

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 25th day of August 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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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 make administrative changes to several Technical Specifications to remove obsolete information, provide consistency between Unit 1 and Unit 2, provide consistency with the Standard Technical Specifications, provide clarification, and correct typographical errors.

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?

The proposed change for boron sampling requirements in mode 6 does not affect the probability of a fuel handling accident. The unlikely event of a fuel assembly being misloaded is independent of the sampling frequency for fuel pool boron concentration. It has no impact on the event initiator, which is a human error while positioning a fuel assembly. The change has no impact on the assumptions for a fuel handling accident. The boron concentration requirement is not changed; there is sufficient boron in the fuel storage pool to maintain k_{eff} below 0.95 to preclude an inadvertent criticality. Therefore, the consequences of the accident will be mitigated as previously evaluated. The 72-hour maximum interval between samples is maintained. Operating experience has shown 72 hours to be adequate. Removing the additional limitation of sampling at least three times per week would allow the sample to be collected two or three times per week, consistent with the maximum 72-hour interval. This is acceptable because boron concentration changes occur slowly due to the large volume of water in the system and relatively small volumes of dilution sources. The consequences are not increased because there are no changes to the spent fuel, shielding (water), or systems used to mitigate the consequences of an accident. Additionally, there is no change in the types or significant increase in the amounts of any effluents released offsite.

Deleting the redundant figure for equivalent reactivity criteria for regions in the spent fuel storage racks does not impact the storage requirements because the equations provide equivalent requirements. The unlikely event of a fuel assembly being misloaded is independent of the characteristics of the spent fuel in the pool. It has no impact on the event initiator, which is a human error while positioning a fuel assembly. The change has no impact the assumptions for a fuel handling accident because the fuel storage requirements are not changed. The consequences of an accident are not increased because the fuel storage requirements are not changed and no other changes are made to systems that mitigate the consequences of an accident.

The proposed changes to correct a reference to another requirement, delete obsolete notes, revise the name of drumming room roll-up door, and correct typographical errors are considered administrative. The reference leads to a section that no longer exists; the proposed change corrects the error. The notes permitted exceptions to requirements, and they are no longer required. The normal requirements have applied since the provisions expired. Deleting them eliminates extraneous information. The revised description of the door reflects the current use of the installed door. Correcting the typographical errors improves readability. The corrections are not intended to change the meaning. These changes do not affect accidents described in the UFSAR.

Adding new surveillance requirements to test the Unit 2 pump performance pursuant

to T/S 4.0.5 does not affect accident initiators or precursors. The change reflects ASME code requirements. Including the requirements in the corresponding section provides assurance that the pumps will operate as assumed in the accident analyses. As such, the probability and consequences of previously evaluated accidents is unchanged.

The proposed change to the description of instrumentation configuration is considered administrative because the configuration had been reviewed and approved by the NRC Staff, as documented in the Safety Evaluation Report for amendment 39 for DPR-58 and amendment 22 for DPR-74. There are no changes to the actual plant configuration. The change is intended to describe the installed equipment more clearly. The change does not affect the probability and consequences of previously evaluated accidents because the equipment is installed and operated as described in the correspondence related to the previous amendments.

Based on this review, it is concluded that the proposed changes do not involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated.

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

The proposed changes remove obsolete information, provide consistency between Unit 1 and Unit 2, provide consistency with the Standard Technical Specifications, provide clarification, and correct typographical errors. These changes are considered administrative because they do not affect the design or operation of any system, structure, or component in the plant. The accident analysis assumptions and results are unchanged. No new failures or interactions have been created. Based on this review, it is concluded that the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

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

The proposed changes are considered administrative in nature. They do not affect any safety limits or T/S parameter limits. The proposed changes do not introduce new equipment, equipment modifications, or new or different modes of plant operation. These changes do not affect the operational characteristics of any equipment or systems. Based on this review, it is concluded that no reduction in the margin of safety will occur as a result of the changes.

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 September 30, 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 25th day of August, 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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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corporation; 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. DPR-28 issued to Vermont Yankee Nuclear Power Corporation (the licensee) for operation of the Vermont Yankee Nuclear Power Station (VY) located in Vernon, Vermont.

The proposed amendment would modify the operability requirements for the high pressure cooling systems—High Pressure Coolant Injection (HPCI), Reactor Core Isolation Cooling (RCIC) and Automatic Depressurization System (ADS)—and the safety and relief valves, and add a time limitation for conducting operability testing of HPCI and RCIC.

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. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The changes proposed add clarity, additional limitations, and relaxation to operability requirements and also reflect current surveillance practices. The proposed changes do not change the function nor needed range of operability pressures for the affected systems. The revisions ensure the applicability of operating requirements consistent with the design and operational bases of these systems.

The high pressure cooling systems (HPCI, RCIC and ADS) and the steam safety and relief valves do not initiate any accident considered in the Updated Final Safety Analysis Report. HPCI and ADS (with relief valves), as emergency core cooling systems, do function to mitigate accidents. Credit is not taken for RCIC in this regard. This change will not alter assumptions relative to the initiation or mitigation of any accident event.

The less restrictive changes proposed to not require operability of HPCI, ADS (and safety and relief valves) and RCIC at reactor steam pressures below 150 psig when irradiated fuel is in the reactor vessel and do not affect the probability of any accident previously evaluated. These changes furthermore do not significantly increase the consequences of accidents previously evaluated since reliance on these systems is not assumed below 150 psig.

The addition of required surveillance testing and completion times are intended to require a reduction in reactor pressure if HPCI and RCIC system operability requirements are not met. These additional Technical Specifications testing requirements and completion times are consistent with the current licensing basis and represent current practice.

The proposed changes do not involve accident initiators, do not change the configuration or method of operation of any equipment used to mitigate the consequences of an accident, and do not alter any conditions assumed in the plant accident analysis. Therefore, operation in accordance with the proposed changes would not involve a significant increase in the probability or consequences of an accident previously evaluated since there is no physical alteration of the plant configuration or relaxation of required setpoints or operating parameters.

2. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes will not modify the physical plant or the modes of plant operation. The changes do not involve the addition or modification of equipment nor do they alter the design or operation of plant systems. These changes to operability requirements do not create any new or different kind of accident since they do not