

According to the application, there will be no effect on the management, or sources of funds for operation, maintenance, or decommissioning, of Indian Point Nuclear Generating Unit Nos. 1 and 2 due to the corporate restructuring.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of control of a license after notice to interested persons. Such approval is contingent upon the Commission's determination that the holder of the license following the transfer is qualified to hold the license and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders of the Commission.

For further details with respect to this proposed action, see the licensee's letter dated December 24, 1996. This document 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Dated at Rockville, Maryland this 7th day of July 1997.

For the Nuclear Regulatory Commission.

Jefferey F. Harold,

*Project Manager, Project Directorate I-1,
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[FR Doc. 97-18363 Filed 7-11-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-413 and 50-414]

Duke Power Company, et al.; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-35 and NPF-52 issued to the Duke Power Company, et al. (DPC or the licensee) for operation of the Catawba Nuclear Station, Unit 1 and 2, located in York County, South Carolina.

The proposed amendments, requested by the licensee in a letter dated May 27, 1997, would represent a full conversion from the current Technical Specifications (TS) to a set of TS based on NUREG-1431, Revision 1, "Standard Technical Specifications—Westinghouse Plants," dated April

1995. NUREG-1431 has been developed through working groups composed of both NRC staff members and industry representatives and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve TS. As part of this submittal, the licensee has applied the criteria contained in the Commission's "Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors (Final Policy Statement)," published in the **Federal Register** on July 22, 1993 (58 FR 39132), to the current Catawba TS, and, using NUREG-1431 as a basis, developed a proposed set of improved TS for Catawba. The criteria in the Final Policy Statement were subsequently added to 10 CFR 50.36, "Technical Specifications," in a rule change, which was published in the **Federal Register** on July 19, 1995 (60 FR 36953) and became effective on August 18, 1995.

The licensee has categorized the proposed changes to the existing TS into five general groupings. These groupings are characterized as administrative changes, relocated changes, more restrictive changes, less restrictive changes, and removed detail changes.

Administrative changes are those that involve restructuring, renumbering, rewording, interpretation, and complex rearranging of requirements and other changes not affecting technical content or substantially revising an operational requirement. The reformatting, renumbering, and rewording processes reflect the attributes of NUREG-1431 and do not involve technical changes to the existing TS. The proposed changes include: (a) providing the appropriate numbers, etc., for NUREG-1431 bracketed information (information which must be supplied on a plant-specific basis, and which may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG-1431 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accident or transient events.

More restrictive changes are those involving more stringent requirements for operation of the facility or eliminate existing flexibility. These more stringent requirements do not result in operation that will alter assumptions relative to mitigation of an accident or transient event. The more restrictive requirements will not alter the operation of process variables, structures, systems and components described in the safety analyses. For each requirement in the current Catawba TS that is more

restrictive than the corresponding requirement in NUREG-1431, which the licensee proposes to retain in the improved Technical Specifications (ITS), the licensee has provided an explanation of why it has concluded that retaining the more restrictive requirement is desirable to ensure safe operation of the facilities because of specific design features of the plant.

Less restrictive changes are those where current requirements are relaxed or eliminated, or new flexibility is provided. The more significant "less restrictive" requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the TS may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of the Owners Groups' comments on the ITS. Generic relaxations contained in NUREG-1431 were reviewed by the staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. The licensee's design will be reviewed to determine if the specific design basis and licensing basis are consistent with the technical basis for the model requirements in NUREG-1431 and, thus, provides a basis for these revised TS or if relaxation of the requirements in the current TS is warranted based on the justification provided by the licensee.

Removed detail changes move details from the current TS to a licensee-controlled document. The details being removed from the current TS are considered not to be initiators of any analyzed events nor required to mitigate accidents or transients. Therefore, such removals do not involve a significant increase in the probability or consequences of an accident previously evaluated. Moving some details to licensee-controlled documents will not involve a significant change in design or operation of the plant and no hardware is being added to the plant as part of the proposed changes to the current TS. The changes will not alter assumptions made in the safety analysis and licensing basis. Therefore, the changes will not create the possibility of a new or different kind of accident from any accident previously evaluated. The changes do not reduce the margin of safety since they have no impact on any safety analysis assumptions. In addition, the details to be moved from the current

TS to a licensee-controlled document are the same as the existing TS.

Relocated changes are those involving relocation of requirements and surveillances for structures, systems, components, or variables that do not meet the criteria for inclusion in the TS. Relocated changes are those current TS requirements that do not satisfy or fall within any of the four criteria specified in the Commission's policy statement and may be relocated to appropriate licensee-controlled documents.

The licensee's application of the screening criteria is described in that portion of its May 27, 1997, application titled "Application of Selection Criteria to the Catawba Unit 1 and 2 Technical Specifications" in Volume 1 of the submittal. The affected structures, systems, components, or variables are considered not to be initiators of analyzed events nor required to mitigate accident or transient events. The requirements and surveillances for these affected structures, systems, components, or variables will be relocated from the TS to administratively controlled documents such as the Updated Final Safety Analysis Report (UFSAR), the TS Bases, the Selected Licensee Commitments Manual, or plant procedures. Changes made to these documents will be made pursuant to 10 CFR 50.59 or other appropriate control mechanisms. In addition, the affected structures, systems, components, or variables are addressed in existing surveillance procedures which are also subject to 10 CFR 50.59. These proposed changes will not impose or eliminate any requirements.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By August 13, 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 York County Library, 138 East Black Street, Rock Hill, South 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.

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. Paul R. Newton, Legal Department (PBO5E), Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242.

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).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated May 27, 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 York County Library, 138 East Black Street, Rock Hill, South Carolina.

Dated at Rockville, Maryland, this 7th day of July 1997.

For the Nuclear Regulatory Commission.
Herbert N. Berkow,
*Director, Project Directorate II-2, Division of
Reactor Projects—I/II, Office of Nuclear
Reactor Regulation.*
[FR Doc. 97-18362 Filed 7-11-97; 8:45 am]
BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-263, 50-282, and 50-306]

Northern States Power Company; Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has permitted Northern States Power Company (NSP, the licensee) to withdraw its December 6, 1995, application for amendments to Facility Operating Licenses Nos. DPR-22, DPR-42, and DPR-60 for the Monticello Nuclear Generating Plant and the Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, respectively. The Monticello Nuclear Generating Plant is located in Wright County, Minnesota; the Prairie Island Nuclear Generating Plant is located in Goodhue County, Minnesota.

The proposed amendments would have modified the operating licenses to reflect a transfer of control of the licenses resulting from the proposed merger of NSP with Wisconsin Energy Corporation. By letter dated June 10, 1997, NSP informed the Commission that on May 16, 1997, NSP and Wisconsin Energy Corporation announced an agreement to terminate plans to merge the two companies and that it was withdrawing the application for amendments.

The Commission had previously issued an Order Approving Transfer of Control of Licenses and Notice of Consideration of Proposed Issuance of Associated Amendments published in the **Federal Register** on April 11, 1997 (62 FR 17882). The order becomes null and void on September 30, 1997, by its own terms.

For further details with respect to this action, see the application for amendments dated December 6, 1995, the application for transfer of control of licenses dated October 20, 1995, and the licensee's letter dated June 10, 1997. The above documents are 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 Minneapolis Public Library, Technology

and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota.

Dated at Rockville, Maryland, this 7th day of July 1997.

For the Nuclear Regulatory Commission.
Beth A. Wetzel,
*Project Manager, Project Directorate III-1,
Division of Reactor Projects—III/IV, Office of
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[FR Doc. 97-18364 Filed 7-11-97; 8:45 am]
BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-155]

Consumers Power Company; Big Rock Point Plants Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-6, issued to Consumers Power Company, (CPCo, the licensee), for operation of the Big Rock Point Plant (BRP), located in Charlevoix County, Michigan.

Environmental Assessment

Identification of the Proposed Action

The proposed action would revise the Facility Operating License No. DPR-6 and the Technical Specifications (TS) appended to Facility Operating License No. DPR-6 for the Big Rock Point Plant. Specifically, the proposed action would amend the license to reflect the change in the licensee's name from Consumers Power Company to Consumers Energy Company.

The proposed action is in accordance with the licensee's application for amendment dated April 30, 1997.

The Need for the Proposed Action

The proposed action is to revise the company name in the license to reflect the corporate name change that occurred on March 11, 1997.

Environment Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed changes to the license and TS. According to the licensee, the name change will not impact the existing ownership of the Big Rock Point Plant or the existing entitlement to power and will not alter the existing antitrust license conditions applicable to CPCo or CPCo's ability to comply with these conditions or with any of its other obligations or responsibilities. As stated by the

licensee, "The corporate structure remains the same, and all legal characteristics remain the same. Thus, there is neither a change in the ownership, state of incorporation, registered agent, registered office, directors, officers, rights or liabilities of the Company, nor the function of the Company or the way in which it does business. The Company's financial responsibility for the Big Rock Point Plant and its sources of funds to support the facility remain the same. Further, this name change does not impact the Company's ability to comply with any of its obligations or responsibilities under the license." Therefore, the change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there will be no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action is administrative in nature and does not involve any physical features of the plant. Thus, it does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff 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 for the Big Rock Point Plant.

Agencies and Persons Consulted

In accordance with its stated policy, on June 13, 1997, the staff consulted with the Michigan State official, Dennis Hahn, of the Michigan Department of Environmental Quality, Drinking Water and Radiological Protection Division, regarding the environmental impact of