IV

By January 19, 1999, any person whose interest may be affected by this Order may file in accordance with the Commission's rules of practice set forth in subpart M of 10 CFR Part 2, a request for a hearing and petition for leave to intervene with respect to issuance of the Order. Such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon Michael I. Miller, Esquire, Sidley and Austin, One First National Plaza, Chicago, Illinois 60603, attorney for ComEd; Roy P. Lessy, Jr., Akin, Gump, Straus, Hauer, & Feld, L.L.P., 1333 New Hampshire Avenue, N.W., Suite 400, Washington, DC 20036, attorney for CalEnergy and MEC; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

For further details with respect to this Order, see the application for consent concerning the proposed corporate merger of CalEnergy and MEHC submitted under cover letters dated September 10, 1998, and supplemental information submitted under cover letters dated September 16 and November 20, 1998, and the safety evaluation dated December 22, 1998, 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 Hennipen Avenue, Dixon, Illinois.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 22nd day of December 1998.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–34438 Filed 12–28–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–245]

Northeast Nuclear Energy 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–21 issued to Northeast Nuclear Energy Company (the licensee) for operation of the Millstone Nuclear Power Station, Unit 1, located in Waterford, Connecticut.

The proposed amendment would change the technical specifications for staffing and training requirements to allow the use of Certified Fuel Handlers to meet plant staffing requirements.

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:

A review of the proposed changes has determined that there is no Unreviewed Safety Question. The proposed change to the Technical Specifications has been evaluated against the standards of 10 CFR 50.92 and has been determined to not involve a significant hazards consideration. The proposed change does not:

1. Involve a significant increase in the probability or consequence of an accident previously evaluated.

The purpose of this proposed change is to eliminate the requirements for licensed operators and a licensed operator training program and to replace those with certified fuel handlers and a certified fuel handler training and retraining program. The plant has permanently ceased operation and will be maintained in a defueled condition. The range of accidents for which an operator needs to be trained has significantly diminished. The only credible design basis accident is a Fuel Handling Accident. As such, a training program of the depth and breadth of that required by 10 CFR Part 55 is no longer needed. In lieu of a 10 CFR Part 55 licensed operator training program, an NRC approved certified fuel handler training and retraining program will be implemented. This training program will adequately equip appropriate operations personnel for fuel handling operations, including responses to abnormal events/accidents. In addition, the requirements are being changed to ensure that an individual qualified in radiation protection procedures is onsite during fuel handling operations. Therefore, there will be no increase in the probability of occurrence or in the consequences of events associated with fuel handling activities. The proposed changes do not affect plant equipment or procedures for equipment operation or response to abnormal events/accidents in the defueled condition.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The purpose of this proposed change is to eliminate the requirements for licensed operators and a licensed operator training program and to replace those with certified fuel handlers and a certified fuel handler training and retraining program. The changes ensure that the qualifications of operations personnel are commensurate with the tasks to be performed for normal and/or abnormal conditions that could occur in the defueled condition. In addition, the requirements are being changed to ensure that an individual qualified in radiation protection procedures is onsite during fuel handling operations. These changes do not affect plant equipment or the procedures for operating plant equipment, and therefore, do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The purpose of this proposed change is to eliminate the requirements for licensed operators and a licensed operator training program and to replace those with certified fuel handlers and a certified fuel handler training and retraining program. The changes ensure that the qualifications of operations personnel are commensurate with the tasks to be performed for normal and/or abnormal conditions that could occur in the defueled condition. In addition, the requirements are being changed to ensure that an individual qualified in radiation protection procedures is onsite during fuel handling operations. The assumptions for a fuel handling accident in the Reactor Building are not affected by the proposed changes. Therefore, the proposed changes do not involve a reduction in a margin of safety.

NNECO has concluded that the proposed changes to the Millstone Unit No. 1 Technical Specifications do not involve a significant hazards consideration as defined in 10 CFR 50.92.

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 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 January 28, 1999, 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 rooms located at the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut 06360, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut. 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

Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, Connecticut, 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 December 4, 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 rooms located at the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut 06360, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut.

Dated at Rockville, Maryland, this 22nd day of December 1998.

For the Nuclear Regulatory Commission.

Louis L. Wheeler,

Senior Project Manager, Non-Power Reactors and Decommissioning Project Directorate, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 98–34439 Filed 12–28–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–413 and 50–414]

Duke Energy Corporation; Catawba Nuclear Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of exemptions from Facility Operating Licenses Nos. NPF–35 and NPF–52, issued to Duke Energy Corporation, *et al.* (the licensee), for operation of the Catawba Nuclear Station, Units 1 and 2 located in York County, South Carolina.

Environmental Assessment

Identification of Proposed Action

The proposed action would exempt Catawba Nuclear Station, Units 1 and 2, from certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50, Appendix A, General Design Criterion (GDC) 57, regarding isolation of main steam branch lines penetrating the containment. The proposed action is in response to the licensee's application dated September 2, 1997.

The Need for the Proposed Action

The licensee requested an exemption from GDC 57 for Containment Penetrations M261 and M393 (erroneously stated as M363 in the submittal). GDC 57 imposes isolation requirements on lines that penetrate primary reactor containment and are neither part of the reactor coolant pressure boundary nor connected directly to the containment atmosphere. These are penetrations on main steam branch lines. These lines penetrate the containment and are not part of the reactor coolant pressure boundary or connected directly to the containment atmosphere. Outside of containment, these lines branch into various separate, individual lines before reaching the respective main steam isolation valves. From each of these main steam lines, one branch supplies main steam to the turbine-driven auxiliary feedwater pump (CAPT, using the licensee's abbreviation).

Valves SA–1 and SA–4 are manual gate valves located in the Interior Doghouse immediately downstream of the respective main steam piping. These valves are locked open (with break away locks) and capable of local manual operation only. These valves are required to be open by Technical Specifications to supply steam to the CAPT, which is part of the engineered safety features. To comply literally with GDC 57, the licensee would have to add motor operators to SA–1 and SA–4 such that they become automatic or capable of remote operation.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that there is no significant environmental impact if the exemptions are granted. No changes will be made to the as-built design, and existing applicable procedures at the two units at Catawba Nuclear Station will remain the same.

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 the allowable individual or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental 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 did not involve the use of any resources not previously considered in the Final Environmental Impact Statement related to the Catawba Nuclear Station.

Agencies and Persons Contacted

In accordance with its stated policy, on April 1, 1998, the staff consulted with the South Carolina State official, Virgil Autrey, of the Bureau of Land and Waste Management Department of Health and Environmental Control, 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 exemptions 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 request for the exemptions dated September 2, 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 York County Library, 138 East Black Street, Rock Hill, South Carolina.

Dated at Rockville, Maryland, this 22nd day of December 1998.