demonstrates that the lower bound on fracture toughness provided by the K_{Ic} equation is well beyond the margin of safety required to protect the public health and safety from potential RPV failure. In addition, P–T curves based on the K_{Ic} equation will enhance overall plant safety by opening the P–T operating window with the greatest safety benefit in the region of low temperature operations.

Generating the RCS P–T limit curves developed in accordance with Appendix G to the ASME Code, without the relief provided by ASME Code Case N–640, would unnecessarily require the RPV to be maintained at a temperature exceeding 212°F 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 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 a lower coolant temperature. Thus, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the regulation will continue to be served. However, since use of the K_{Ic} equation results in the calculations of less conservative P–T limits than does use of the K_{Ia} equation, licensees need staff approval to apply the Code Case methods to the P–T limit calculations.

WGOPC has concluded that application of Code Case N–640 to plant P–T limits is still sufficient to ensure the structural integrity of RPVs during plant operations. The staff has concurred with ASME's determination and has previously granted exemptions to use Code Case N–640 for Quad Cities (*i.e.*, in the NRC letter to Commonwealth Edison dated February 4, 2000, Reference 2). In the staff's letter of February 4, 2000, the staff concluded that application of Code Case N–640 would not significantly reduce the safety margins required by 10 CFR Part 50, Appendix G, and would eliminate steam vapor hazards by allowing inspections in the primary containment to be conducted at a lower coolant temperature. The staff also concluded that relaxation of the requirements of Appendix G to the Code by application of Code Case N–640 is acceptable and would maintain, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the ASME Code and the NRC regulations to ensure an acceptable margin of safety for the Quad Cities RPVs and reactor coolant pressure boundary. PECO's proposal to use Code Case N–640 for generation of the LGS Unit 1 P–T limit curves is predicated on the same technical basis as was used for generation of the Quad Cities P-T limits. The staff, therefore, concludes that Code Case N–640 is acceptable for application to the LGS Unit 1 P–T limits.

3.0 Conclusion

The staff has determined that PECO has provided sufficient technical bases for using the methods of Code Cases N–588 and N–640 in the calculation of the P–T limits for LGS Unit 1. The staff has also determined that application of Code Case N–588 and Code Case N–640 to the P–T limit calculations will continue to serve the purpose in 10 CFR Part 50, Appendix G, for protecting the structural integrity of the LGS Unit 1 RPV and reactor coolant pressure boundary. In this case, since strict compliance with requirements of 10 CFR 50.60(a) and 10 CFR Part 50, Appendix G, is not necessary to achieve the overall intent of the regulations, the staff concludes that application of the Code Cases N–588 and N–640 to the P–T limit calculations meets the special circumstance provisions in 10 CFR 50.12(a)(2)(ii), for granting exemptions to the regulations, and that, pursuant to 10 CFR 50.12(a)(1), the granting of these exemptions is authorized by law, will not present undue risk to the public health and safety, and is consistent with the common defense and security. The staff therefore grants exemptions to 10 CFR 50.60(a) and 10 CFR Part 50, Appendix G, to allow PECO to use Code Cases N–588 and N–640 as the part of the bases for generating the P–T limit curves for LGS Unit 1; however, since the LGS Unit 1 RPV is a plate-limited vessel, application of Code Case N–588 in this case will not provide PECO with any relaxation in the burden for the generating the unit's P–T limits.

4.0 References

1. Letter from J. A. Hutton, Director—Licensing, Limerick Generating Station, Unit 1, to the U.S. Nuclear Regulatory Commission, Document Control Desk, ''Limerick Generating Station, Unit 1, Technical Specifications Change Request No. 00–02–1, Changes to Reactor Pressure Vessel Pressure-Temperature Limits,'' dated May 15, 2000.

2. Letter from S. N. Bailey, U.S. Nuclear Regulatory Commission, to O. D. Kingsley, Commonwealth Edison Company, ''Quad Cities—Exemption from the Requirements of 10 CFR Part 50, Section 50.60(a) and Appendix G,'' dated February 4, 2000.

Principal Contributors: J. Medoff, B Buckley.

Date: September 7, 2000.

[FR Doc. 00–23610 Filed 9–13–00; 8:45 am]

BILLING CODE 7590–01–U

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–333]

Power Authority of the State of New York, 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–59, issued to the Power Authority of the State of New York, (the licensee), for operation of the James A. FitzPatrick Nuclear Power Plant, (FitzPatrick), located in Oswego County, New York.

The proposed amendment would incorporate the additional provisions of analogous Boiling-Water Reactor Technical Specifications Limiting Condition for Operation 3.04 and Surveillance Requirements 3.04 into Technical Specification 3.0.D and 4.0.D respectively. (The Boiling-Water Reactor Technical Specification was adopted in the licensee's request for converting the Current Technical Specifications to the Improved Standard Technical Specifications by letter dated March 31, 1999, and was noticed in the **Federal Register** (64 FR 66509)). The proposed amendment would permit proceeding from the run mode through the startup mode to the shutdown mode without the conditions of TSs 3.0.D and 4.0.D being met, a condition already permitted if required to comply with an Action requirement.

The exigent need for the proposed amendment to the TSs was the result of not having immediate availability of testing equipment needed to calibrate instruments that were required to be operable in the startup mode. Delaying the calibration of the instrumentation until the calibration equipment was made available would require several hours. It was considered undesirable to delay transitioning from the run mode to the startup mode because (1) it was desirable to transition from the run mode to the startup mode as expeditiously as possible because the time to complete failure of the electro-hydraulic control system (EHC) hydraulic control oil pressure boundary was unknown, and (2) manually scramming the reactor would adversely

affect the degraded EHC system and therefore pose a significant challenge to the main condenser as a heat sink.

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 Commissions regulations.

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 Commissions 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 will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes to the TS would permit proceeding from the Run Mode through the Startup Mode to the Shutdown Mode without the conditions of CTS [Current Technical Specifications] 3.0.D and 4.0.D being met, a condition already permitted if required to comply with an Action requirement. The proposed changes do not introduce a new condition or set of circumstances, they merely expand the applicability of existing TS provisions to cover unplanned shutdowns where continued operation would be imprudent, and where unnecessary transients associated with shutdown by manual scram can be avoided. As such, the proposed changes do not introduce new conditions and therefore, will not increase the probability or consequences of any previously evaluated accidents.

2. The proposed change will not create the possibility of a new or different kind of accident.

The proposed changes to the TS permit proceeding from the Run Mode through the Startup Mode to the Shutdown Mode without the conditions of CTS 3.0.D and 4.0.D being met, a condition already permitted if required to comply with an Action requirement. Since this condition is already permitted by TS, the proposed TS change cannot create the possibility of a new or different kind of accident.

Therefore, the proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

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

The proposed changes to the TS do not introduce any new conditions for plant operation. By extending the existing Action requirement exception to CTS 3.0.D and 4.0.D to include plant shutdowns, prudent action to conduct an expeditious, controlled shutdown is permitted where appropriate. Such action reduces the potential of unplanned plant transients and reduces challenges to automatic initiation of safety systems.

Therefore, the proposed TS changes do not involve a significant reduction in a margin of safety.

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. 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 October 16, 2000, 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 accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). 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 a 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, 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. David E. Blabey, 1633 Broadway, New York, New York 10019, 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 August 29, 2000, as supplemented September 8, 2000, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 11th day of September 2000.

For the Nuclear Regulatory Commission.

Guy S. Vissing,

Senior Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–23605 Filed 9–13–00; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

- Rules 1(a), 1(b), Forms U5A and U5B, SEC File No. 270–168, OMB Control No. 3235–0170
- Rule 3, Form U–3A3–1, SEC File No. 270–77, OMB Control No. 3235–0160
- Rule 26, SEC File No. 270–78, OMB Control No. 3235–0183
- Rule 44, SEC File No. 270–162, OMB Control No. 3235–0147
- Rule 62, Form U–R–1, SEC File No. 270–166, OMB Control No. 3235–0152
- Rule 88, Form U–13–1, SEC File No. 270–80, OMB Control No. 3235–0182
- Rule 95, Form U–13E–1, SEC File No. 270–74, OMB Control No. 3235–0162
- Form U–7D, SEC File No. 270–75, OMB Control No. 3235–0165

Notice is hereby given that, under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*), the Securities and Exchange Commission (''Commission'') requests comments on the collections of information summarized below. The Commission has submitted to the Office of Management and Budget requests for extension of the previously approved collections of information discussed below.

Rules 1(a) and 1(b) [17 CFR 250.1(a), 250.1(b)] and Forms U5A and U5B [17 CFR 259.5a, 259.5b] implement Sections 5(a) and 5(b) of the Public Utility Holding Company Act of 1935, as amended (''Act'') which require any holding company or any person proposing to become a holding company to file with the Commission a notification of registration and registration statement, respectively. The information is necessary for the Commission to determine whether a new registrant is in compliance with the requirements of the Act. The initial burden of this requirement is approximately 80 hours per respondent. Thereafter there is no annual burden. The Commission has been receiving four filings each year, with a total annual burden of 320 hours. Companies filing under this rule are required to retain records for a period of 10 years, and provision of the information is mandatory. The retention time period allows the Commission the opportunity to perform its audit functions. Responses are not kept confidential.

Rule 3 [17 CFR 250.3] permits a bank that is also a public utility holding company to claim an exemption from the requirements of the Act, through the submission of an annual statement on Form U–3A3–1 [17 CFR 259.403]. The rule and the form are used by the Commission staff to expedite its review of compliance with Section 3(a)(4) of the Act. Rule 3 and Form U–3A3–1 permit a bank that is also a public utility holding company to avoid the burdens associated with an application for an exemption from the requirements of the Act. An application for an exemption would involve a formal order, which might require an administrative hearing and which otherwise would consume a significant amount of Commission resources. Each year the Commission receives five submissions from banks; each takes about two hours to complete. Thus a total annual burden of ten hours is imposed. Provision of this information is required. Banks that file under this rule are required to retain records for a period of ten years. This retention period is consistent with requirements imposed by federal agencies that regulate banks. Banks are