

from the technical requirements of section III.G.2.c of Appendix R to 10 CFR part 50, to the extent that it requires the enclosure of certain redundant safe-shutdown circuits in 1-hour fire-rated barriers, for fire zones/areas AB-FZ-4, FH-FZ-1, CB-FA-1, FH-FZ-6, ISPH-FZ-1, and ISPH-FZ-2 at TMI-1. The exemption for fire area CB-FA-1 and fire zone FH-FZ-6 is contingent upon the licensee completing the commitments identified in its letters of October 14, 1998, and December 23, 1998, for that fire area and zone. The request for exemption for fire zones AB-FZ-3, AB-FZ-5, AB-FZ-7, and FH-FZ-2 is denied.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will have no significant impact on the quality of the human environment (64 FR 19205).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 20th day of April 1999.

For the Nuclear Regulatory Commission.

**John A. Zwolinski,**

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

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-443]

### North Atlantic Energy Service Corporation, et al., Seabrook Station, Unit 1; Notice of Consideration of Approval of Application Regarding Proposed Corporate Merger and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the indirect transfer of Facility Operating License No. NPF-86 for the Seabrook Station, Unit 1 (Seabrook Station), to the extent held by Canal Electric Company (Canal), one of 11 joint owners of the Seabrook Station. The indirect transfer would be to the new surviving company resulting from the planned merger of Commonwealth Energy System (CES), the parent company of Canal, and BEC Energy (BEC).

According to the application by Canal for approval of the indirect transfer filed by North Atlantic Energy Service Corporation (North Atlantic), the licensing agent for the co-owners of Seabrook Station, Canal is a wholly owned subsidiary of CES. On December

5, 1998, CES and BEC entered into an Agreement and Plan of Merger under which those entities will merge into a new surviving Massachusetts corporation (the "New Company"). Upon consummation of the merger, Canal will become a wholly-owned subsidiary of the New Company, thereby effecting an indirect transfer of Canal's interest in the Seabrook Station's Facility Operating License. North Atlantic, the sole licensed operator of the facility, would remain as the managing agent for the 11 joint owners of the facility and would continue to have exclusive responsibility for the management, operation and maintenance of the Seabrook Station. The application does not propose a change in the rights, obligations, or interests of the other joint owners of the Seabrook Station. In addition, no physical changes to the Seabrook Station or operational changes are being proposed. No direct transfer of the license will result from the proposed merger.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the proposed transfer of control will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the indirect license transfer application, is discussed below.

By May 17, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a).

Untimely requests and petitions may be

denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon Timothy N. Cronin, COM/Energy Services Company, One Main Street, Cambridge, Massachusetts 02142-9150, attorney for COM/Energy Services Company; John A. Ritscher, Ropes & Gray, One International Place, Boston, Massachusetts 02110-2624, attorney for BEC Energy; John Cope-Flanagan, Esq., COM/Energy Services Company, One Main Street, P.O. Box 9150, Cambridge, Massachusetts 02142, attorney for Canal Electric Company; Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, 107 Selden Street, Berlin, Connecticut, 06037, attorney for North Atlantic Energy Service Corporation; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by May 27, 1999, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated February 2, 1999, submitted under cover of a letter dated February 11, 1998 [sic], and supplements dated February 23, March 5, and March 17, 1999, 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 Exeter Public Library, Founders Park, Exeter, NH 03833.

Dated at Rockville, Maryland this 15th day of April 1999.

For the Nuclear Regulatory Commission.

**John T. Harrison,**

*Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-483]

### Union Electric Company; Notice of Consideration of Issuance of Amendment to Facility Operating License 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-30, issued to the Union Electric Company (UE or the licensee), for operation of the Callaway Plant, Unit 1 (CW), located in Callaway County, Missouri.

The initial notice of consideration of issuance of amendment to facility operating license and opportunity for hearing was originally published in the **Federal Register** (63 FR 53468) on October 5, 1998. The information included in the supplemental letters indicates that the original notice, that included 14 proposed beyond-scope issues (BSIs) to the Improved Technical Specifications (ITS) conversion, needs to be expanded (to add 17 new BSIs) and revised (to delete 7 previous BSIs) to include a total of 24 BSIs. This notice supersedes the previous notice.

The proposed amendment, requested by the licensee in a letter dated May 15, 1997, as supplemented by letters dated June 26, August 4, August 27, September 24, October 21, November 23, November 25, December 11 and December 22, 1998, and February 5, March 9, April 7, and April 21, 1999, would represent a full conversion from the current Technical Specifications (CTS) to a set of ITS based on NUREG-1431, "Standard Technical Specifications, Westinghouse Plants," Revision 1, dated April 1995 (the STS). NUREG-1431 has been developed by the Commission's staff through working groups composed of both NRC staff members and industry representatives,

and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve the Technical Specifications (TS) for nuclear power plants. As part of this submittal, the licensee has applied the criteria contained in the Commission's "Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors (Final Policy Statement)," published in the **Federal Register** on July 22, 1993 (58 FR 39132), to the CTS, and, using NUREG-1431 as a basis, proposed an ITS for CW. The criteria in the Final Policy Statement were subsequently added to 10 CFR 50.36, "Technical Specifications," in a rule change that was published in the **Federal Register** on July 19, 1995 (60 FR 36953) and became effective on August 18, 1995.

This conversion is a joint effort in concert with three other utilities: Pacific Gas & Electric Company for Diablo Canyon Power Plant, Units 1 and 2 (Docket Nos. 50-275 and 50-323); TU Electric for Comanche Peak Steam Electric Station, Units 1 and 2 (Docket Nos. 50-445 and 50-446); and Wolf Creek Nuclear Operating Corporation for Wolf Creek Generating Station (Docket No. 50-482). This joint effort includes a common methodology for the licensees in marking-up the CTS and NUREG-1431 Specifications, and the NUREG-1431 Bases, that has been accepted by the staff. This includes the convention that, if the words in a CTS specification are not the same as the words in the ITS specification but they mean the same or have the same requirements as the words in the ITS specification, the licensees do not indicate or describe a change to the CTS.

This common methodology is discussed at the end of Enclosure 2, "Mark-Up of Current TS"; Enclosure 5a, "Mark-Up of NUREG-1431 Specifications"; and Enclosure 5b, "Mark-Up of NUREG-1431 Bases," for each of the 14 separate ITS sections that were submitted with the licensee's application. For each of the 14 ITS sections, there is also the following: Enclosure 1, the cross reference table, sorted by CTS and ITS Specifications; Enclosure 3, the description of the changes to the CTS section and the comparison table showing which plants (of the four licensees in the joint effort) that each change applies to; Enclosure 4, the no significant hazards consideration (NSHC) of 10 CFR 50.91 for the changes to the CTS with generic NSHCs for administrative, more restrictive, relocation, and moving-out-of-CTS changes, and individual NSHCs for less restrictive changes and with the organization of the NSHC evaluation

discussed in the beginning of the enclosure; and Enclosure 6, the descriptions of the differences from NUREG-1431 specifications and the comparison table showing which plants (of the four licensees in the joint effort) that each difference applies to. Another convention of the common methodology is that the technical justifications for the less restrictive changes are included in the NSHCs.

The licensee has categorized the proposed changes to the CTS into four general groupings. These groupings are characterized as administrative changes, relocated changes, more restrictive changes and less restrictive changes.

Administrative changes are those that involve restructuring, renumbering, rewording, interpretation and complex rearranging of requirements and other changes not affecting technical content or substantially revising an operating requirement. The reformatting, renumbering and rewording process reflects the attributes of NUREG-1431 and does not involve technical changes to the existing TS. The proposed changes include (a) providing the appropriate numbers, etc., for NUREG-1431 bracketed information (information that must be supplied on a plant-specific basis, and which may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG-1431 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accident or transient events.

Relocated changes are those involving relocation of requirements and surveillances for structures, systems, components, or variables that do not meet the criteria for inclusion in the TS. Relocated changes are those current TS requirements that do not satisfy or fall within any of the four criteria specified in the Commission's policy statement and may be relocated to appropriate licensee-controlled documents.

The licensee's application of the screening criteria is described in Attachment 2 to its May 15, 1997, submittal, which is entitled, "General Description and Assessment." The affected structures, systems, components or variables are not assumed to be initiators of analyzed events and are not assumed to mitigate accident or transient events. The requirements and surveillances for these affected structures, systems, components, or variables will be relocated from the TS to administratively controlled documents such as the quality assurance program,