

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 Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW, Washington, DC 20005-3502, 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 November 8, 1999, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 9th day of November, 1999.

For the Nuclear Regulatory Commission.

**Darl S. Hood, Sr.,**

*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 No. 50-423]

### Northeast Nuclear Energy Company, et al., Millstone Nuclear Power Station, Unit 3, Notice of Consideration of Approval of Application Regarding Proposed Corporate Merger and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the indirect transfer of Facility Operating License No. NPF-49 for the Millstone Nuclear Power Station, Unit No. 3 (Millstone Unit 3), to the extent held by Central Maine Power Company (Central Maine), one of 13 joint owners of Millstone Unit 3. The indirect transfer would be to Energy East Corporation (Energy East) resulting from the planned acquisition by Energy East of CMP Group, Inc., the parent holding company of Central Maine.

According to the October 6, 1999, application by Central Maine for approval of the indirect transfer, on June 14, 1999, CMP Group, Inc., and Energy East signed a definitive agreement for the acquisition of CMP Group, Inc., by Energy East, subject to regulatory approvals. To accomplish the acquisition, EE Merger Corp., a Maine corporation that is a wholly-owned subsidiary of Energy East, will merge with and into CMP Group, Inc., with CMP Group, Inc., being the surviving corporation. Upon completion of the acquisition, CMP Group, Inc., will become a wholly-owned subsidiary of Energy East. In the event the Securities and Exchange Commission does not permit Energy East to maintain CMP Group, Inc., as an intermediate holding company under the provisions of the Public Utility Holding Company Act of 1935, as amended, Energy East would hold Central Maine directly. Northeast Utilities, the sole licensed operator of the facility, would remain as the managing agent for the 13 joint owners of the facility and would continue to have exclusive responsibility for the management, operation, and maintenance of Millstone Unit 3. The application does not propose a change

in the rights, obligations, or interests of the other joint owners of Millstone Unit 3. In addition, no physical changes to Millstone Unit 3 or operational changes are being proposed. No direct transfer of the license will result from the proposed merger.

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

The filing of requests for hearing and petitions for leave to intervene, and written comments regarding the license transfer application, are discussed below.

By December 6, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon Arthur H. Dombey, Esq., Troutman Sanders LLP, Nations Bank Plaza, 600 Peachtree Street, N.E., Suite 5200, Atlanta, Georgia, 30308–2216, attorney for Central Maine; Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, 107 Selden Street, Berlin, Connecticut, 06037, attorney for Northeast Nuclear Energy

Company; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

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

As an alternative to requests for hearing and petitions to intervene, by December 16, 1999, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated October 6, 1999, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and electronically on the NRC's web site <http://www.nrc.gov>. (the Public Electronic Reading Room).

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 9th day of November, 1999.

**John A. Nakoski, Sr.,**

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

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50–482]

### **Wolf Creek Nuclear Operating 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. NPF–42 issued to Wolf Creek Nuclear Operating Corporation (the licensee) for operation of the Wolf Creek Generating Station (WCGS) located in Coffey County, Kansas.

The proposed amendment request dated November 8, 1999, would revise several sections of the Improved Technical Specification (ITSs) to correct 15 editorial errors made in the application dated May 15, 1997 (and supplementary letters) for the ITSs or in the certified copy of the ITSs that was submitted in the licensee's letter of March 26, 1999. The ITSs were issued by the staff's letter of March 31, 1999, and will be implemented to replace the current TSs by December 31, 1999. The licensee has also requested four corrections to Table LG, "Details Relocated from Current Technical Specifications," that was attached to the safety evaluation that supported the issuance of the ITS.

The proposed changes to the ITSs are the following.

(1) The correct abbreviation in the table of contents, page ii, Section 3.3.7, is "CREVS" instead of "CREFS".

(2) The correct reference to an action condition of the limiting condition for operation (LCO) in Surveillance Requirement (SR) 3.6.3.1 is "Condition D" instead of "Condition C," on ITS page 3.6–12.

(3) The logical connector "and" between the E.1 and E.2 required actions for LCO 3.7.10 is being correctly located on ITS page 3.7–22.

(4) The correct reference to a penetration in SR 3.9.4.1 is "P–98" instead of "P–68," on ITS page 3.9–6.

(5) The correct reference to a standard in ITS 5.5.11.e is "ANSI" instead of "ASME," on ITS page 5.0–20.

(6) The word "least" is added to the definition of e-average disintegration energy on ITS page 1.1–3, which was in the application but was not included in the issued ITSs.

(7) The font of the section headers on ITS pages 3.2–6, 3.2–7, and 3.2–8 is corrected.