

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, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice

period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram identification Number N1023 and the following message addressed to William D. Beckner, Director, Project Directorate IV-1: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jack R. Newman, Esq., Newman & Holtzinger, P.C., 1615 L Street, NW., Washington, DC 20036, 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 March 1, 1995, 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 Wharton County Junior College, J.M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488.

Dated at Rockville, Maryland, this 7th day of March 1995.

For the Nuclear Regulatory Commission.

**Thomas W. Alexion,**

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

[FR Doc. 95-6067 Filed 3-10-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-498]

**Houston Lighting and Power Co., City Public Service Board of San Antonio, Central Power and Light Co., City of Austin, TX; 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-6, issued to Houston Lighting & Power Company, et al., (the licensee) for operation of the South Texas Project (STP), Unit 1, located in Matagorda County, Texas.

The proposed amendment would change Technical Specification 3/4.4.5, Steam Generators, and the associated Bases to allow the use of an alternate plugging criteria (known in the industry as F\*) on steam generator tubes that are defective or degraded within certain areas within the tubesheet.

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 proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes to the Steam Generator section of Technical Specifications do not affect any accident initiators or precursors and do not alter the design assumptions for the systems or components used to mitigate the consequences of an accident. The requirements approved by the NRC will not be reduced by this request. Since F\* utilizes the "as rolled" tube configuration that exists as part of the original steam generator design, all of the design and operating characteristics of the steam generator and connected systems are preserved. The F\* joint has been analyzed and tested for design, operating and faulted condition loadings in accordance with Regulatory Guide 1.121 safety factors. At worst case, a tube leak would occur with the result being a primary to secondary leak.

Should a tube leak occur, the impact is bounded by the ruptured tube evaluation submitted by HL&P [Houston Lighting & Power] for the STP Unit 1 operating license. No new or unreviewed accident conditions are created by the use of F\* criteria. The potential for a tube rupture is not increased from the original submittal, thus there is no impact on accidents evaluated as the design

basis. Therefore use of the F\* criteria will not increase the probability of occurrence of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The use of the proposed F\* alternate plugging criteria will not introduce significant or adverse changes to the plant design basis. The failure of a tube which remained unplugged in accordance with the F\* criteria would result in a tube leak, which is a previously analyzed condition. Since this leak would occur below the secondary face of the tubesheet, its leak rate would be limited by the tube-to-tubesheet interface. Qualification testing and previous experience indicates that normal and faulted leakage would be well below the technical specification limits creating no threat associated with tube rupture type leakages. This conclusion is consistent with previous F\* programs approved and used at other operating plants.

However, in the unlikely event the failed tube severed completely at a point below the F\* region, the remaining F\* joint would retain engagement in the tubesheet due to its length of expanded contact within the tubesheet bore, preventing any interaction with neighboring tubes. If the tube severs at a point above the F\* region, then it is covered by the tube rupture event as a part of the UFSAR [updated final safety analysis report]. Thus, the possibility of a new or different type of accident from any accident previously evaluated is not credited.

3. The proposed change does not involve a significant reduction in a margin of safety.

Based on previous responses (above), the protective boundaries of the steam generator are preserved. A tube with degradation can be kept in service through F\* criteria which provided an un-degraded expanded interface with the tubesheet and which satisfies all of the necessary structural and leakage requirements per Reg. Guide 1.121 and the Technical Specifications. Since the joint is constrained within the tubesheet bore there is no additional risk associated with tube rupture. Since the UFSAR analyzed accident scenarios remain bounding the use of an F\* criteria does not reduce the margin of safety.

Thus, these changes do not involve a significant reduction in the margin of safety. Therefore, based on the above evaluation, Houston Lighting & Power has concluded that these changes do not involve any significant hazards considerations.

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 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 Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, 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 April 12, 1995, 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 Wharton County Junior College, J.M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488. 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, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to William D. Beckner, Director, Project Directorate IV-1: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jack R. Newman, Esq., Newman & Holtzinger, P.C., 1615 L Street, NW., Washington, DC 20036, 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 March 1, 1995, 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 Wharton County Junior College, J.M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488.

Dated at Rockville, Maryland, this 7th day of March 1995.

For the Nuclear Regulatory Commission.

**Thomas W. Alexion,**

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

[FR Doc. 95-6068 Filed 3-10-95; 8:45 am]

BILLING CODE 7590-01-M

**[Docket No. 50-220]**

**Niagara Mohawk Power Corp.; Nine Mile Point Nuclear Station Unit No. 1; Notice of Partial Withdrawal of Application for Amendment to Facility Operating License**

The United States Nuclear Regulatory Commission (the Commission) has granted the request by the Niagara Mohawk Power Corporation (NMPC) to withdraw a portion of their July 21, 1994, application, for a proposed amendment to Facility Operating License DPR-63 for the Nine Mile Point Nuclear Station Unit No. 1, located in Oswego County, New York.

The proposed amendment would have revised Technical Specifications (TSs) 2.1.2 (Fuel Cladding Integrity), 3.1.7 (Fuel Rods), 3.6.2/4.6.2 (Protective Instrumentation), and the associated Bases to allow the use of Range 10 on the Intermediate Range Neutron Flux Monitors (IRMs) with the Reactor Protection System low pressure trip for main steam line isolation valve closure not in bypass. Changes were also proposed to TS Tables 3.6.2.a/4.6.2a (Instrumentation that Initiates Scram) and TS Tables 3.6.2g/4.6.2g (Instrumentation that Initiates Control Rod Withdrawal Block) to extend the calibration frequency of the Source Range Neutron Flux Monitors (SRMs) and the IRMs from prior to startup and shutdown to once per operating cycle. The proposed change would have also changed the Instrument Channel Test

interval for the SRMs and IRMs from prior to startup and shutdown to once per week. Associated changes to TSs Setpoints, Bases, References, and Notes for TSs 2.1.2, 3.1.7, and 3.6.2/4.6.2 were also proposed.

By letter dated February 1, 1995, NMPC requested to withdraw that portion of the proposed amendment associated with the extension of the calibration frequency for the SRMs and IRMs.

The Commission has previously issued a Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing which was published in the **Federal Register** on August 31, 1994 (59 FR 45028).

For further details with respect to this action, see the application for amendment dated July 21, 1994, as supplemented on December 5, 1994, December 14, 1994, and January 11, 1995, and the licensee's letter dated February 1, 1995, which withdrew the portion of the application for license amendment associated with the extension of the calibration frequency for the SRMs and IRMs. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the local public document room located at Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York.

Dated at Rockville, Maryland, this 3rd day of March 1995.

For the Nuclear Regulatory Commission.

**Donald S. Brinkman,**

*Senior Project Manager, Project Directorate I-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 95-6064 Filed 3-10-95; 8:45 am]

BILLING CODE 7590-01-M

**[Docket No. 50-305]**

**Wisconsin Public Service Corp., Wisconsin Power and Light Co., Madison Gas and Electric Co.; Notice of Withdrawal of Application for Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company, (the licensee) to withdraw its application dated April 21, 1994, for a proposed amendment to Facility Operating License No. DPR-43