

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 Ernest L. Blake, Jr., Esquire, Shaw Pittman, Potts & Trowbridge, 2300 N Street, NW, Washington, DC 20037, 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 June 29, 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 Law/Government Publication Section, State Library of Pennsylvania, (Regional Depository) Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

Dated at Rockville, Maryland, this 6th day of July 1999.

For the Nuclear Regulatory Commission,  
**Timothy G. Colburn,**  
Senior Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, 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 amendments 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 Power Plant, Units 1 and 2, located in Berrien County, Michigan.

The proposed amendments would change the Technical Specifications (T/S) to allow reactor coolant system temperature changes in certain Mode 5 and 6 action statements if the shutdown margin is sufficient to accommodate the expected temperature change. In addition, footnotes regarding additions of water from the refueling water storage tank to the reactor coolant system are clarified and relocated to action statements. Additional actions are added in Table 3.3-1, "Reactor Trip System Instrumentation," when the required source range neutron flux channel is inoperable. Corresponding changes are proposed for the bases for T/S 3/4.1.1, "Boration Control," and T/S 3/4.1.2, "Boration Systems." Administrative changes are proposed to improve clarity. Finally, additions are made to shutdown margin T/S surveillance requirements to address use of a boron penalty (requirement for additional boron) during residual heat removal system operation in Modes 4 and 5.

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:

1. Does the change involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated?

No. I&M [IM] [Indiana Michigan Power Company] proposes to permit operators to make RCS [reactor coolant system] temperature changes under conditions not previously allowed. RCS temperature changes may add positive reactivity to the reactor core that could reduce the SDM [shutdown margin] necessary to maintain subcritical conditions. Acceptable consequences for an inadvertent criticality rely on prevention. Maintaining an adequate SDM is an essential means to prevent an inadvertent criticality.

When equipment that is relied upon to prevent, detect, correct, or mitigate an unintentional approach to a critical condition is unavailable or degraded, activities that may reduce the SDM must be precluded or adequately controlled. This amendment request is based on maintaining adequate control of positive reactivity additions as a result of RCS temperature changes in Modes 5 and 6. The control is provided by requirements to confirm that the SDM required by the T/S is available to accommodate the expected RCS temperature change. This preserves the validity of accident analyses that assume the T/S SDM requirements are met when the accident is initiated.

The following accidents of potential applicability in Modes 5 and 6 are described in Section 14.2, "Standby Safeguards Analysis" of the Updated Final Safety Analysis Report (UFSAR).

1. Fuel handling accident
2. Waste liquid release
3. Waste gas release
4. Steam generator tube rupture
5. Steam pipe rupture
6. Rupture of control rod mechanism housing—rod cluster control assembly (RCCA) ejection
7. Environmental consequences following secondary system accidents
8. Rupture of a feedline (Unit 2 only)
9. Uncontrolled RCCA withdrawal from a subcritical condition (Section 14.1.1)
10. Uncontrolled boron dilution (Section 14.1.5)

Accidents 4 through 8, above, are not credible in Modes 5 and 6 due to negligible stored energy (temperature and pressure) in the primary and secondary systems below the Mode 5 RCS temperature limit of 200°F. Therefore, they are not analyzed in Mode 5 and 6 and are not considered further.

Remaining accidents 1, 2, 3, 9, and 10 are discussed below:

#### 1. Fuel Handling Accident

The only time a fuel handling accident could occur is during the handling of a fuel assembly. The required action to suspend core alterations is not changed. Changing RCS temperature in Modes 5 and 6 would not initiate this accident. SDM is not a factor or

initial condition assumed in the analysis of a fuel handling accident. Therefore, since the requirements that would preclude this accident are not affected, the probability of the accident is not changed. Similarly, a potential reduction in SDM does not increase the consequences of this accident.

## 2. Waste Liquid Release

The inadvertent release of radioactive liquid wastes to the environment was evaluated for the waste evaporator condensate and monitor tanks, condensate storage tank, primary water storage tank, RWST [refueling water storage tank], auxiliary building storage tanks, and chemical and volume control system (CVCS) holdup tanks. It was concluded in the Updated Final Safety Analysis Report Chapter 14 evaluation that loss of liquid from these tanks to the environment is not a credible accident. This conclusion is not impacted by the thermal effects or reactivity changes due to RCS temperature while in Modes 5 and 6.

## 3. Waste Gas Release

Radioactive gases would be introduced into the RCS by the escape of fission products if defects existed in the fuel cladding. The processing of the reactor coolant by auxiliary systems results in the accumulation of radioactive gases in various tanks. The two main sources of any significant gaseous radioactivity that could occur would be the volume control tank and the gas decay tanks. It is assumed that a tank ruptures by an unspecified mechanism after the reactor has been operating for one core cycle with 1% defects in the fuel cladding. The integrity of these tanks is not affected by changes in RCS temperature and SDM is not a factor in the consequences of these events. Therefore, it is concluded that the probability of occurrence of a tank rupture and the consequences of a tank rupture are not significantly increased by this change.

## 9. Uncontrolled RCCA Withdrawal From a Subcritical Condition

The proposed changes specifically permit positive reactivity additions due to temperature changes. However, all other positive reactivity changes are suspended when the action applies. Therefore, intentional rod withdrawal would not be permitted.

Additionally, this event could occur only when the reactor trip breakers are closed and the control rod drive mechanisms are energized. With the exception of testing or special maintenance, the rod drive motor generator set remains tagged out (de-energized with administrative cards to alert operators) in Modes 4 and 5. This alone would preclude rod movement. If the physical conditions for rod withdrawal were intentionally met, T/S require that two source range neutron flux instruments, two reactor trip instrumentation channels, and associated reactor trip breakers must be operable to automatically terminate the event. RCS temperature changes in Mode 5 and 6 are sufficiently below the normal operating and designed temperature of the drive mechanisms. The thermal effects of the proposed RCS temperature changes are not a

significant contributor to the possibility of a drive mechanism failure. Acceptable consequences for the rod withdrawal event rely on termination by an automatic reactor trip prior to criticality, and no assumptions are made in the analysis about the SDM existing at the start of rod withdrawal. Therefore, it is concluded that this proposed license amendment would have no impact on the probability or consequences of an uncontrolled rod withdrawal event.

## 10. Uncontrolled Boron Dilution

Uncontrolled boron dilution is analyzed for refueling, startup, and power operation described in UFSAR section 14.1.5 for Unit 1 and Unit 2. The source of water for this event is primary grade water from the reactor makeup portion of the CVCS. The CVCS is designed to limit, even under various postulated failure modes, the potential rate of dilution to a value that provides the operator sufficient time to correct the situation in a safe and orderly manner. Acceptable consequences for this event rely on preventing an uncontrolled dilution.

The proposed change to allow RCS temperature changes below 200°F do not involve changes to the operating methods for the CVCS or modifications to the CVCS. Additionally, the CVCS pumps and valves required to add water to the RCS are not affected by the RCS temperature changes themselves. Any such effects in the range of 68°F to 200°F that would be permitted would be small compared to changes between 200°F to normal RCS operating temperature. Therefore, the thermal effects are significantly less than those that occur during normal operation. It is concluded that the probability and consequences of an uncontrolled boron dilution event are not significantly increased by the proposed license amendment.

The initiators and precursors for the accidents described above are not changed. Therefore, the probability of their occurrence is not changed and the consequences are bounded by the current analyses. Therefore, there is no increase in the types or amounts of effluents released offsite.

The proposed additions to action 5 of T/S Table 3.3-1 are conservative. They provide additional assurance that instrumentation would be available to alert operators to a dilution event. The requirement to isolate sources of dilution water removes potential initiators for an inadvertent dilution. The RWST would be considered a dilution source if the RWST boron concentration is less than the RCS boron concentration and less than the minimum boron concentration in T/S limiting condition for operation 3.1.2.7.b.2. Isolating the RWST in this case is appropriate because it eliminates a potential accident initiator. The boric acid concentration and volume in Mode 5 are established to provide the required SDM after xenon decay and cooldown from 200°F to 140°F. The accidents described above do not require a minimum volume for reasons other than boron control.

The addition to T/S SRs 4.1.1.1.e and 4.1.1.2.b, which requires application of a boron penalty, is an additional restriction that is imposed administratively already. The remaining changes are administrative. They

correct typographical errors or change format, and are not intended to change the meaning. They do not affect accident initiators or precursors.

In summary, based on the above, the probability of occurrence or the consequences of accidents previously evaluated are not increased.

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

No. The proposed changes permit RCS temperature changes under conditions that were previously prohibited. However, no new methods of changing RCS temperature are involved, and the T/S limits on the permissible rates of RCS temperature changes are not altered. Therefore, the integrity of the reactor vessel when subject to RCS temperature changes is not affected.

The accident of concern for the proposed amendment is an unintentional reduction in SDM leading to an inadvertent criticality. This is not a new or different kind of accident, although the causal mechanism adding the positive reactivity is an RCS temperature change instead of a dilution event.

As discussed in question 1, the requirement to maintain SDM during RCS temperature changes provides assurance that the probability of the SDM reduction is not increased. However, as an additional conservative measure, a maximum RCS heatup and cooldown rate of 50°F in any one-hour period is imposed when the action applies. This increases the time necessary for a RCS temperature change to reduce the SDM by an unacceptable amount. Thus, if a heatup or cooldown was initiated at 50°F/hr, and inadvertently continued beyond the intended temperature, sufficient time would be available for the operators to detect the SDM reduction with the source range nuclear instruments and secure the temperature change. The rate of 50°F in any one-hour period was estimated to provide at least as much time as was considered adequate for detecting and correcting a dilution event. The acceptable time for a dilution event is described in UFSAR Section 14.1.5. Conservative assumptions of the maximum positive or negative moderator temperature coefficient were used for the estimate.

It should be noted that compliance with the current T/S action statements prohibit deliberate heatup and cooldown. However, it does not prevent use of the equipment involved in removing decay heat to maintain plant temperature (for example residual heat removal system pumps, valves, and heat exchangers). Therefore, the probability of a malfunction of this equipment during deliberate heatup and cooldown is not significantly greater than it is when the equipment is operated, as necessary, to maintain steady-state temperatures for decay heat removal.

The addition to T/S SRs 4.1.1.1.e and 4.1.1.2.b, which requires application of a boron penalty, is an additional restriction that is imposed administratively already. The proposed additions to the T/S action statements for the source range neutron flux instrumentation provide additional controls to prevent an unmonitored positive reactivity

addition. The remaining changes are administrative. They correct typographical errors or change format, and are not intended to change the meaning.

Isolating the RWST when it is a potential dilution source and when there are no source range neutron flux instrument channels operable in Mode 5 is not an accident initiator. Borated makeup to the RCS can be accomplished with the boric acid storage tank.

Based on the above, it is concluded that the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

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

No. The margin of safety pertinent to the proposed changes is the T/S-required SDM. The additions to T/S SRs 4.1.1.1.e and 4.1.1.2.b require application of a boron penalty. Because this penalty is controlled administratively already and there are no other changes to the SDM requirements, the margin of safety is maintained. Additionally, the proposed change to isolate the RWST when it is a potential dilution source does not impact the ability of the boric acid storage tank to supply the boron required for SDM during cooldown from 200°F to 140°F including xenon decay.

The minimum time available to the operators to detect and terminate an unintentional addition of positive reactivity could also be considered a margin of safety. The proposed changes limit temperature changes to 50°F in a one-hour period so as not to reduce this time. Compliance with the proposed changes would continue to provide assurance that there is no significant reduction in these margins of safety.

The remaining changes are administrative. They correct typographical errors or change format, and are not intended to change the meaning.

Based on the above, the proposed changes do not involve a significant reduction in a margin of safety.

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 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 Administrative 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 August 11, 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 Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, MI 49085. 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 Jeremy J. Euto, Esquire, 500 Circle Drive, Buchanan, MI 49107, 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 21, 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 Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, MI 49085.

Dated at Rockville, Maryland, this 6th day of July 1999.

For the Nuclear Regulatory Commission.

**John F. Stang, Sr.,**

*Project Manager, Section 1, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## SECURITIES AND EXCHANGE COMMISSION

### Request for Public Comment

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

#### Extension:

Form N-17D-1, SEC File No. 270-231, OMB Control No. 3235-0229

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. *et seq.*), the Securities and Exchange Commission (Commission) is publishing for public comment the following summary of previously approved information collection requirements. The Commission plans to submit these existing collections of information to the Office of Management and Budget (OMB) for extension and approval.

Section 17(d) [15 U.S.C. 80a-17(d)] of the Investment Company Act of 1940 (the Act) authorizes the Commission to adopt rules that protect investment companies and their security holders from overreaching by affiliated persons where the investment company and the affiliated person participate jointly or jointly and severally in a transaction. Rule 17d-1 under the Act [17 CFR 270.17d-1] prohibits any such participation, unless an application regarding the transaction has been filed with and approved by the Commission. The rule provides an exemption from this requirement for any loan or advance of credit to, or acquisition of securities or other property of, a small business concern, or any agreement to do any of the foregoing (investments) made by a affiliated bank and a small business investment company (SBIC), provided that reports about the investments are made on such forms as the Commission may prescribe. For this purpose, Rule 17d-2 [17 CFR 270.17d-2] prescribes Form N-17D-1.

Form N-17D-1 is used by SBICs and their affiliated banks to report any investments in a small business concern. The form provides shareholders and persons seeking to make an informed decision about investing in an SBIC an opportunity to

learn about transactions of the SBIC that have a high potential for overreaching at the expense of shareholders.

Form N-17D-1 requires SBICs to report identifying information about the small business concern and the affiliated bank. On the form, SBICs must state, among other things, the outstanding investments in the small business concern, the use of the proceeds of the investment made during the reporting period, any changes in the nature and amount of the bank's investment, the name of any affiliated person of the SBIC or the affiliated bank (or any affiliated person of such person) who has any interest in the transactions, the basis of the affiliation, the nature of the interest, and the consideration received or to be received by the affiliate.

The Commission estimates that up to 5 SBICs may use the form annually. The estimated burden of filling out the form is approximately 5 hours per response and would likely be completed by an accountant or other professional. At \$114 per hour of time, completion of the form will cost approximately \$570 per filer. The total annual burden would be 25 hours with a total annual cost of \$2,850.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are requested on: (a) whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549.