For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–269, 50–270, and 50–287]

Duke Energy Corporation; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR–38, DPR–47, and DPR–55, issued to Duke Energy Corporation (the licensee), for operation of the Oconee Nuclear Station, Units 1, 2, and 3, respectively, located in Seneca, South Carolina.

If approved, the proposed amendments would allow temporary noncompliance with the Penetration Room Ventilation System air flow surveillance requirements of Technical Specification (TS) 4.5.4.1.b.1 until modifications can be completed to support testing in accordance with ANSI Standard N510–1975, as required by the TSs. These modifications are scheduled to be completed on all three units by August 30, 1998.

Oconee TS 4.5.4.1.b.1 requires that every 18 months the Penetration Room Ventilation System fans be demonstrated to operate at design flow (+/-10 percent) when tested in accordance with ANSI Standard N510–1975. ANSI Standard N510–1975 requires that a pitot tube velocity-traverse method be used in accordance with Section 9 of the American Conference of Government Industrial Hygienists Industrial Ventilation requirements. The flow measurement method that has been used since original construction uses installed orifice plates to measure the air flow.

However, during a Safety System Engineering Inspection at Oconee for the Control Room Ventilation System (CRVS) and Penetration Room Ventilation System (PRVS), the NRC identified a violation that indicated that the PRVS fans were not tested in accordance with the TSs and ANSI Standard N510–1975. This violation was included in Inspection Report Nos. 50–269/98–03, 50–270/98–03, and 50–287/09–03 dated May 4, 1998. By letter dated June 4, 1998, the licensee denied the violation based on a belief that the use of the orifice plates met the requirements of the TSs and the ANSI standard. As part of the review of this issue, the licensee conducted flow measurement tests using a pitot tube array and attempted (unsuccessfully) to locate calibration data for the orifices. The licensee was unable to develop an alternate method to measure flow that was reliable.

By letter dated July 6, 1998, the NRC informed the licensee that its denial of the violation was rejected. Consequently, the licensee entered TS 3.0, which required that all three units be in the hot shutdown condition within 12 hours, and requested that a Notice of Enforcement Discretion (NOED) be granted. The NOED was issued on July 8, 1998, and will be effective until the proposed amendments that were submitted on July 8, 1998, are processed. Since the proposed amendments are designed to complete the review process and implement the TS changes, pursuant to the NRC's policy regarding exercising discretion for an operating facility set out in Section VII.c of the ''General Statement of Policy and Procedures for NRC Enforcement Actions'' (Enforcement Policy), NUREG–1600, and be effective for the period until the issuance of the related TS amendments, these circumstances require that the amendments be processed under exigent circumstances.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's 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 Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments 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:

[This proposed change has been evaluated against the standards in 10 CFR 50.92 and has been determined to involve no significant hazards, in that operation of the facility in accordance with the proposed amendments would not:]

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

This proposed change does not increase the probability of an accident evaluated in the SAR [Safety Analysis Report] because:

This evaluation addresses the potential impact of revising Technical Specification 4.5.4.1.b.1 to include a note to allow a temporary noncompliance with this surveillance requirement until August 30, 1998, to complete the necessary modifications to enable flow testing in accordance with ANSI N510–1975.

As described in the technical justification (Attachment 3 [of the July 8, 1998, submittal]), the use of orifice plates in the Oconee Units 1, 2, and 3 Penetration Room Ventilation Systems (PRVSs) to measure the flow from the PRVS fans, in lieu of ANSI N510–1975 requirements, does not increase the probability of an accident evaluated in the SAR because this condition is not an accident initiator. There is no physical change to any plant structures, systems, or components (SSCs) or operating procedures. Neither electrical power systems, nor important to safety mechanical SSCs will be adversely affected. The PRVS has been evaluated as operable for normal and accident conditions. There are no shutdown margin, reactivity management, or fuel integrity concerns. There is no increase in accident initiation likelihood, therefore analyzed accident scenarios are not impacted.

This proposed change does not increase the probability of a malfunction of equipment important to safety evaluated in the SAR because:

As described in the technical justification, the use of orifice plates which are currently used in Oconee Units 1, 2, and 3 to measure the flow from the PRVS fans, in lieu of ANSI N510–1975 requirements, does not increase the probability of a malfunction of equipment important to safety. This activity does not physically change or modify any plant system, structure, or component. The PRVS is QA [quality assurance] condition 1 (QA–1) and is required to filter reactor building leakage which enters the East and West Penetration Rooms. This activity does not change any test procedures. Nothing is being done to inhibit the integrity or function of the PRVS. No valve manipulations, electrical alignments, or system configurations are required.

This change does not increase the consequences of an accident evaluated in the SAR because:

This activity will not adversely affect the ability to mitigate any SAR described accidents. The PRVS flow is within the system design limits as measured by the orifice plates. In addition, Duke [Duke Energy Corporation] has performed bounding analyses which demonstrate that the carbon filter efficiency is still within the Technical Specification limits at higher flow rates. Therefore, Oconee Units 1, 2, and 3 will meet system design requirements for the PRVS. There is no adverse impact on containment integrity, radiological release pathways, fuel

design, filtration systems, main steam relief valve setpoints, or radwaste systems.

This change does not increase the consequences of a malfunction of equipment important to safety evaluated in the SAR because:

No safety related or important to safety equipment necessary to place or maintain the plant in safe shutdown condition will be impacted by allowing a temporary noncompliance with this surveillance requirement until August 30, 1998, to complete flow testing in accordance with ANSI N510–1975. As described in the technical justification, the use of orifice plates which are currently used in Oconee Units 1, 2, and 3 to measure the flow from the PRVS fans, in lieu of ANSI N510-1975 requirements, does not increase the consequences of a malfunction of equipment important to safety. The PRVS flow is within the system design limits as measured by the orifice plates. In addition, Duke has performed bounding analyses which demonstrate that the carbon filter efficiency is still within the Technical Specification limits at higher flow rates. Therefore, Oconee Units 1, 2, and 3 will meet system design requirements for the PRVS. There is no adverse impact on containment integrity, radiological release pathways, fuel design, filtration systems, main steam relief valve setpoints, or radwaste systems.

(2) Create the possibility of a new or different kind of accident from any kind of accident previously evaluated:

This change does not create the possibility for an accident of a different type than any evaluated in the SAR because:

There is no increased risk of unit trip, or challenge to the Reactor Protection System (RPS) or other safety systems. There is no physical effect on the plant, i.e. none on Reactor Coolant System (RCS) temperature, boron concentration, control rod manipulations, core configuration changes, and no impact on nuclear instrumentation. There is no increased risk of a reactivity excursion. No new failure modes or credible accident scenarios are postulated from this activity.

This change does not create the possibility for a malfunction of a different type than any evaluated in the SAR because:

There is no physical change to the plant SSCs or operating procedures. This change does not involve any plant changes, electrical lineups, or valve manipulations. Analyses have been performed which demonstrate that the PRVS can perform its intended safety function relying on the orifice plates to measure flow. No new equipment or components were installed. No credible new failures are postulated.

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

This change does not involve a significant reduction in the margin of safety because:

No function of any importance to safety SSC will be adversely affected or degraded as a result of continued operation. No safety parameters, setpoints, or design limits are changed. There is no adverse impact to the nuclear fuel, cladding, RCS, or required containment systems.

Duke has concluded, based on the above, that there are no significant hazards considerations involved in this amendment request.

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 amendments 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 amendments before the expiration of the 14-day notice period, provided that its final determination is that the amendments involve 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 August 17, 1998, the licensee may file a request for a hearing with respect to issuance of the amendments 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 room located at the Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina. 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 amendments 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 amendments are 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 amendments.

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. J. Michael McGarry, III, Winston and Strawn, 1200 17th Street, NW., Washington, DC 20036, 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)(l)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated July 8, 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 room, located at the Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina.

Dated at Rockville, Maryland, this 13th day of July 1998.

For the Nuclear Regulatory Commission.

David E. LaBarge,

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

[FR Doc. 98–18960 Filed 7–15–98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Knowledge and Abilities Catalog Revision; Notice of Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: NUREG–1122, ''Knowledge and Abilities Catalog for Nuclear Power Plant Operators: Pressurized Water Reactors,'' and NUREG–1123, ''Knowledge and Abilities Catalog for Nuclear Power Plant Operators: Boiling Water Reactors,'' were developed in 1985 to assist operator licensing examiners in the development of content valid written and operating examinations to administer to reactor plant operators and senior operators. The Knowledge and Abilities (K/A) catalogs were revised in 1995 to resolve inconsistencies between the two catalogs and inconsistencies in content within the K/A catalogs. Revision 1 also incorporated evolutionary changes in the operator licensing program and revised definition of operator's tasks within facility licensee's organizations.

The current Revision 2 incorporates corrections to the Revision 1 catalogs that were identified during examination development associated with a proposed revision of 10 CFR 55 and implementation of NUREG–1021, Interim Rev. 8, ''Operator Licensing Examination Standards for Power Reactors.'' Revision 2 of the respective K/A catalogs has been prepared for use in conjunction with the implementation of NUREG–1021, final Revision 8, but may be used immediately.

Copies of NUREG–1122, Revision 2 and NUREG–1123, Revision 2 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013–7082. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. A copy is also available for inspection and/or copying for a fee in the NRC Public Document Room. These documents are also available at the NRC Web Site, http://www.nrc.gov. See the links under ''Technical Reports in the NUREG Series'' on the ''Reference Library'' page.

FOR FURTHER INFORMATION CONTACT: Frank Collins, Mail Stop O9–D24, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, telephone (301) 415–3173.

Dated at Rockville, Maryland, this 9th day of July, 1998.

For the Nuclear Regulatory Commission.

Richard J. Eckenrode,

Acting Chief, Operator Licensing and Human Performance Branch, Division of Reactor Controls and Human Factors, Office of Nuclear Reactor Regulation.

[FR Doc. 98–18958 Filed 7–15–98; 8:45 am]

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POSTAL SERVICE

Visits to Facilities

AGENCY: Postal Rate Commission.

ACTION: Notice of cancellation of visit.

SUMMARY: A Commission visit to the Pitney Bowes facility in Stamford, CT has been canceled. Notice of the visit was announced at 63 FR 32209, June 23, 1998.

DATES: The visit had been scheduled for Monday, July 20, 1998.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, Postal Rate Commission, Suite 300, 1333 H Street, NW, Washington, DC 20268–0001, (202) 789–6720.

Dated: July 13, 1998.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 98–19015 Filed 7–15–98; 8:45 am]

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