

extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

Dated at Rockville, MD, this 22nd day of May 1998.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 98-14775 Filed 6-3-98; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-461]

### Illinois Power Co; 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-62 issued to Illinois Power Company (IP, or the licensee) for operation of the Clinton Power Station (CPS) located in DeWitt County, Illinois.

The proposed amendment concerns operation of a new emergency reserve auxiliary transformer (ERAT) to provide power to the plant 4.16-kV busses from the offsite 138-kV transmission network. The new ERAT will have a larger capacity and automatic load tap-changing (LTC) capability.

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) Installation of the new ERAT with automatic LTC capability (and increased capacity) will support operability of the 138-kV source for CPS, thus maintaining at least one operable source of offsite electrical power in accordance with Technical Specification 3.8.2. The voltage support provided by the new ERAT LTC will also minimize the probability of a transfer to the onsite emergency diesel generator(s) in the event of high plant load (including a real or inadvertent actuation of ESF [engineered safety feature] systems). These positive effects from the voltage regulation provided by the ERAT LTC support operation of safety systems required for decay heat removal and maintaining the plant in a safe condition, as well as may be required for mitigation of accidents that could occur during plant shutdown conditions.

At the same time, (and as further addressed below) employment of the ERAT LTC introduces the possibility of a new malfunction that could cause plant equipment important to safety to be subjected to overvoltage. However, since the ERAT LTC incorporates a primary and backup means of preventing voltage extremes (high or low), the potential for damage to plant equipment (or an unnecessary trip of the undervoltage relays) is low. The PRA [probabilistic risk assessment] performed for this potential overvoltage condition, under plant shutdown conditions, showed that an event involving overvoltage caused by LTC/LTC-controller failure and which leads to equipment failure and subsequent fuel damage, is not credible.

On the basis of the PRA evaluation, and in consideration of the safety benefit associated with the voltage support provided by the ERAT LTC, IP believes that employment of the ERAT LTC during plant shutdown conditions has no significant adverse impact to plant safety systems. Therefore, the proposed does not involve a significant increase in the probability or consequences of any accident previously evaluated.

(2) In consideration of the potential adverse impacts that the ERAT LTC may have on plant systems, structures or components, such impacts are primarily confined to potential electrical faults or abnormal conditions. With respect to potential adverse electrical impacts, the potential electrical failure modes or abnormal conditions applicable to the ERAT LTC mainly include the same failure modes or conditions that applied to the ERAT as a fixed-tap transformer, except for the potential malfunction of the LTC controller that could cause voltage to be run up or down to excessively high or low values. As noted previously, however, this potential is greatly reduced by the backup controller provided with the ERAT LTC. (For an undervoltage condition, plant equipment would be additionally protected by the plant safety bus degraded voltage relays.) With respect to a

potential LTC malfunction that may cause an overvoltage condition, further evaluation by PRA (for plant shutdown conditions) has shown that the probability of an event involving an LTC malfunction that causes an overvoltage condition leading to damage of safety-related equipment and subsequent fuel damage is  $2 \times 10^{-7}$  per year. This makes such an event incredible. Further, the potential for overvoltage from an LTC malfunction to lead to a new or unanalyzed accident is reduced by the plant being in a shutdown condition, as previously described.

Thus, although the use of the ERAT LTC introduces the possibility of a new equipment malfunction not previously evaluated, based on the above, it does not introduce the possibility of a new or different accident not previously evaluated.

(3) As noted previously, incorporation of the ERAT LTC into the CPS auxiliary power system will regulate plant bus voltage for the 138-kV offsite source. As such, the ERAT LTC will compensate for reduced margin that has occurred or may occur in the near term (especially during peak summer load demand), with respect to the difference between the voltage required for plant safety loads and the minimum expected offsite voltage. The ERAT LTC also has a significantly higher load capacity, than the current ERAT, thus further enhancing the capability and capacity of the 138-kV offsite source. This increased margin also reduces the probability of a transfer to the diesel generator(s) (that are intended to be an emergency electric power source) in the event of high plant load with low offsite source voltage.

Based on the above, and with respect to voltage requirements for plant loads the proposed ERAT replacement does not involve a significant reduction in the 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(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 of 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 July 6, 1998, 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 Vespasian Warner Public Library, 310 N. Quincy Street, Clinton, IL 61727. 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 Leah Manning Stetzner, Vice President, General Counsel, and Corporate Secretary, 500 South 27th Street, Decatur, IL 62525, 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 20, 1998, 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 Vespasian Warner Public Library, 310 N. Quincy Street, Clinton, IL 61727.

Dated at Rockville, Md., this 28th day of May 1998.

For the Nuclear Regulatory Commission.

**Jon B. Hopkins,**

*Senior Project Manager, Project Directorate III-3, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.*

[FR Doc. 98-14776 Filed 6-3-98; 8:45 am]

BILLING CODE 7590-01-P