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 Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA, 17105.

Dated at Rockville, Maryland, this 15th day of December 1998.

For the Nuclear Regulatory Commission.

Mohan C. Thadani,

Senior Project Manager, Project Directorate I-2, Division of Reactor Projects -VII, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-259, 50-260, 50-296]

Tennessee Valley Authority (Browns Ferry Nuclear Plants Units 1, 2, and 3); Exemption

I

Tennessee Valley Authority (TVA or the licensee) is the holder of Facility Operating License Nos. DPR-33, DPR-52 and DPR-68, for operation of the Browns Ferry Nuclear Plant (BFN) Units 1, 2 and 3. The licenses provide, among other things, that the licensee is subject

to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (Commission or NRC) now or hereafter in effect.

These facilities consist of three boiling water reactors located in Limestone County, Alabama.

II

Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.71, "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "Subsequent revisions [to the Updated Final Safety Analysis Report (UFSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months." The three BFN units share a common UFSAR; therefore, this rule requires the licensee to update the same document within 6 months after a refueling outage for each unit.

III

Section 50.12(a) of 10 CFR, "Specific exemptions," states that

The Commission may, upon application by any interested person, or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when "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. * * *" As noted in the NRC staff's Safety Evaluation, the licensee's proposed schedule for UFSAR updates will ensure that the BFN UFSAR will be maintained current within 24 months of the last revision. The proposed schedule fits within the 24-month duration specified by 10 CFR 50.71(e)(4). Literal application of 10 CFR 50.71(e)(4) would require the licensee to update the same document within 6 months after a refueling outage for each unit, a more burdensome requirement than intended. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further 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. The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the BFN UFSAR within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the BFN UFSAR within 6 months after Unit 2 refueling outages, but not to exceed 24 months from the last submittal.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (63 FR 69311).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 16th day of December 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-397]

Washington Public Power Supply System; 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-21, issued to Washington Public Power Supply System (Supply System or the licensee) for operation of the Nuclear Project Number 2 (WNP-2) located in Benton County, Washington.

The proposed amendment would change Section 3.8.1.8 of the Technical Specifications (TS) to allow for the capability to manually transfer between the preferred and alternate offsite power sources during Modes 1 and 2.

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