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 Mr. Albert Carr, Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28242, 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 13, 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 J. Murrey Atkins Library, University of North Carolina at Charlotte, 9201 University City Boulevard, North Carolina.

Dated at Rockville, Maryland, this 17th day of October 1997.

For the Nuclear Regulatory Commission.

Victor Nerses,

Senior Project Manager, Project Directorate II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 97–28005 Filed 10–21–97; 8:45 am]

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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 Nos. DPR–58 and DPR–74, issued to Indiana Michigan Power Company (the licensee), for operation of the Donald C. Cook Nuclear Plant, Units 1 and 2 (D.C. Cook), located in Berrien County, Michigan.

The proposed amendment would change the D.C. Cook technical specifications (TS) to delete the interlock which would close the residual heat removal (RHR) suction valves if the reactor coolant system (RCS) pressure were to increase to 600 psig while retaining the interlock which would prevent the suction valves from opening while the RCS pressure is above the RHR system design pressure. This change would maintain the interlock against opening to protect against an intersystem loss of coolant accident but would allow continued deactivation of the isolation valves when the RHR system is operating to assure RHR availability and provide low temperature overpressure protection (LTOP).

The licensee has requested that the proposed amendment be reviewed on an emergency basis. Section 50.91(a)(5) of Title 10 of Code the Code of Federal Regulations requires the licensee to explain the emergency and why the licensee cannot avoid it. The licensee's explanation is provided below:

> On September 18, 1997, a letter was sent to the USNRC providing a discussion of the actions we are taking to address technical issues identified by the recently complete [concluded September 12, 1997] architect engineering (AE) team inspection. We are currently anticipating the commencement of startup activities on September 29, 1997, and respectfully request NRC review and approval of this change by that date.
>
> We understand the impact of such an emergency request, and recognizing that the conditions and status of the Cook Nuclear Plant restart may change in the future, we intend to keep the commission informed, through our daily contact with our NRR project manager, as to the status of our restart schedule.
>
> The situation described above occurred because, until recently, the need to meet the RHR suction valve surveillance requirement, in mode 4, simultaneously with the reactivity control specification and the LTOP administrative requirements, was not recognized. Investigation into the root cause of this oversight is still in progress.
>
> The AE inspection team identified issues related to our configuration management, design and procedure control, and our understanding of the plant's design and licensing bases. With the insight gained from the inspectors' conclusions, we identified this particular issue on September 11, 1997. The need for a T/S [technical specification] change prior to restarting either of the units, became evident as a result of our investigation of this matter.

The licensee was unable to make a more timely application because it was not determined until the recent inspection (September 11, 1997) that the RHR suction valve surveillance requirement in Mode 4 needed to be met, simultaneously with the reactivity control specification and the LTOP administrative requirements. Due to changes in the anticipated restart schedule, emergency circumstances no longer exist. However, the NRC has determined that the licensee used its best efforts to make a timely application for the proposed changes and that, pursuant to 10 CFR 50.91(a)(6), exigent circumstances do exist and were not the result of any intentional delay on the part of the licensee. The Donald C. Cook Nuclear Plant, Units 1 and 2, cannot restart until the proposed amendments have been approved by the NRC.

Pursuant to 10 CFR 50.91(a)(6), for amendments to be granted under exigent circumstances, the NRC staff must determine 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

This amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated. The change provides an alternative means of providing overpressurization protection for the RHR system, and thereby protection against potential intersystem LOCA. Operating procedure administrative requirements establish the necessary LTOP system configuration and ECCS equipment operability constraints for mode 4 operation. The LTOP system has been analyzed to show that, if operated per the existing operating procedure constraints, it will protect the RHR system during postulated overpressure conditions.

Criterion 2

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. The change involves a different response by the system to an overpressurization event, but we have shown by analysis that the alternative LTOP configuration is capable of providing equivalent protection to the original suction value auto-closure feature. The system remains protected from single failure to any of the available overpressure protection components. The change eliminates the potential for a single power supply or instrument failure isolating and damaging the RHR system while operating to remove decay heat in mode 4.

Criterion 3

This proposed change does not involve a significant reduction in a margin of safety. The change maintains an equivalent margin of safety against intersystem LOCA concerns. Operating with the suction valves blocked open and the overpressure protection of the LTOP system, the change also helps to ensure the availability of decay heat removal from the RCS during any potulated accident which would involve pressurization of the RCS. Operating with the original auto-closure isolation of the suction values would automatically cut off decay heat removal via the RHR system in any such postulated event if the RCS reached the auto-closure setpoint and the suction valves closed.

The change eliminates the potential for a power supply or instrument failure isolating and damaging the RHR system while in mode 4. The requested change maintains protection from inadvertently opening the RHR suction valves, thereby exposing the RHR system to high RCS system pressure, by maintaining the requirement for the open interlock in all modes.

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 14 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 14-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 14-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 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, MD, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the Commission's Public Document Room, located at 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 21, 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, located at 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, Michigan 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 the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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, Attention: Rulemakings and Adjudications Staff, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, 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 Gerald Charnoff, Esquire; Shaw, Pittman, Potts and Trowbridge; 2300 N Street, NW., Washington, DC 20037, 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, 1997, which is available for public inspection at the Commission's Public Document Room, located at 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, Michigan 49085.

Dated at Rockville, Maryland, this 16th day of October 1997.

For The Nuclear Regulatory Commission.

John B. Hickman,

Project Manager, Project Directorate III–3, Division of Reactor Projects III/IV, 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 Nos. DPR–58 and DPR–74, issued to Indiana Michigan Power Company (the licensee), for operation of the Donald C. Cook Nuclear Plant, Units 1 and 2 (D.C. Cook), located in Berrien County, Michigan.

The proposed amendment would change the D.C. Cook technical specifications (TS) to increase both the minimum required ice mass per ice basket and the total minimum required ice mass, and to change the bases of the TS. The change in the bases is considered to be an unreviewed safety question.

The licensee has requested that the proposed amendment be reviewed on an exigent basis. Section 50.91(a)(6)(vi) of Title 10 of the *Code of Federal Regulations* requires the licensee to explain the exigency and why the licensee cannot avoid it. The licensee's explanation is provided below:

During the recent architect engineer inspection conducted at Cook Nuclear Plant [concluded September 12, 1997], it was determined that, because of instrument uncertainties, the switchover to the recirculation mode might occur before a sufficient volume of RWST [refueling water storage tank] water had been injected into the containment. This, when considered with our lower containment design that allows some containment spray flow to become trapped in the dead ended annulus region, raised a concern as to whether the limiting vortexing height requirements for the RHR [residual heat removal] and CTS [containment spray] pumps could be met throughout the transient. As a result, evaluations for transient sump level for small break loss-of-coolant accident (SBLOCA) and large break loss-of-coolant accident were performed. This limiting evaluation is the SBLOCA, due to its lower RCS and accumulator mass release. A calculation performed for SBLOCA indicates that it is necessary to credit more of the available ice condenser ice mass than currently listed in the T/S [technical specifications].

The amount of ice presently taken credit for (per basket and total) in our current T/S minimum ice weights is less than what is needed to maintain the sump level above 602′ 10″. Based on a model test in 1997, water level of 602′ 10″ is sufficient to prevent pump vortexing at maximum safeguards flow. The proposed changes to the T/S will take credit for more of the available ice to provide reasonable assurance that sufficient water to maintain 602′ 10″ elevation is achieved.

On September 18, 1997, our submittal AEP:NRS:1260G1 was sent to the NRC, providing a discussion of the actions we are taking to address technical issues identified by the recently completed architect engineer team inspections. We are anticipating the commencement of startup activities in several weeks, and respectfully request the NRC's review and approval on an exigent basis.

The licensee was unable to make a more timely application because it was not determined until the recent inspection (September 1997) that the amount of ice in the current TS minimum ice weights is less than what is needed to maintain the sump level above 602′ 10″. The NRC has determined that the licensee used its best efforts to make a timely application for the proposed changes and that exigent circumstances do exist and were not the result of any intentional delay on the part of the licensee. The Donald C. Cook Nuclear Plants, Units 1 and 2, cannot restart until the proposed amendments have been approved by the NRC.