

be evaluated. As an alternative to the proposed action, the Commission considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

#### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the Final Environmental Statement and Supplement 1 related to operation of the Watts Bar Nuclear Plant, dated December 1978 and April 1995, respectively.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, the NRC staff consulted with the Tennessee State official regarding the environmental impact of the proposed action. The State official had no comments.

#### *Finding of No Significant Impact*

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to this action, see the request for exemption dated July 26, 1995, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee.

Dated at Rockville, Maryland, this 2nd day of October 1995.

For the Nuclear Regulatory Commission.

Peter S. Tam,

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

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BILLING CODE 7590-01-P

#### **Proposed Generic Communication; Licensee Qualification for Performing Safety Analyses (M91599)**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of opportunity for public comment.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is proposing to issue

Supplement 1 to Generic Letter 83-11 concerning licensee qualification for performing their own safety analyses. This draft generic letter supplement provides an alternative method for licensee qualification. The NRC is seeking comment from interested parties regarding both the technical and regulatory aspects of the proposed generic letter supplement presented under the Supplementary Information heading.

This proposed generic letter supplement was endorsed by the Committee to Review Generic Requirements (CRGR) on September 26, 1995. The relevant information that was sent to the CRGR will be placed in the NRC Public Document Room. The NRC will consider comments received from interested parties in the final evaluation of the proposed generic letter supplement. The NRC's final evaluation will include a review of the technical position and, as appropriate, an analysis of the value/impact on licensees. Should this generic letter supplement be issued by the NRC, it will become available for public inspection in the NRC Public Document Room.

In addition to the proposed supplement to Generic Letter 83-11, the NRC staff is also investigating modified procedures for reducing the resource effort for acceptance of new or revised licensee or vendor analysis methods. Currently, topical reports are submitted to the NRC which require a relatively long review and approval process. In this regard, the NRC requests comments on the following:

(1) To what extent can an organization other than the NRC (a third party) review a new methodology or a significant change to an existing methodology?

(a) What capabilities should be required of a third-party reviewer?

(b) What is the safety significance of not having the NRC perform the review?

(c) What documentation should be submitted to the NRC by the third-party reviewer and/or by the licensee?

(d) What type of acceptance (e.g., a safety evaluation report) should be issued?

(e) How would approved references (e.g., Core Operating Limits Report (COLR) parameters in technical specification reporting requirements) be handled?

(f) What information, if any, should be available for NRC audit?

(2) What other viable approaches can be used for accepting new or revised methods?

(a) Should a regulatory guide be developed?

(b) Can a set of criteria, as proposed in the generic letter supplement for previously approved generic methods, also be developed for new methods?

(3) To what technical disciplines should this process apply? Commentors should clearly differentiate any comments submitted in response to these questions from comments on the generic letter supplement.

**DATES:** Comment period expires December 11, 1995. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

**ADDRESSEES:** Submit written comments to Chief, Rules Review and Directives Branch, U.S. Nuclear Regulatory Commission, Mail Stop T-6D-69, Washington, DC 20555-0001. Written comments may also be delivered to 11545 Rockville Pike, Rockville, Maryland, from 7:30 am to 4:15 pm, Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, N.W. (Lower Level), Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Laurence I. Kopp (301) 415-2879.

#### **SUPPLEMENTARY INFORMATION:**

NRC Generic Letter 83-11, Supplement 1: Licensee Qualification for Performing Safety Analyses

#### *Addressees*

All holders of operating licenses or construction permits for nuclear power reactors.

#### *Purpose*

The U.S. Nuclear Regulatory Commission (NRC) is issuing this supplement to Generic Letter (GL) 83-11 to notify licensees and applicants of modifications to the Office of Nuclear Reactor Regulation (NRR) practice regarding licensee qualification for performing their own safety analyses. It is expected that recipients will review the information for applicability to their facilities. However, suggestions contained in this supplement to the generic letter are not NRC requirements; therefore, no specific action or written response is required.

#### *Background*

Over the past decade, substantially more licensees have been electing to perform their own safety analyses to support such tasks as reload applications and technical specification amendments, rather than contract the work out to their nuclear steam supply

system (NSSS) vendor, fuel vendor, or some other organization. The NRC encourages utilities to perform their own safety analyses since doing this significantly improves licensee understanding of plant behavior. GL 83-11 presented guidance on the information that NRC needs in order to qualify licensees to perform their own safety analyses using approved computer codes.

#### *Description of Circumstances*

NRC experience with safety analyses using large, complex computer codes has shown many times that errors or discrepancies discovered in safety analyses can be traced to the user rather than to the code itself. This realization has led the NRC to place additional emphasis on assuring the capabilities of the code users as well as on assuring the codes themselves. In the past, NRC obtained this assurance by reviewing the code verification information submitted by the licensee. The review focused primarily on the licensee's quality assurance practices and the technical competence of the licensee with respect to their ability to set up an input deck, execute a code, and properly interpret the results. The information which was reviewed generally included comparisons (performed by the user of the code results) with experimental data, plant operational data, or other benchmarked analyses, as well as compliance with any restrictions or limitations stated in the generic NRC Safety Evaluation Report (SER) that approved the code.

Since GL 83-11 was issued, many licensees have submitted information in the form of topical reports demonstrating their ability to perform their own safety analyses, such as reload analyses, using NRC-approved methods and codes. The preparation and review of a qualification topical report is resource intensive for both the licensee and the staff, and because the review is usually assigned a low priority, it is difficult to schedule the review for timely completion.

#### *Discussion*

To help shorten the lengthy review and approval process, the NRC has adopted a generic set of guidelines which, if met, would eliminate the need to submit detailed topical reports for NRC review before a licensee could use approved codes and methods. These guidelines are presented in Attachment 1. Using this approach, which is consistent with the regulatory basis provided by Criteria II and III of Appendix B to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR

50), the licensee would institute a program (such as training, procedures, and benchmarking) that follows the guidelines, and would notify NRC by letter that it has done this and that the documentation is available for NRC audit.

#### *Summary*

The revised guidance on licensee qualification for using safety analysis codes is intended for licensees who wish to perform their own licensing analyses using methods that have been reviewed and approved by the NRC.

#### *Backfit Discussion*

This supplement does not involve a backfit as defined in 10 CFR 50.109(a)(1), it provides guidance as to an acceptable means by which a licensee may verify to the NRC its qualifications to use approved codes and methods for performing safety analyses. Therefore the staff has not prepared a backfit analysis.

#### Attachment 1—Guidelines for Qualifying Licensees To Use Generically Approved Analysis Methods

##### 1.0 Introduction

This attachment presents a simplified approach for qualifying licensees to use NRC-approved analysis methods. Typically, these methods are developed by a fuel vendor or an organization such as the Electric Power Research Institute, Incorporated (EPRI). To use these approved methods, the licensee would institute a program (e.g., training, procedures) that follows the guidelines below and notify the NRC that it has done so.

##### 2.0 Guidelines

A commitment on the part of a licensee to implement the guidelines delineated in this document is sufficient information for the NRC to accept the licensee's qualification to use an approved code or method to perform safety-related evaluations. To document its qualification in this manner, the licensee must send the NRC a notification of its having followed the guidelines at least three months before the date of its intended first licensing application.

##### 2.1 Eligibility

The only codes and methods that are addressed by this process are those that NRC has reviewed and approved.

##### 2.2 Application Procedures

In-house application procedures, which ensure that the use of approved methods is consistent with the code

qualification and approved application of the methodology, should be established and implemented. These procedures should contain a section describing the application of the code and a section delineating the code limitations and restrictions, including any defined in the licensing topical report, correspondence with the NRC, and the safety evaluation report (SER).

##### 2.3 Training and Qualification of Licensee Personnel

A training program should be established and implemented to ensure that each qualified user of an approved methodology has a good working knowledge of the codes and methods, and will be able to set up the input, to understand and interpret the output results, to understand the applications and limitations of the code, and to perform analyses in compliance with the application procedure.

##### 2.4 Comparison Calculations

Licensees should verify their ability to use the methods by comparing their calculated results to an appropriate set of benchmark data, such as physics startup tests, measured flux detector data during an operating cycle, and vendor results. These comparisons should be documented in a report which is part of the licensee's quality assurance (QA) records. Any deviations in the calculations of safety-related parameters should be justified in the report. All comparisons with startup test data should agree within the acceptance criteria defined in the plant startup test plan.

##### 2.5 Quality Assurance and Change Control

All safety-related licensing calculations performed by a licensee using NRC-approved codes and methods should be conducted under the control of a Quality Assurance (QA) program which complies with the requirements of Appendix B to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR 50). The licensee's QA program should also include the following:

- (1) A provision for implementing vendor updates in codes, methods, and procedures (if applicable); and
- (2) A provision for informing vendors of any problems or errors discovered while using their codes, methods, or procedures.

Dated at Rockville, Maryland, this 18th day of October 1995.

For the Nuclear Regulatory Commission.  
 Dennis M. Crutchfield,  
*Director, Division of Reactor Program  
 Management, Office of Nuclear Reactor  
 Regulation.*  
 [FR Doc. 95-26421 Filed 10-24-95; 8:45 am]  
 BILLING CODE 7590-01-P

## **Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations**

### **I. Background**

Pursuant to Public Law 97-415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from September 29, 1995, through October 13, 1995. The last biweekly notice was published on October 11, 1995 (60 FR 52927).

### **Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The Commission has made a proposed determination that the following amendment requests involve 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. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 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 30-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 30-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 before action is taken. Should the Commission take this action, it will publish in the Federal Register a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, 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 a hearing and petitions for leave to intervene is discussed below.

By November 24, 1995, 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 for the particular facility involved. 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 a 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