

**13. The DOE Run Company**

[Docket No. M-1999-025-M]

The DOE Run Company, One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, Pennsylvania 15219-1410 has filed a petition to modify the application of 30 CFR 57.11052 (refuge areas) to its Sweetwater Mine/Mill (I.D. No. 23-00458) located in Reynolds County, Missouri. The petitioner requests a modification of the mandatory safety standard to permit an alternative method of compliance with the requirements for refuge chambers. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard and that application of the existing standard will result in a diminution of safety.

**14. The DOE Run Company**

[Docket No. M-1999-026-M]

The DOE Run Company, One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, Pennsylvania 15219-1410 has filed a petition to modify the application of 30 CFR 57.11052 (refuge areas) to its No. 35 Mine (Casteel) (I.D. No. 23-01800) located in Iron County, Missouri. The petitioner requests a modification of the mandatory safety standard to permit an alternative method of compliance with the requirements for refuge chambers. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard and that application of the existing standard will result in a diminution of safety.

**15. The DOE Run Company**

[Docket No. M-1999-027-M]

The DOE Run Company, One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, Pennsylvania 15219-1410 has filed a petition to modify the application of 30 CFR 57.11052 (refuge areas) to its No. 28 Mine/Mill (I.D. No. 23-00494) located in Iron County, Missouri. The petitioner requests a modification of the mandatory safety standard to permit an alternative method of compliance with the requirements for refuge chambers. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard and that application of the existing standard will result in a diminution of safety.

**16. The DOE Run Company**

[Docket No. M-1999-028-M]

The DOE Run Company, One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, Pennsylvania 15219-1410

has filed a petition to modify the application of 30 CFR 57.11052 (refuge areas) to its No. 29 Mine (I.D. No. 23-00495) located in Iron County, Missouri. The petitioner requests a modification of the mandatory safety standard to permit an alternative method of compliance with the requirements for refuge chambers. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard and that application of the existing standard will result in a diminution of safety.

**Request for Comments**

Persons interested in these petitions are encouraged to submit comments via e-mail to "comments@msha.gov," or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 6, 2000. Copies of these petitions are available for inspection at that address.

Dated: January 27, 2000.

**Carol J. Jones,***Acting Director, Office of Standards, Regulations, and Variances.*

[FR Doc. 00-2516 Filed 2-3-00; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION****[Docket Nos. 50-254 and 50-265]****Commonwealth Edison Company and Midamerican Energy Company Quad Cities Nuclear Power Station, Units 1 and 2 Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Section 50.60(a) for Facility Operating Licenses Nos. DPR-29 and DPR-30, issued to Commonwealth Edison Company (ComEd, or the licensee) for operation of the Quad Cities Nuclear Power Station, Units 1 and 2 (Quad Cities), located in Cordova, Illinois.

**Environmental Assessment***Identification of the Proposed Action*

10 CFR Part 50, Appendix G, requires that pressure-temperature (P-T) limits be established for reactor pressure vessels (RPVs) during normal operating

and hydrostatic or leak rate testing conditions. Specifically, 10 CFR Part 50, Appendix G, states, "The appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions." Appendix G of 10 CFR Part 50 specifies that the requirements for these limits are the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code), Section XI, Appendix G Limits.

To address provisions of amendments to the technical specifications (TS) P-T limits, the licensee requested in its submittal dated November 12, 1999, that the staff exempt Quad Cities from application of specific requirements of 10 CFR Part 50, Section 50.60(a) and Appendix G, and substitute use of ASME Code Cases N-588 and N-640. Code Case N-588 permits the postulation of a circumferentially-oriented flaw (in lieu of an axially-oriented flaw) for the evaluation of the circumferential welds in RPV P-T limit curves. Code Case N-640 permits the use of an alternate reference fracture toughness ( $K_{IC}$  fracture toughness curve instead of  $K_{Ia}$  fracture toughness curve) for reactor vessel materials in determining the P-T limits. Since the pressure stresses on a circumferentially-oriented flaw are lower than the pressure stresses on an axially-oriented flaw by a factor of 2, using Code Case N-588 for establishing the P-T limits would be less conservative than the methodology currently endorsed by 10 CFR Part 50, Appendix G and, therefore, an exemption to apply the Code Case would be required by 10 CFR 50.60. Likewise, since the  $K_{IC}$  fracture toughness curve shown in ASME Section XI, Appendix A, Figure A-2200-1 (the  $K_{IC}$  fracture toughness curve) provides greater allowable fracture toughness than the corresponding  $K_{Ia}$  fracture toughness curve of ASME Section XI, Appendix G, Figure G-2210-1 (the  $K_{Ia}$  fracture toughness curve), using Code Case N-640 for establishing the P-T limits would be less conservative than the methodology currently endorsed by 10 CFR Part 50, Appendix G and, therefore, an exemption to apply the Code Case would also be required by 10 CFR 50.60. It should be noted that, although Code Case N-640 was incorporated into the ASME Code recently, an exemption is still needed because the proposed P-T limits (excluding Code Cases N-588 and N-640) are based on the 1989 edition of the ASME Code.

The proposed action is in accordance with the licensee's application for exemption dated November 12, 1999.

*The Need for the Proposed Action*

ASME Code Case N-588 and Code Case N-640 are needed to revise the method used to determine the RCS P-T limits, since continued use of the present curves unnecessarily restricts the P-T operating window. Since the RCS P-T operating window is defined by the P-T operating and test limit curves developed in accordance with the ASME Section XI, Appendix G procedure, continued operation of Quad Cities with these P-T curves without the relief provided by ASME Code Case N-640 would unnecessarily require the RPV to maintain a temperature exceeding 212 degrees Fahrenheit in a limited operating window during the pressure test. Consequently, steam vapor hazards would continue to be one of the safety concerns for personnel conducting inspections in primary containment. Implementation of the proposed P-T curves, as allowed by ASME Code Case N-640, does not significantly reduce the margin of safety and would eliminate steam vapor hazards by allowing inspections in primary containment to be conducted at lower coolant temperature.

In the associated exemption, the staff has determined that, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the regulation will continue to be served by the implementation of these Code Cases.

*Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the proposed action and concludes that the exemption described above would provide an adequate margin of safety against brittle failure of the Quad Cities reactor vessels.

The proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological environmental impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impacts. Therefore, there are no significant nonradiological impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

*Alternatives to the Proposed Action*

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

*Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Quad Cities Nuclear Power Station, Units 1 and 2, dated September 1972.

*Agencies and Persons Consulted*

In accordance with its stated policy, on January 28, 2000, the staff consulted with the Illinois State official, Frank Niziolek of the Illinois Department of Nuclear Safety, regarding the environmental impact of the proposed action. The State official had no comments.

**Finding of No Significant Impact**

On the basis of the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 12, 1999, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, <http://www.nrc.gov> (the Electronic Reading Room).

Dated at Rockville, Maryland, this 31st day of January 2000.

For the Nuclear Regulatory Commission.

**Anthony J. Mendiola,**

*Chief, Section 2, Project Directorate III,  
Division of Licensing Project Management,  
Office of Nuclear Reactor Regulation.*

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**NUCLEAR REGULATORY COMMISSION**

**[Docket No. 50-331]**

**IES Utilities Inc.; Duane Arnold Energy Center; Notice of Consideration of Approval of Transfer of Operating Authority Under Facility Operating License and Conforming Amendment, and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of operating authority under Facility Operating License No. DPR-49 for the Duane Arnold Energy Center (DAEC), currently held by IES Utilities Inc. The transfer would be to a new operating company called Nuclear Management Company, LLC (NMC). The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

By application dated November 24, 1999, seeking approval of the transfer, the Commission was informed that IES Utilities Inc., has entered into a Nuclear Power Plant Operating Services Agreement with NMC. Under this Agreement, NMC would assume exclusive responsibility for the operation and maintenance of DAEC. Ownership of DAEC will not be affected by the proposed transfer of operating authority; IES Utilities Inc., the Central Iowa Power Cooperative, and the Corn Belt Power Cooperative will retain their respective current ownership interests, according to the application. Likewise, the three owners' entitlement to capacity and energy from DAEC will not be affected by the proposed transfer of operating authority. No physical changes to the facility or operational changes are being proposed in the application.

The proposed amendment would reflect the transfer of authority under the license to operate DAEC from IES Utilities Inc., to NMC.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.