NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting

AGENCY HOLDING MEETING: National Science Foundation, National Science Board

DATE AND TIME:

November 19, 1998, 12:30 p.m. Closed Session

November 19, 1998, 2:00 p.m. Open Session

PLACE: National Science Foundation, 4201 Wilson Boulevard, Room 1235, Arlington, VA 22230.

STATUS:

Part of this meeting will be open to the public.

Part of this meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Thursday, November 19, 1998

Closed Session (12:00–12:30 p.m. and 1:30—1:50 p.m.)

- Closed session Items for November 1998
- Minutes, August 1998
- Personnel
- Nominees
- Awards and Agreements
- Status—NSF FY2000 Budget

Thursday, November 19, 1998

Open Session (1:50 p.m.—6:00 p.m.)

- Swearing in of NSB nominees
- Minutes, August 1998
- Closed Session Items for March 1999
- Chairman's Report
- Director's Report
- Reports from Committees
- Science and Engineering Indicators—2000 Plan
- NSB Strategic Plan
- February Policy Meeting & NSB retreat
- Break
- Environment for NSF Planning and Budget Activity

Marta Cehelsky,

Executive Officer.

[FR Doc. 98–30373 Filed 11–9–98; 12:26 pm]

BILLING CODE 7555–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, November 17, 1998.

PLACE: NTSB Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

7086 Transit Bus Special Investigation Report.

7085 Brief of Accident—Failure of an Allied-Signal, Inc., Railroad Tank Car and Released of Anhydrous Hydrogen Fluoride in Memphis, Tennessee, April 2, 1997.

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

FOR MORE INFORMATION CONTACT. Rhonda Underwood, (202) 314–6065.

November 6, 1998

Rhonda Underwood,

Federal Register Liaison Officer.

[FR Doc. 98–30289 Filed 11–6–98; 4:32 pm]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 30–16055–ML, ASLBP No. 95–707–02–ML]

Atomic Safety and Licensing Board; Advanced Medical Systems, Inc.; Order Granting Hearing and Federal Register Notice of Opportunity to Intervene

Before Administrative Judges: B. Paul Cotter, Jr., Chairman, Thomas D. Murphy, Special Assistant

November 4, 1998.

On September 28, 1998, the Director of the Office of Nuclear Materials Safety and Safeguards of the Nuclear Regulatory Commission, notified Seymour Stein, President of Advanced Medical Systems, Inc. (AMS), that his firm's application to renew AMS's License No. 34–19089–01 to possess and use nuclear materials was denied. The stated basis for denial was that AMS lacked the requisite financial assurance necessary for decommissioning the facility. Pursuant to 10 CFR 2.103, the notice granted AMS 20 days to request a hearing to contest the denial and stated that if a hearing were to be held, the issue to be decided would be:

whether the renewal application complies with the requirements of 10 CFR 30.35 such that the Licensee's application for renewal of its license should be granted.

By timely motion of October 15, 1998, Mr. Stein, on behalf of AMS, requested a hearing to consider whether the AMS renewal application complies with the requirements of 10 CFR 30.35. Thereafter, on October 28, 1998, the undersigned Presiding Officer was appointed to rule upon requests for hearing and petitions to intervene in this matter, and, if necessary, to conduct an informal adjudicatory hearing.

Based on the information presented in Staff's September 28, 1998 letter and AMS's request for hearing, the hearing request is granted. AMS is entitled to a hearing under 10 CFR 2.103(b) which extends hearing rights to licensees whose license renewal applications have been rejected so long as their requests for hearings are timely. This hearing is to be conducted under the informal hearing procedures of 10 CFR Part 2, Subpart L.

In accordance with 10 CFR 2.1205 (j) and (k)[1] 1998, persons wanting to intervene in this proceeding, including a State, county, municipality, or an agency thereof wishing to participate as an interested governmental entity pursuant to 10 CFR 2.1211 (b), must file a petition within 30 days of the publication of this notice in the **Federal Register**. A petition to intervene under 10 CFR 2.1205(k) must provide the information required by 10 CFR 2.1205(e), including a detailed description of the petitioner's interests in the proceeding, how its interests may be affected by the proceeding, and its areas of concern about the licensing activities which are the subject matter of this proceeding. A governmental entity wishing to participate in accordance with 10 CFR 2.1211(b) must provide the information required by that provision, including a listing of its areas of concern about the subject matter of the proceeding.

It is so ordered.

Dated: November 4, 1998.

B. Paul Cotter, Jr.,

Administrative Judge.

[FR Doc. 98–30258 Filed 11–10–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 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, located in Oconee County, South Carolina.

[1] This rule and all rules governing the proceeding may be found at 10 CFR, Part 2, Subpart L and on the Internet at <http://www.NRC.gov/NRC/ASLBP/part2cfr.txt.

The proposed amendments would add current Technical Specification (TS) 3.7.1, Condition B, which applies to inoperable startup transformers and would remove the allowance to shut down a unit under Action B when a Required Action and associated Completion Time of Condition A is not met. As adopted into the improved TS (ITS), the proposed change would require initiation of a shutdown in 1 hour and an intermediate step to Mode 4 in 18 hours. The second involves ITS Limiting Condition for Operation 3.8.1.b and would add a specification for minimum Keowee lake level.

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.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed 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 for each of the above proposed changes. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's analysis is presented below.

1. Would the changes involve a significant increase in the probability or consequences of an accident previously evaluated?

For all the changes the answer is ''no.'' The proposed changes would not affect the safety function of the subject systems. There would be no direct effect on the design or operation of any plant structures, systems, or components. No previously analyzed accidents were initiated by the functions of these systems, and the systems were not factors in the consequences of previously analyzed accidents. Therefore, the proposed changes would have no impact on the consequences or probabilities of any previously evaluated accidents.

2. Would the changes create the possibility of a new or different kind of accident from any accident previously evaluated?

For all the changes the answer is ''no.'' The proposed changes would not lead to any hardware or operating procedure change. Hence, no new equipment failure modes or accidents from those previously evaluated would be created.

3. Would the changes involve a significant reduction in a margin of safety? For all the changes the answer is ''no.'' Margin of safety is associated with confidence in the design and operation of the plant. The proposed changes to the TS do not involve any change to plant design, operation, or analysis. Thus, the margin of safety previously analyzed and evaluated is maintained.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-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 and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By December 14, 1998, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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 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 a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendments and make them 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 J. Michael McGarry, III, Winston and Strawn, 1200 17th Street, NW., Washington, DC, 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 amendments dated October 28, 1997, as supplemented by letters dated March 26, April 8, May 20, May 25, and October 28, 1998, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina.

Dated at Rockville, Maryland, this 5th day of November 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. 98–30254 Filed 11–10–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–259]

Tennessee Valley Authority; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission or NRC) has granted a request by the Tennessee Valley Authority (TVA) to withdraw its June 2, 1995, application for an amendment to Facility Operating License DPR–33 issued to TVA for the operation of the Browns Ferry Nuclear Plant, Unit 1, located in Limestone County, Alabama. The application was revised by letter dated March 6, 1997, and was supplemented by letters dated April 11, 1997, and March 13, 1998. Notice of consideration of issuance of this amendment was published in the **Federal Register** on August 16, 1995 (60 FR 42609). The application also requested similar amendments to Facility Operating Licenses DPR–52 and DPR–68 for Browns Ferry Nuclear Plant, Units 2 and 3 respectively. The requested actions for Units 2 and 3 have been approved.

The proposed amendment, submitted in custom Technical Specification (TS) format, would have revised the custom TSs for Unit 1 to include changes associated with the implementation of the Power Range Neutron Monitor (PRNM) upgrade, and to incorporate changes related to the implementation of Average Power Range Monitor (APRM) and Rod Block Monitor technical specification improvements and Maximum Extended Load Line Limit (MELLL) Analysis. A general revision to the application was submitted on March 6, 1997, and parallel changes in Improved TS (ITS) format were submitted on April 11, 1997, and revised by a submittal dated March 13, 1998.

On July 14, 1998, NRC approved the conversion from custom TSs to ITSs (Amendment No. 234) for Unit 1. On October 5, 1998, TVA informed the staff by letter that because the custom TSs are no longer in use, the Unit 1 TS changes previously proposed in custom format for PRNM/MELLL are no longer needed. Also, because TVA has no firm schedule for the restart of Unit 1, the PRNM/MELLL proposed changes in ITS format also are being withdrawn. Furthermore, since TVA does not now have a firm schedule for the restart of Unit 1, any changes associated with the PRNM/MELLL will be resubmitted prior to Unit 1 restart.

For further details with respect to this action, see the application for amendment dated June 2, 1995, and March 6, 1997, and TVA's letters dated April 11, 1997, and March 13, 1998, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room located at the Athens Public Library, 405 E. South Street, Athens, Alabama.

Dated at Rockville, Maryland, this 4th day of November 1998.