

sleeves utilizing the electrosleeving process developed by Framatome Technologies, Inc.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on April 23, 1997 (62 FR 19831). However, by letter dated October 13, 1998, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated March 10, 1997, and the licensee's letter dated October 13, 1998, which withdrew the application for license amendment. 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 B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, PA 15001.

Dated at Rockville, Maryland, this 21st day of October 1998.

For the Nuclear Regulatory Commission.

**Donald S. Brinkman,**

*Senior Project Manager, Project Directorate I-2, Division of Reactor Projects—I/II, 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 an amendment to Facility Operating License No. DPR-58 and Facility Operating License No. 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 amendment would revise Technical Specification Section 3.4.1.3, "Reactor Coolant System [RCS]—Shutdown," and its associated bases to provide separate requirements for mode 4, mode 5 with the loops filled, and mode 5 with the loops not filled. The proposed changes would allow the steam generators to be used to remove heat from the primary coolant in mode 5 with the loops filled.

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:

#### Criterion 1

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

The proposed changes do not affect any accident initiators or precursors. In mode 4 and mode 5, coolant loops are required to remove decay heat and to mitigate a boron dilution event. The proposed changes allow the steam generators to be used to remove heat in mode 5 with the reactor coolant loops filled. The redundancy requirements continue to be met. Allowing an additional heat removal source increases the availability of a backup source. Increasing the required steam generator water level in mode 4 when a reactor coolant pump and associated steam generator are used is considered conservative. This provides reasonable assurance that decay heat can be removed as required. The proposed value bounds values previously used for emergency and abnormal operations. The proposed value includes margin for instrument uncertainties and process errors.

There are no significant impacts on loss of a residual heat removal [RHR] system loop. The risk associated with reduced RHR inventory is minimized by ensuring that adequate heat removal capability is available and by implementing commitments made in response to NRC Generic Letter 88-17, "Loss of Decay Heat Removal," and Generic Letter 87-12, "Loss of RHR While RCS Partially Filled."

The proposed changes do not impact the ability of the low temperature overpressure protection (LTOP) system to protect the RCS from overpressure transients. A review determined that the proposed changes do not impact the Licensee's previous commitments regarding LTOP. The proposed changes for mode 5 do not affect the ability of the LTOP devices to limit pressure in the RCS. Two events that would cause a transient are startup of an idle reactor coolant pump with secondary water temperature of the steam generator less than or equal to 50°F above the RCS cold leg temperature, or the start of a charging pump and its injection into a water

solid RCS. The first event is addressed by limitations in notes to the mode 5 T/S. The second event is precluded by T/S 3.1.2.3. The proposed changes do not introduce any new events that could cause a pressure transient. Therefore, the LTOP system continues to serve its function.

The proposed changes have no impact on the ability to mitigate the postulated accidents. A review of the accident analyses determined that they remain bounding. The proposed changes provide assurance that decay heat is removed as designed and that redundancy is maintained. Therefore, it was concluded that there is no effect on the types or increase in the amounts of any effluent that may be released offsite. It was also concluded that the consequences of an accident are unchanged.

Therefore, this proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

#### Criterion 2

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

The proposed changes do not affect the design or operation of any system, structure, or component in the plant. The steam generators are designed to transfer heat from the primary coolant to the secondary coolant. Using them as an alternate heat sink in mode 5 with the reactor coolant loops filled is consistent with this design. There are no changes to parameters governing plant operation, and no new or different type of equipment will be installed. Therefore, it was concluded that the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

#### Criterion 3

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

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. Increasing the required steam generator water level in mode 4 increases the amount of heat that can be removed from the primary coolants. Allowing an alternate heat removal source in mode 5 with the loops filled increases margin by cooling the primary via a passive system (natural circulation). Therefore, it was concluded that no reduction in the margin of safety will occur as a result.

Therefore, these changes do not involve a significant reduction in the margin of safety.

#### Conclusion

In summary, based upon the above evaluation, the Licensee has concluded that these changes involve no significant hazards consideration.

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 November 27, 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 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 October 8, 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 Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, MI 49085.

Dated at Rockville, Maryland, this 20th day of October 1998.

For the Nuclear Regulatory Commission.

**John F. Stang Jr.,**

*Sr. Project Manager, Project Directorate III-1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.*

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## **NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50-254 and 50-265]

### **MidAmerican Energy Co.; Quad Cities Nuclear Power Station, Units 1 and 2; Notice of Indirect Transfer of Licenses**

Notice is hereby given that the United States Nuclear Regulatory Commission (Commission) is considering the issuance of an order approving under 10 CFR 50.80 the indirect transfer of the licenses to the extent held by MidAmerican Energy Company (MidAmerican) with respect to its 25 percent ownership interest in Quad Cities Nuclear Power Station, Units 1 and 2, effectively to CalEnergy Company (CalEnergy). By letters dated September 10, 1998, Commonwealth Edison Company (ComEd), CalEnergy, and MidAmerican informed the Commission that CalEnergy and MidAmerican Energy Holdings Company (MAHC), the parent holding company of MidAmerican, have entered into a merger agreement, under which CalEnergy effectively will acquire MAHC. MidAmerican will become a wholly-owned subsidiary of what is essentially CalEnergy and remain as a Commission licensee as described in the existing facility operating licenses for Quad Cities.

Pursuant to 10 CFR 50.80, no license shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission consents in writing after notice to interested persons. Such approval is contingent upon the Commission's determination that the holder of the license following the transfer of the control is qualified to hold the license and that the transfer is otherwise

consistent with applicable provisions of law, regulations and orders of the Commission. MidAmerican has requested consent under 10 CFR 50.80 for the indirect transfer of the licenses to the extent effected by the merger described above.

For further details with respect to this action, see the application and respective cover letters dated September 10, 1998, and supplemental letter dated September 16, 1998 and attachments thereto which 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 Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Dated at Rockville, Maryland, this 20th day of October 1998.

For the Nuclear Regulatory Commission.

**Stuart A. Richards,**

*Director, Project Directorate III-2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.*

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## **NUCLEAR REGULATORY COMMISSION**

### **Notice of Signing of a Revised Memorandum of Understanding Between the NRC and the Department of Labor (DOL)**

**AGENCIES:** Nuclear Regulatory Commission and the Department of Labor.

**ACTION:** Memorandum of Understanding Between the Nuclear Regulatory Commission and the Department of Labor.

**SUMMARY:** The Nuclear Regulatory Commission and the Department of Labor entered into a revised Memorandum of Understanding (MOU), effective September 9, 1998. The purpose of the MOU is to facilitate coordination and cooperation concerning the employee protection provisions of Section 211 of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5851. Both agencies agree that administrative efficiency and sound enforcement policies will be maximized by this cooperation and the timely exchange of information in areas of mutual interest. The text of the MOU is set forth below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Edward T. Baker, telephone 301-415-8529. Office of Nuclear Reactor Regulation, MS O-5E-7, U.S. Nuclear

Regulatory Commission, Washington, D.C. 20555.

Dated at Rockville, Maryland, this 21st day of October 1998.

For the Nuclear Regulatory Commission.

**Edward T. Baker III,**

*Agency Allegation Advisor, Office of Nuclear Reactor Regulation.*

### **Memorandum of Understanding Between the Department of Labor and the Nuclear Regulatory Commission; Cooperation Regarding Employee Protection Matters**

#### **1. Purpose**

The U.S. Nuclear Regulatory Commission (NRC) and the Department of Labor (DOL) enter into this agreement to facilitate coordination and cooperation concerning the employee protection provisions of Section 211 of the Energy Reorganization Act of 1974 (ERA), as amended, 42 U.S.C. 5851.

#### **2. Background**

Section 211 of the ERA prohibits any employer, including a Nuclear Regulatory Commission licensee, license applicant or a contractor or subcontractor of a Commission licensee or applicant, from discriminating against any employee with respect to his or her compensation, terms, conditions or privileges of employment because the employee assisted or participated, or is about to assist or participate in any manner in any action to carry out the purposes of either the ERA or the Atomic Energy Act of 1954 (AEA), as amended, 42 U.S.C. 2011 *et seq.*

The NRC and DOL have complementary responsibilities in the area of employee protection. DOL has the responsibility under Section 211 of the ERA to investigate employee complaints of discrimination and may, after an investigation or hearing, order a violator to take affirmative action to abate the violation, reinstate the complainant to his or her former position with back pay, and award compensatory damages, including attorney fees. NRC, although without authority to provide a remedy to an employee, has independent authority under the AEA to take appropriate enforcement action against Commission applicants and licensees and their contractors that violate the AEA or Commission requirements, (i.e., 10 CFR 50.7 and similar requirements in other parts of Title 10 of the Code of Federal Regulations) which prohibit discrimination against employees based on their engaging in protected activities. NRC enforcement action may include issuance of a Notice of Violation to the responsible applicant, licensee,