For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–397]

Washington Public Power Supply System; 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–21, issued to Washington Public Power Supply System (Supply System or the licensee), for operation of the Nuclear Project Number 2 (WNP–2) located in Benton County, Washington.

This technical specification (TS) change authorizes the licensee to conduct TS Surveillance 3.8.4.8 (performance test) in lieu of TS Surveillance 3.8.4.7 (service test) for the WNP–2 Division 2 Class 1E 125 VDC battery on a one-time basis. The change to the TS is authorized until the licensee can perform the sevice test during the next scheduled refueling outage or during the next unplanned outage of sufficient duration. This amendment has been requested in accordance with the notice of enforcement discretion granted to the licensee on July 17, 1998.

This amendment needs to be processed on an exigent basis to promptly bring the plant into literal compliance with the technical specifications due to an inadvertent missed surveillance. Without this amendment the licensee would be required to shut down the plant and create an unnecessary plant transient.

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.

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

The safety function of the Battery E–B1–2 is to provide 125 VDC power to the Division 2 safety-related loads including: RCIC Turbine Exhaust Valve, CAC Isolation Valves, Diesel (DG–2) Engine Backup Lube and Fuel Oil Pumps, Critical Switchgear control power, Critical Instrument Power Supply Inverter, NSSS Instrument and Control Board power, and control power to the Remote Shutdown Panel. This establishes the Division 2, 125 VDC Power system as an accident mitigation system, and is not an individual precursor of an evaluated accident. Battery E–B1–2 has no role in the initiation of design basis accidents (DBAs) or transients identified in the FSAR.

The proposed change entails a one time relief from verbatim compliance with SR 3.8.4.7 by permitting the performance test in SR 3.8.4.8 to suffice for performance of the SR 3.8.4.7 service test. Improved Technical Specifications (ITS) SR 3.8.4.7 presently allows the ''modified'' performance test in SR 3.8.4.8 to be performed in lieu of the service test in SR 3.8.4.7. The difference between the modified performance test short duration load of 400 amperes for six seconds and the performance test load of 350 amperes is small when compared to the 922 ampere one-minute rating of the battery. Testing at the levels defined in either situation provides a satisfactory battery performance demonstration. Additionally, documented test results since the date of manufacture (1994) of Battery E–B1–2 substantiate the battery's capability to perform its intended safety functions. The performance test completed in April of 1997 demonstrated a battery capacity of 104.7% which is above the battery replacement criteria of 80% capacity. The performance test performed when the battery was new as part of acceptance testing in May of 1994 documented a capacity of 104.17%. Comparing the 1994 and 1997 performance test results indicates that the battery has not degraded during the 4 years since it was manufactured and installed. Based on the substantial battery capacity demonstrated by these performance tests and the short duration peak load required by the service test (400 amps) as compared to the one-minute rating of the battery (922 amps), the battery is fully capable of meeting the requirements of the modified performance test and the service test.

Regular battery surveillances are routinely performed which include specific gravity and battery terminal voltage measurements. As a compensatory measure, in addition to the visual corrosion inspection, the Supply System will measure Battery E–B1–2 connection resistance on a 92 day interval and verify that the intercell connector resistance is ≤ 24.4 E–6 ohms. These surveillance measures will ensure that Battery E–B1–2 remains operable.

The probability of an evaluated accident is derived from the probabilities of the individual precursors to that accident. The consequences of an evaluated accident are determined by the operability of plant systems designed to mitigate those consequences. Since Battery E–B1–2 is operable and will remain in service, this action will not change the availability of any safety related equipment and no individual precursors of an accident are affected. Therefore, this change does not increase the probability of an accident previously evaluated. In addition, since the functions and capabilities of systems designed to mitigate the consequences of an accident have not changed, the consequences of an accident previously evaluated are not expected to increase. Therefore, there is no significant increase in the probability or consequence of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The service test requires a discharge rate of 400 amps for the first six seconds and drops to less than 250 amps for a duration of two hours. The performance test requires a constant 350 amps throughout the test. Therefore, a difference of 50 amps for the first six seconds is not enveloped by the performance test. The service test requirement of 400 amps is small compared to the manufacturer's one-minute discharge rating of the battery (922 amps). The 50 amperes for six seconds difference in the testing profiles of the SR 3.8.4.7 service test and the SR 3.8.4.8 performance test was confirmed by the manufacturer as insignificant relative to demonstration of the battery capacity and its short duration discharge rate.

Creation of the possibility of a new or different kind of accident would require the creation of one or more new precursors of that accident. New accident precursors may be created by modifications to the plant configuration. No modifications to plant configuration will result from this proposed one time surveillance test change. Documented test results demonstrate that Battery E–B1–2 is capable of performing its intended safety function. Since Battery E–B1–2 has not been modified and will remain in operation during Operational Modes 1, 2, and 3 as required by the Technical Specifications, no new failure modes of the 125 VDC Distribution System are introduced.

Therefore, this change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a signficant reduction in a margin of safety.

The basis for the margin of safety for the Division 2, 125 VDC battery is the two hour operating time defined in the DC System

design basis. Battery E–B1–2 is properly sized using the methodology prescribed in IEEE Standard 485–1983 and includes the emergency loads anticipated during a Loss of Coolant Accident (LOCA) with a coincident Loss of Offsite Power (LOOP), for two hours. Additionally, the battery is relatively new having been manufactured and installed in 1994 and is in the prime of its service life. The battery service test performed in April of 1995 documented 114.2 volts @ 459 amps (in-rush) and 111.0 volts @ 279.0 amps (120 mins.). This service test encompassed the safety-related two hour duty cycle and demonstrated that the battery is able to supply and maintain the operable status of all emergency loads for their respective duty times.

The performance test uses the manufacturer's two hour discharge rate and is used to establish baseline capacity for trending battery degradation. The modified performance draws approximately 700.1 ampere-hours and the performance test draws 700 ampere-hours. Both of these tests are more severe than the service test which, when corrected for temperature, draws approximately 413 amp-hours. Since the performance test done in April 1997 demonstrated a capacity of 104.7% (of 700 A-h) there is no decrease in the margin of safety when compared to the total amp-hour demands of the LOCA with LOOP duty cycle, (i.e., the service test).

Battery E–B1–2 will not be removed from service during plant operation. Therefore, there is no change in availability of the Division 2 125 VDC battery, charger, or distribution system, and as such, there is no change in the base assumptions of our PRA models. Thus there is no impact on the WNP–2 PSA. Therefore, this change will not involve a significant reduction in the 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 August 24, 1998, 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 room located at the Richland Public Library, 955 Northgate Street, Richland, Washington 99352. 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 Perry D. Robinson, Esq., Winston & Strawn, 1400 L Street, N.W., Washington, D.C. 20005–3502, 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 July 17, 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 Richland Public Library, 955 Northgate Street, Richland, Washington 99352.

Dated at Rockville, Maryland, this 20th day of July 1998.

For the Nuclear Regulatory Commission.

L. Raynard Wharton,

Acting Project Manager Project Directorate IV–2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

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PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Customer Satisfaction Survey

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intention to request OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation intends to request that the Office of Management and Budget approve a collection of information under the Paperwork Reduction Act. The purpose of this information collection, which will be conducted through customer satisfaction surveys, is to help the agency assess the efficiency and effectiveness with which it serves participants in pension plans it becomes trustee of, and to design actions to address identified problems.

ADDRESSES: Comments may be mailed to the Office of General Counsel, Pension Benefit Guaranty Corporation, Suite 340, 1200 K St. NW., Washington, DC 20005–4026, or delivered to that address between 9 a.m. and 4 p.m. on business days. Written comments will be available for public inspection at the PBGC's Communications and Public Affairs Department, Suite 240 at the same address, between 9 a.m. and 4 p.m. on business days. A copy of the proposed collection may be obtained without charge by writing to the PBGC at the above address or calling 202–326–4040. (For TTY and TDD users, call the Federal Relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.) The notice can be accessed on the PBGC's home page at http://www.pbgc.gov.

FOR FURTHER INFORMATION CONTACT: Marc Jordan, Attorney, Office of the General Counsel, Suite 340, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4024. (For TTY and TDD, call the Federal relay service toll-free at 1–800–877–8339 and request connect to 202–326–4024).

SUPPLEMENTARY INFORMATION: An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The PBGC intends to request OMB approval of a collection of information consisting of customer satisfaction surveys. The collection is in furtherance of the goals described in Executive Order 12862, Setting Customer Service Standards, which states that, in order to carry out the principles of the National Performance Review, the Federal Government must be customer-driven. The Executive Order directs all executive departments and agencies that provide significant services directly to the public to provide those services in a manner that seeks to meet the customer service standards established in the Executive Order.

The customer satisfaction survey information collection will be accomplished by mailing questionnaires to a random sample of participants and beneficiaries who have had recent contact with the PBGC.

This voluntary collection of information will put a slight burden on a very small percentage of the public. The PBGC will collect information annually from 1,280 participants and beneficiaries in pension plans trusteed by the PBGC. The PBGC estimates that the total annual burden will be 106.66 hours.

The PBGC solicits comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Issued at Washington, DC, this 21st day of July, 1998.

Stuart Sirkin,

Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.

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SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of July 27, 1998.