consistent with the common defense and security and that there are special circumstances present, as specified in 10 CFR 50.12(a)(2)(ii).

V

Based on the above, the NRC staff finds the requested exemption, to allow local leak rate testing to be substituted for an overall air lock leakage test where the design permits, acceptable. Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the requested exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission finds that the special circumstances as required by 10 CFR 50.12(a)(2)(ii) are present.

An exemption is hereby granted from the requirements of section III.D.2(b)(ii) of appendix J to 10 CFR part 50, which requires an overall leakage test of air locks opened during periods when containment integrity is not required by the plant's Technical Specifications at the end of such periods at a pressure of not less than P_a. Local leak rate testing shall be substituted for the overall leakage test whenever this exemption is utilized.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant impact on the quality of the human environment (60 FR 30611).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 26th day of July 1995.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Director, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–19199 Filed 8–3–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–280 and 50–281]

Virginia Electric and 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 Nos. DPR–32 and DPR–37 issued to the Virginia Electric and Power Company (the licensee) for operation of the Surry Power Station, Units 1 and 2 located in Surry County, Virginia.

The proposed amendment would incorporate revised pressure/temperature (P/T) limits and an associated Low Temperature Overpressure System (LTOPS) setpoint that will be valid to the end-of-license (28.8 and 29.4 effective full power years for Units 1 and 2, respectively). The proposed change also incorporates analytical and operational features into the Surry design basis on the P/T operating margin. The request also updates the unirradiated reactor vessel material toughness data presented in the Technical Specifications to reflect the data previously provided to the NRC in the licensee's response to Generic Letter 92–01, Revision 1, ''Reactor Vessel Structural Integrity.''

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:

Specifically, operation of Surry Power Station in accordance with the Technical Specification changes will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. The safety analysis demonstrates that the proposed reactor vessel protection philosophy, and the associated pressure/temperature limits, LTOPS setpoint, and component operability requirements, ensure that reactor vessel integrity will be maintained during normal operation and design basis accident conditions. Specifically, adherence to the heatup/cooldown rate-dependent pressure/temperature operating limits ensures that the assumed design basis flaw will not propagate during normal operation. Below the LTOPS enabling temperature, automatic actuation of the PORVs ensures that the assumed design basis flaw will not propagate under design basis low-temperature overpressurization accident conditions. Above the enabling temperature, two pressurizer safety valves are sufficient to relieve the overpressurization due to the inadvertent startup of two charging pumps at water solid conditions without propagation of the assumed design basis flaw.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed Technical Specifications modify pressure/temperature operating limits, LTOPS setpoint and enabling temperature, and component operability requirements. The revised pressure/temperature operating limits and LTOPS setpoint are only slightly different than those currently in the Technical Specifications. The LTOPS enabling temperature remains unchanged. No operating limits or setpoints are added or deleted by the proposed changes. Therefore, it may be concluded that the operating limits and setpoint changes do not create the possibility of a new or different kind of accident. With regard to component operability requirements, restrictions on the number of charging pumps which may be operable, the number of PORVs which must be operable, and the allowable temperature difference between the steam generator primary and secondary remain unchanged. Only the setpoint temperature at which these restrictions apply have been modified. The proposed changes are entirely consistent with the reactor vessel integrity protection philosophy which ensures that the design basis reactor vessel flaw will not propagate under normal operation or postulated accident conditions. Further, the proposed changes do not invalidate . . . any component design criteria or the assumptions of any UFSAR Chapter 14 accident analysis.

3. Involve a significant reduction in a margin of safety. As described above, the reactor vessel integrity protection philosophy ensures that the design basis assumed flaw will not propagate under normal operation or design basis accident conditions. Adherence to the Technical Specification pressure/temperature operating limits ensures that the margin to vessel fracture provided by the ASME Section XI methodology is maintained. With regard to LTOPS protection, the safety analysis demonstrates that the proposed LTOPS design ensures margins consistent with those provided by ASME Section XI Appendix G methods as amended by ASME Code Case N–514. Utilization of ASME Code Case N–514 technically results in a reduction in the margin of safety, since a less restrictive LTOPS analysis design limit (i.e., 110% of the isothermal limit curve) is employed. However, the proposed design has been demonstrated to provide an acceptable margin of safety. Both industry experience and engineering evaluation support the conclusion that LTOPS design basis events may be expected to occur at essentially isothermal conditions. An engineering evaluation demonstrates that any reduction in allowable pressure due to thermal stresses which may be expected to exist during an LTOPS design basis event is insignificant when compared to margins provided by the ASME Section XI Appendix G methods for calculating pressure/temperature operating limits. This design maximizes the operating margin above the minimum RCS pressure for

reactor coolant pump (RCP) operation, thereby minimizing the probability of undesired PORV lifts during RCP startup.

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 September 5, 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 Swem Library, College of William and Mary, Williamsburg, Virginia 23185. 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 a 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 David

B. Matthews: 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 Michael W. Maupin, Esq., Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia 23219, 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 June 8, 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 Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Dated at Rockville, Maryland, this 27th day of July 1995.

For the Nuclear Regulatory Commission.

David B. Matthews,

Director, Project Directorate II–I, Division of Reactor Projects-I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–19200 Filed 8–3–95; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–26344]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

July 28, 1995.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by August 21, 1995, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Ohio Power Company (70–5862)

Ohio Power Company (''OPCo''), 301 Cleveland Avenue, SW., Canton, Ohio 44702, a public-utility subsidiary company of American Electric Power Company, Inc., a registered holding company has filed a post-effective amendment to its application-declaration under section 13 of the Act and rules 86, 87, 90 and 91 thereunder.

In accordance with the recommendation of the Commission's staff, resulting from its field audit of OPCo's Cook Coal Terminal, OPCo proposes that it adjust the cost of capital rate authorized in Commission order dated June 17, 1983 (HCAR No. 22977) to conform the rate to the current market. OPCo proposes that the overall rate of return on its investment in the Cook Coal Terminal would be subject to annual adjustment of the first day of April in each succeeding year based on changes in the rate of return on common equity most recently allowed by either (1) the Federal Energy Regulatory Commission in the last wholesale rate proceeding involving OPCo or (2) The Public Utilities Commission of Ohio in OPCo's most recent retail rate proceeding.

OPCo proposes to charge a cost-of-capital component on its investment in the Transcisco railcar maintenance facility, in which OPCo has an investment of approximately $350,000. OPCo proposes to use this same methodology to calculate the cost-of-capital rate associated with its railcar maintenance facility located at the Cool Coal Terminal and the Transcisco maintenance facility.

OPCo proposes to adjust the capitalization ratio on an annual basis, using OPCo's financial information as reported at December 31 of the preceding year. Similarly, the cost of debt and preferred stock would be updated to reflect the overall cost of debt and preferred stock at December 31 of the preceding year.

The rate changes resulting from this methodology would be applied for billing purposes to the 12-month period commencing on the April 1 subsequent to the applicable December 31 calculation. By adjusting the provision for the cost of capital, the cost of capital rate will be reduced from the 12.3% currently authorized to 10.12%, thus reducing the fees charged by OPCo. However, in the event the cost of debt or preferred stock or the return on common equity increases, the capital rate will likewise increase.

AEP Generating Company, et al. (70–7167)

AEP Generating Company, 1 Riverside Plaza, Columbus, Ohio 43215; Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia 24022; Columbus Southern Power Company, 215 North Front Street, Columbus, Ohio 43215; Indiana Michigan Power Company, One Summit Square, P.O. Box 60, Fort Wayne, Indiana 46802; Kentucky Power Company, 1701 Central Avenue, P.O. Box 1428, Ashland, Kentucky 41101; Ohio Power Company, 301 Cleveland Avenue, SW., Canton, Ohio 44702, all public-utility subsidiary companies of American Electric Power Company, Inc., a registered holding company have filed a post-effective amendment to their application-declaration under section 12(f) and 13(b) of the Act and rules 43 and 80 through 95 thereunder.

In accordance with the recommendation of the Commission's staff, resulting from its field audit of Indiana Michigan Power Company's ''(I&M'') River Transportation Division, I&M proposes to adjust the cost of capital rate authorized in Commission order dated March 4, 1986 (HCAR No. 24039) to conform the rate to the current market. I&M proposes that the overall rate of return on I&M's investment in the River Transportation Division would be subject to annual adjustment on the first day of April in each succeeding year based on changes in the rate of return on common equity most recently allowed by either (i) The Federal Energy Regulatory Commission (''FERC'') in the last wholesale rate proceeding involving I&M or (ii) the Indiana Utility Regulatory Commission in I&M's most recent retail rate proceeding. Furthermore, I&M proposes to change the way in which the working capital base is calculated in determining the cost-of-capital rate. Specifically, I&M