

through transfer of control of the licenses, 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.

Before issuance of the proposed conforming 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.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By July 20, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, 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 Jeffrie J. Keenan, Esquire, Public Service Electric and Gas Company, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038 (tel: 609–339–5429, fax: 609–339–1234, and e-mail JKeenan@PSEG.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, 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.

As an alternative to requests for hearing and petitions to intervene, by July 30, 1999, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated June 4, 1999, 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 Pennsville Public Library, 190 S. Broadway, Pennsville, NJ 08070.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 23rd day of June, 1999.

Richard B. Ennis,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–16602 Filed 6–29–99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Licensee Qualification for Performing Safety Analyses; Issue

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued Supplement 1 to Generic Letter (GL) 83–11, Licensee Qualification for Performing Safety Analyses, to all holders of operating licenses for nuclear power reactors. This GL supplement presents criteria that licensees may choose to comply with to verify to the NRC their qualifications to use approved codes and methods for performing safety analyses.

DATES: The GL supplement was issued on June 24, 1999.

ADDRESSES: Not applicable.

FOR FURTHER INFORMATION CONTACT:

Laurence I. Kopp, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, telephone 301–415–2879, e-mail lik@nrc.gov.

SUPPLEMENTARY INFORMATION: In 1995, the Nuclear Regulatory Commission (NRC) prepared a draft of a supplement to Generic Letter 83–11, Licensee Qualification for Performing Safety Analyses, for the purpose of presenting criteria that licensees may choose to comply with to verify to the NRC their qualifications to use approved codes and methods for performing safety analyses. By complying with these criteria, a licensee would eliminate the need to submit a topical report for qualifying their use of a previously approved methodology. A notice of opportunity for public comment including a draft of the supplement were published in the **Federal Register** on October 25, 1995 (60 FR 54712). NRC staff responses to the comments received are presented below under the heading "Discussion of Comments."

The NRC subsequently decided to cancel the issuance of the generic letter supplement primarily because of issues that had arisen at a nuclear power facility (Maine Yankee) regarding the improper application of approved methods. At that time, the NRC concluded that the potential reduction in staff oversight which would result from its issuance was not justified. A notice of cancellation was published in the **Federal Register** on October 30, 1996 (61 FR 56069). The specific issue that arose concerned the licensee's failure to comply with all of the restrictions and conditions stated in the

staff's safety evaluation report (SER) for proper application of a loss-of-coolant-accident (LOCA) code.

A review of the lessons learned from Maine Yankee has indicated that the issue involved was adequately addressed in the generic letter supplement as published for public comment on October 25, 1995, because the supplement requires that licensees adhere to all limitations and restrictions in the staff's SER. Further, this supplement to GL 83-11 does not apply to LOCA codes. Therefore, the NRC determined that there would be no reduction in staff oversight and decided to proceed with issuance of the supplement.

The GL supplement is available in the NRC Public Document Room under accession number 9906210103.

Discussion of Comments

Comments were received from 13 licensees, 3 fuel vendors, and 3 industry interest groups, in response to the notice of opportunity for public comment noted above. Following are the staff responses to comments received on the proposed GL 83-11 supplement:

Studsvik of America, Inc.

Comment: Clarify that "safety analysis" includes the physics parameters and codes used to generate them.

Response: Clarification has been made in both the Purpose section and 2.0 Guidelines section.

Comment: For physics codes, approval of code should be separate from the application method.

Response: Section 2.2 has been modified to clarify that in some instances the approval of the code is separate from the application method.

Comment: Clarification of what constitutes NRC approval of a code and/or method would be helpful.

Response: Section 2.1 has been modified to clarify the eligibility of codes and methods for this process.

Comment: Clarify what constitutes a significant code and/or methodology update that must be reviewed by the NRC.

Response: What constitutes a significant code or methodology update that must be reviewed by the NRC is too complex a topic to fully address in a generic manner at this time. However, as mentioned in the **Federal Register** notice (October 25, 1995 (60 FR 54712)), the NRC is also investigating modified procedures for reducing the resource effort for acceptance of new or revised licensee or vendor analysis methods. Therefore, it is anticipated that this topic will be addressed at a future date.

Westinghouse Electric Corporation

Comment: Reemphasize that NRC's experience has shown that a large percentage of all errors or discrepancies discovered in safety analyses can be traced to the user rather than the code itself.

Response: The fact that NRC's experience has shown that many times errors or discrepancies discovered in safety analyses can be traced to the user rather than the code itself is stated in the Description of Circumstances section.

Florida Power & Light Company

Comment: NRC should allow licensees to modify the Core Operating Limit Report (COLR) without specific NRC review so long as the methods and codes have already been approved by the NRC.

Response: The issuance of this supplement would allow this modification as long as the approved methodology is referenced in the technical specifications. The Introduction and Section 2.0 have been modified to address this.

Duke Power Company

Comment: NRC should generically lift restrictions included in topical report SERs that restricted application of the methodology to the plants operated or supported by the licensee of the methodology.

Response: The issuance of this supplement would generically lift these restrictions. However, any other limitations stated in the SERs should be adhered to.

Comment: The introduction should state that the codes are developed by vendors, utilities, national labs, or organizations like EPRI.

Response: The proposed statement has been added to the Introduction.

Comment: The scope of safety analyses should be defined to cover any analytical areas including reload physics design, core thermal-hydraulics, fuel mechanical analysis, transient analysis, dose analysis, setpoint analysis, containment analysis, criticality analysis, statistical methods, and any other analytical area for which topical reports have been approved by the NRC.

Response: The suggested clarification has been incorporated in the Purpose and 2.0 Guidelines sections, with the exception of LOCA analysis codes.

Nuclear Energy Institute

Comment: Recommends deletion of last two items in Section 2.5.

Response: The NRC believes that the two items emphasized are of sufficient significance to be explicitly stated.

Comment: Recommends rewording of Section 2.4 so as not to imply all of the suggested set of benchmark data is required.

Response: The wording in Section 2.4 has been modified to clarify that these are examples of appropriate benchmark data and are not all required.

Commonwealth Edison Company

Comment: Terminology and criteria are open to interpretation. For example, in Section 2.4, what the licensee may think is appropriate justification for an observed deviation in comparison calculations may satisfy one reviewer but not another.

Response: Suggested rewording for benchmark deviations has been added to Section 2.4 to eliminate ambiguity.

Comment: The intent of the term "application procedure" in Section 2.2 could be misinterpreted.

Response: Section 2.2 has been revised for clarification.

Comment: Section 2.4 should be revised to read "Significant, unexpected, or unusual deviations should be * * *"

Response: The suggested rewording has been added to Section 2.4.

Comment: Vendor update implementation in Section 2.5 should be clarified so as not to imply that all changes that vendor makes must be implemented.

Response: Section 2.5 Item (1) has been modified to allow an evaluation of updates to determine if implementation is required.

Electric Power Research Institute

Comment: Questions whether a licensee must base the methodology on a previously approved plant SER or can develop a "new" topical based only on the generic code SER?

Response: By adhering to the guidelines in the supplement, a licensee can perform its own analyses using any approved code or method.

Comment: For clarity, the words "application of the" should be deleted from Section 2.2.

Response: The in-house application procedures should be consistent with the code qualification and approved application of the methodology. Therefore, this has been retained in Section 2.2.

Comment: Training should be performed by either the developer or someone who has been previously qualified.

Response: The proposed wording has been added to Section 2.3.

Comment: "Vendor" analysis should be changed to "analysis of record."

Response: The proposed rewording has been added to Section 2.4.

Comment: An appropriate set of benchmark data should include analysis of events, using higher order codes or published numerical benchmarks.

Response: The proposed wording has been added to Section 2.4.

Comment: In Section 2.4, "Any deviations" should be explained.

Response: A revision has been made to Section 2.4 to more clearly define deviations that must be explained.

Southern Nuclear Operating Company

Concurs with NEI comments.

GPU Nuclear Corporation

Comment: It seems appropriate to identify existing codes and methodologies that have been developed by national labs for the NRC that can be considered NRC approved codes and methods.

Response: The identification of existing codes and methodologies developed by national labs that can be considered as NRC approved codes and methods, even though formal NRC review and approval has never been performed, is beyond the scope of this proposed supplement.

Comment: Suggests that the terms "codes", "methods", and "applications" be clearly defined.

Response: A definition of codes, methods, and applications has been added to the Introduction.

Siemens Power Corporation

Supports the approaches described in the proposed supplement.

Virginia Power

Endorses the proposed supplement.

Pacific Gas and Electric Company

Comment: Concept should not be limited to core analysis.

Response: The specific analytical areas that the GL refers to have been added to the Purpose Section.

Comment: NRC should allow the training requirement to be met by on-the-job training.

Response: A new user can be qualified by on-the-job training as well as by formal classroom instruction. In many cases, user qualification will be accomplished by a combination of both

Yankee Atomic Electric Company (YAEC)

Comment: It is YAEC's understanding that the supplement will only apply to licensees who use another organization's methods and codes, and

not to an organization that receives approval for its own codes and methods, and conducts safety analyses using those codes and methods.

Response: YAEC's interpretation is correct.

Comment: Recommends that the supplement also note that other organizations such as utilities and engineering service companies have developed codes and methods.

Response: The example of possible code developers has been modified to include utilities and national labs.

Indiana Michigan Power Company

Comment: Suggests that different versions of previously approved codes should be applicable as long as the calculational methodology is not changed.

Response: Section 2.1 has been modified to clarify code eligibility. What constitutes a significant code or methodology update that must be reviewed by the NRC is too complex a topic to fully address in generic terms at this time. However, as mentioned in the **Federal Register** notice (60 FR 54712; October 25, 1995), the NRC is also investigating modified procedures for reducing the resource effort for acceptance of new or revised licensee or vendor analysis methods. Therefore, it is anticipated that this topic will be addressed at a future date.

Entergy Operations, Incorporated

Comment: The applicability of a particular method to either a specific fuel design or to a core which contains a mixture of fuel types is important. Use of one vendor's hot channel analysis code with another's transient codes may not necessarily yield conservative results and may not be consistent with the NRC-approved reload analysis package. In-house application procedures should have proper controls to preclude such a misapplication, and should be permitted to include the flexibility to perform comparison tests between the different methodologies to show that a conservative assessment can be made.

Response: Section 2.2 has been modified to incorporate this application procedure.

Comment: NRC should consider issuing an inspection procedure concurrently with the supplement so that licensees would know what questions and documentation requests might be needed to support audits.

Response: The NRC will incorporate oversight of this GL supplement into the NRC inspection program following the issuance of this supplement.

Comment: NRC should consider providing licensees the flexibility to conduct its own assessment of a third party reviewer similar to what is currently allowed in NRC Inspection Module 40501.

Response: Issuance of this supplement would eliminate the need to submit a qualification topical report for NRC review and thus eliminate the need for a third party reviewer.

Arizona Public Service (APS)

Comment: The "first licensing application" is interpreted by APS as being the first proposed license amendment or other licensing basis change requiring prior NRC review and approval that was supported by safety analyses performed by the licensee instead of a vendor.

Response: The "first licensing application" may not necessarily be a licensing basis change requiring NRC approval before implementation, but may be a revision to a COLR parameter, for example.

Comment: APS would interpret "eligibility" in Section 2.1 to mean that code packages previously approved in topical reports or license amendments for other plants would be generically approved.

Response: The only codes and methods that are eligible for this process are those that have been generically approved, or those that have been otherwise accepted as part of a plant's licensing basis. Section 2.1 has been modified to clarify this.

Comment: APS suggests that plant specific uncertainties could be used without additional NRC review, even if these uncertainties are less than the generically approved uncertainties.

Response: As a general rule, plant specific uncertainties may be used without additional NRC review provided that they are derived with previously approved methods. However, NRC review is required for modifications to uncertainties that were generically approved to cover uncertainties due to codes and methods, correlations, etc.

Comment: APS states that they would control changes to methodology by design control procedures and that the changes would be subject to 10 CFR 50.59 evaluations, if appropriate.

Response: As stated in Section 2.1, the use of a new methodology or a change to an existing methodology is not applicable to this process. However, as mentioned in the **Federal Register** notice (60 FR 54712; October 25, 1995), the NRC is also investigating modified procedures for reducing the resource effort for acceptance of new or revised

licensee or vendor analysis methods. Therefore, it is anticipated that this topic will be addressed at a future date.

Comment: APS considers an appropriate set of benchmark data to include other acknowledged industry standard data or criteria.

Response: The examples of appropriate benchmark data has been expanded to include APS' suggestions.

Comment: APS suggests that Section 2.5 be revised to allow a provision for evaluating vendor updates and implementing those updates, if applicable.

Response: The proposed rewording has been incorporated into Section 2.5.

Centerior Energy

Comment: The guidance should be explicit enough to allow for utilities to reference topical reports submitted by non-NSSS vendors.

Response: Utilities have been added to the example of organizations that develop methods.

Comment: The proposed guidance should be sufficiently flexible to allow substitution of computer codes within an approved analytical methodology.

Response: The Application Procedures have been modified to allow this, but should contain proper controls

to preclude misapplications or inappropriate use of an application.

Comment: NRC should maintain a listing of the codes or methods it has approved.

Response: The NRC is currently developing a data base of approved codes as a separate action.

Comment: NRC should define the point at which reapproval of updates is necessary.

Response: What constitutes a significant code or methodology update that must be reviewed by the NRC is too complex a topic to fully address in generic terms at this time. However, as mentioned in the **Federal Register** notice (60 FR 54712; October 25, 1995), the NRC is also investigating modified procedures for reducing the resource effort for acceptance of new or revised licensee or vendor analysis methods. Therefore, it is anticipated that this topic will be addressed at a future date.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 24th day of June, 1999.

James E. Lyons,

Deputy Chief, Events Assessment, Generic Communications and Non-Power Reactors Branch, Division of Regulatory Improvement Programs.

[FR Doc. 99-16597 Filed 6-29-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Governors' Designees Receiving Advance Notification of Transportation of Nuclear Waste

On January 6, 1982 (47 FR 596 and 47 FR 600), the Nuclear Regulatory Commission (NRC) published in the **Federal Register** final amendments to 10 CFR Parts 71 and 73 (effective July 6, 1982), that require advance notification to Governors or their designees by NRC licensees prior to transportation of certain shipments of nuclear waste and spent fuel. The advance notification covered in Part 73 is for spent nuclear reactor fuel shipments and the notification for Part 71 is for large quantity shipments of radioactive waste (and of spent nuclear reactor fuel not covered under the final amendment to 10 CFR Part 73).

The following list updates the names, addresses and telephone numbers of those individuals in each State who are responsible for receiving information on nuclear waste shipments. The list will be published annually in the **Federal Register** on or about June 30, to reflect any changes in information.

INDIVIDUALS RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS

State	Part 71	Part 73
ALABAMA	Col. L. N. Hagan, Director, Alabama Department of Public Safety, P.O. Box 1511, Montgomery, AL 36102-1511, (334) 242-4378.	Same.
ALASKA	Doug Dasher, Alaska Department of Environmental Conservation, Northern Regional Office, 610 University Avenue, Fairbanks, AK 99709-3643, (907) 451-2172.	Same.
ARIZONA	Aubrey V. Godwin, Director, Arizona Radiation Regulatory Agency, 4814 South 40th Street, Phoenix, AZ 85040, (602) 255-4845, ext. 222, 24 hours: (602) 223-2212.	Same.
ARKANSAS	David D. Snellings, Jr., Director, Division of Radiation Control and Emergency Management, Arkansas Department of Health, 4815 West Markham Street, Mail Slot #30, Little Rock, AR 72205-3867, (501) 661-2301, 24 hours: (501) 661-2136.	Same.
CALIFORNIA	Sgt. Meg Planka, California Highway Patrol, P.O. Box 942898, Sacramento, CA 94298-0001, (916) 327-3310, 24 hours: (916) 445-2211.	Same.
COLORADO	Captain Allan M. Turner, Hazardous Materials Section, Colorado State Patrol, 700 Kipling Street, Suite 1000, Denver, CO 80215-5865, (303) 239-4546, 24 hours: (303) 239-4501.	Same.
CONNECTICUT	Dr. Edward L. Wilds, Jr., Director, Division of Radiation, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127, (860) 424-3029, 24 hours: (860) 424-3333.	Same.
DELAWARE	Karen L. Johnson, Secretary, Department of Public Safety, P.O. Box 818, Dover, DE 19903, (302) 739-4321, 24 hours: (302) 739-5851.	Same.
FLORIDA	Harlan Keaton, Manager, Bureau of Radiation Control, Environmental Radiation Control, Department of Health, P.O. Box 680069, Orlando, FL 32868-0069, (407) 297-2095.	Same.
GEORGIA	Al Hatcher, Director, Transportation Division, Public Service Commission, 1007 Virginia Avenue, Suite 310, Hapeville, GA 30354, (404) 559-6600.	Same.
HAWAII	Mr. Gary Gill, Deputy Director for Environmental Health, State of Hawaii Department of Health, P.O. Box 3378, Honolulu, HI 96813, (808) 586-4424.	Same.
IDAHO	Captain David C. Rich, Department of Law Enforcement, Idaho State Police, P.O. Box 700, Meridian, ID 83680-0700, (208) 884-7206, 24 hours: (208) 334-2900.	Same.