

such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before October 30.

Signed at Washington, D.C. this 15th day of October, 1997.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 97-27956 Filed 10-2-97; 8:45 am]

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DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

100th Full Meeting of the Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 100th public meeting will be held November 13, 1997 of the Advisory Council on Employee Welfare and Pension Benefit Plans.

The session will take place in the Secretary's Conference Room S-2508, U.S. Department of Labor Building, Second and Constitution Avenue, NW, Washington, D.C. 20210. The purpose of the open meeting, which will run from 1:00 p.m. until approximately 2:30 p.m., is for working group chairs and vice chairs to present their groups' final reports and recommendations of the year to the full Council for its action on their findings and/or acceptance before the reports and recommendations are officially forwarded to the Secretary of Labor. The meeting also will provide the opportunity for an update on activities of the Pension and Welfare Benefits Administration by the Assistant Secretary of that organization and for a formal ceremony of appreciation for outgoing members of the Council.

Members of the public are encouraged to file a written statement pertaining to the Council's specific topics for the year by submitting 20 copies on or before October 30, 1997, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N-5677, 200 Constitution Avenue, NW, Washington, D.C. 20210. Individuals or representatives of organizations wishing to address the Council should forward their request to the Executive Secretary or telephone (202) 219-8753. Oral presentations will be limited to 10 minutes, time permitting, but an extended written

statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by October 30, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before October 30.

Signed at Washington, D.C. this 15th day of October, 1997.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 97-27957 Filed 10-21-97; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-369 and 50-370]

Duke Energy Corporation; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-9 and NPF-17 issued to Duke Energy Corporation (the licensee) for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The proposed amendments would revise Technical Specification Table 3.3-4, "Engineered Safety Features [ESF] Actuation System Instrument Trip Setpoints." Specifically, the amendments would support the replacement of the three safety-related wide range level instruments. The ESF trip setpoint for the refueling water automatic switch over to recirculation would be revised to account for the difference in instrument uncertainty associated with wide range level instruments and provide additional operator response time margin.

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:

First Standard

Operation of the facility in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Probability

The FWST [Refueling Water Storage Tank] and its associated instrumentation are not considered accident initiators. The instrumentation change is from a narrow range type instrument to a wide range type instrument. A failure of either type of instrument could result in an undesired switch over or failure to switchover. However, the failure could not initiate any subsequent accident sequences.

Consequences

With the switchover to recirculation setpoint change, the system design will still provide enough injected water to ensure that the reactor remains shut down, as well as provide sufficient water depth within the containment sump to ensure adequate net positive suction head (NPSH) for the ECCS [emergency core cooling system] pumps and protect against vortexing. Also, adequate time is provided to ensure the completion of all operator actions necessary for switchover to cold leg recirculation prior to the loss of all usable FWST inventory and loss of suction to the ECCS pumps.

The change in the FWST LOW level setpoint reduces the FWST volume that is delivered to the primary system in the injection phase of a LOCA [loss-of-coolant accident]. Thus, this volume reduction affects the containment pressure response during a LOCA. A reanalysis of the containment pressure response using the NRC-approved methodology of DPC-NE-3004 demonstrates that the peak containment pressure remains below the design limit for the proposed FWST LOW level setpoint.

The LOCA blowdown, refill, and reflood phases of the analysis are not affected by the change in switchover setpoint. Therefore, the fuel clad integrity will not be impacted as a result of this change. The containment response was analyzed and found to be within acceptable limits. Therefore, the fission product barriers are unaffected by this change in setpoint.

The radiological calculations include assumptions regarding the start of ECCS recirculation which could be impacted by

this change. The impact of the setpoint changes is to shorten the time that is assumed for ECCS recirculation to begin. This would tend to increase the calculated dose from this potential leak path but the impact is so small that the currently reported results remained unchanged (calculation results are the same within roundoff, such that reported results do not change). The change does not significantly impact the radiological consequences of the design basis LOCA.

An analysis was performed at the FWST reduced borated water volume delivered to the primary system during a LOCA. The resulting primary system boron concentrations were compared to boron concentrations required to keep the core subcritical and found to be acceptable.

Therefore, there is no increase in the probability or consequences of an accident previously evaluated.

Second Standard

The amendment would not create the possibility of a new or different kind of accident from any kind of accident previously evaluated.

The failure modes of the new level transmitters remain the same. The instrumentation interacts with the same equipment and provides the same function. Therefore, failure of the new instrumentation [cannot] produce a new or different kind of accident previously evaluated. However, some failure modes will be more readily detectable because of the change to wide range instrumentation.

Third Standard

The amendment would not involve a significant reduction in a margin of safety.

The change to the FWST instrumentation does not involve a reduction in the margin of safety. Although increased instrument uncertainty is being introduced, the FWST low level setpoint is being adjusted to compensate for this change. The overall analysis results continue to be bounded such that there is no loss of suction from the FWST prior to ECCS pump switchover to the containment sump. There is adequate FWST inventory injected to maintain the reactor shutdown. There is sufficient water depth within the containment sump to satisfy NPSH and vortex concerns. In addition, the peak containment pressure remains below the design limit for the proposed FWST LOW level setpoint.

The rate of injection and back pressure of the FWST is not affected by the setpoint change. Analysis shows that the peak cladding temperature occurs prior to ECCS pump switchover to the containment sump, and thus is unaffected by this change.

Therefore, the new instrumentation and revised setpoints do not cause a reduction in the margin of safety associated with containment pressure or fuel cladding integrity.

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 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. 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 Chief, Rules 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 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 hearing and petitions for leave to intervene is discussed below.

By November 21, 1997 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 J. Murrey Atkins Library, University of North Carolina at Charlotte, 9201 University City Boulevard, North Carolina. 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 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 a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. 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, U.S. 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 Mr. Albert Carr, Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28242, 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 October 13, 1997, 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 J. Murrey Atkins Library, University of North Carolina at Charlotte, 9201 University City Boulevard, North Carolina.

Dated at Rockville, Maryland, this 17th day of October 1997.

For the Nuclear Regulatory Commission.

Victor Nerses,

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

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-315 and 50-316]

Indiana Michigan Power 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 Nos. DPR-58 and DPR-74, issued to Indiana Michigan Power Company (the licensee), for operation of the Donald C. Cook Nuclear Plant, Units 1 and 2 (D.C. Cook), located in Berrien County, Michigan.

The proposed amendment would change the D.C. Cook technical specifications (TS) to delete the interlock which would close the residual heat removal (RHR) suction valves if the reactor coolant system (RCS) pressure were to increase to 600 psig while retaining the interlock which would prevent the suction valves from opening while the RCS pressure is above the RHR system design pressure. This change would maintain the interlock against opening to protect against an intersystem loss of coolant accident but would allow continued deactivation of the isolation valves when the RHR system is operating to assure RHR availability and provide low temperature overpressure protection (LTOP).

The licensee has requested that the proposed amendment be reviewed on an

emergency basis. Section 50.91(a)(5) of Title 10 of Code of Federal Regulations requires the licensee to explain the emergency and why the licensee cannot avoid it. The licensee's explanation is provided below:

On September 18, 1997, a letter was sent to the USNRC providing a discussion of the actions we are taking to address technical issues identified by the recently complete [concluded September 12, 1997] architect engineering (AE) team inspection. We are currently anticipating the commencement of startup activities on September 29, 1997, and respectfully request NRC review and approval of this change by that date.

We understand the impact of such an emergency request, and recognizing that the conditions and status of the Cook Nuclear Plant restart may change in the future, we intend to keep the commission informed, through our daily contact with our NRR project manager, as to the status of our restart schedule.

The situation described above occurred because, until recently, the need to meet the RHR suction valve surveillance requirement, in mode 4, simultaneously with the reactivity control specification and the LTOP administrative requirements, was not recognized. Investigation into the root cause of this oversight is still in progress.

The AE inspection team identified issues related to our configuration management, design and procedure control, and our understanding of the plant's design and licensing bases. With the insight gained from the inspectors' conclusions, we identified this particular issue on September 11, 1997. The need for a T/S [technical specification] change prior to restarting either of the units, became evident as a result of our investigation of this matter.

The licensee was unable to make a more timely application because it was not determined until the recent inspection (September 11, 1997) that the RHR suction valve surveillance requirement in Mode 4 needed to be met, simultaneously with the reactivity control specification and the LTOP administrative requirements. Due to changes in the anticipated restart schedule, emergency circumstances no longer exist. However, the NRC has determined that the licensee used its best efforts to make a timely application for the proposed changes and that, pursuant to 10 CFR 50.91(a)(6), exigent circumstances do exist and were not the result of any intentional delay on the part of the licensee. The Donald C. Cook Nuclear Plant, Units 1 and 2, cannot restart until the proposed amendments have been approved by the NRC.

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