NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U. S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 72, Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste.

2. *Current OMB Approval Number:* 3150–0132.

3. *How often the collection is required:* Required reports are collected and evaluated on a continuing basis as events occur. Applications for new licenses and amendments may be submitted at any time. Applications for renewal of licenses would be required every 20 years for an Independent Spent Fuel Storage Installation (ISFSI) and every 40 years for a Monitored Retrievable Storage (MRS) facility.

4. *Who is required or asked to report:* Vendors of casks for the storage of spent fuel, licensees and applicants for a license to possess power reactor spent fuel and other radioactive materials associated with spent fuel storage in an ISFSI, and the Department of Energy for licenses to receive, transfer, package and possess power reactor spent fuel, high-level waste, and other radioactive materials associated with spent fuel and high-level waste storage in an MRS.

5. *The number of annual responses:* 92.

6. *The number of hours needed annually to complete the requirement or request:* 21,529 (an average of approximately 167 hours per response for applications and reports, plus approximately 765 hours annually per recordkeeper).

7. *Abstract:* 10 CFR Part 72 establishes requirements, procedures, and criteria for the issuance of licenses to receive, transfer, and possess power reactor spent fuel and other radioactive materials associated with spent fuel storage in an ISFSI, and requirements for the issuance of licenses to the Department of Energy to receive, transfer, package, and possess power reactor spent fuel and high-level radioactive waste, and other associated radioactive materials, in an MRS. The information in the applications, reports and records is used by NRC to make licensing and other regulatory determinations. The revised estimate of burden reflects an increase primarily because of the addition of requirements for decommissioning funding requirements, financial assurance provisions, documentation additions for decommissioning and license termination, and notification of incidents.

Submit, by January, 1999, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW, (Lower Level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov/NRC/NEWS/OMB/index.html) under the FedWorld collection link on the home page tool bar. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 F33, Washington, DC, 20555–0001, or by telephone at (301) 415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 6th day of November 1998.

For the U. S. Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 98–30559 Filed 11–13–98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–498 and 50–499]

Houston Lighting & Power Company, et al. (South Texas Project, Units 1 and 2); Order Approving Application Regarding Proposed Corporate Merger of Central and South West Corporation and American Electric Power Company, Inc.

I

Houston Lighting & Power Company; City Public Service Board of San Antonio; Central Power and Light Company (CPL); City of Austin, Texas; and STP Nuclear Operating Company are holders of Facility Operating Licenses Nos. NPF–76 and NPF–80, issued on March 22, 1988, and March 28, 1989, respectively. Facility Operating Licenses Nos. NPF–76 and NPF–80 authorize the holders to possess the South Texas Project, Units 1 and 2 (STP), and authorize STP Nuclear Operating Company to use and operate STP in accordance with the procedures and limitations set forth in the operating licenses. The Nuclear Regulatory Commission (NRC) issued Licenses Nos. NPF–76 and NPF–80 on March 22, 1988, and March 28, 1989, respectively, pursuant to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR Part 50). The facility is located in Matagorda County, Texas.

II

Under cover of a letter dated June 19, 1998, CPL submitted an application dated June 16, 1998, for consent under 10 CFR 50.80 to allow the indirect transfer of CPL's interest in STP that would occur in connection with a proposed merger of Central and South West Corporation (CSW, the parent holding company of CPL) and American Electric Power, Inc. (AEP). Under the proposed merger, CSW would become a wholly-owned subsidiary of AEP, with CPL remaining a wholly-owned subsidiary of CSW. Houston Lighting & Power Company; City Public Service Board of San Antonio; City of Austin, Texas; and STP Nuclear Operating Company are not involved in the merger. The application was supplemented by a letter dated June 23, 1998, and enclosures thereto.

CPL and the other current licensees would continue to hold the licenses, and no direct transfer of the licenses would result from the merger. On August 5, 1998, a Notice of Consideration of Approval of Application Regarding Proposed Merger was published in the **Federal Register**

(63 FR 41876). An Environmental Assessment and Finding of No Significant Impact was published in the **Federal Register** on September 28, 1998 (63 FR 51629).

Under 10 CFR 50.80, no license shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. Upon review of the information contained in the application dated June 16, 1998, and enclosures to the letter dated June 23, 1998, the NRC staff has determined that the proposed merger will not affect the qualifications of CPL as holder of Facility Operating Licenses Nos. NPF–76 and NPF–80, and that the transfer of control of the licenses, to the extent effected by the proposed merger, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth herein. These findings are supported by a safety evaluation dated November 5, 1998.

III

Accordingly, pursuant to Sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended; 42 U.S.C. §§ 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, *it is hereby ordered* that the Commission approves the application regarding the merger agreement between CSW and AEP subject to the following: (1) CPL shall provide the Director of the Office of Nuclear Reactor Regulation with a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from CPL to its proposed parents, or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding 10 percent of CPL's consolidated net utility plant, as recorded on its books of account, and (2) should the merger not be completed by December 31, 1999, this Order shall become null and void, unless upon application and for good cause shown this date is extended.

This Order is effective upon issuance.

IV

By December 14, 1998, any person adversely affected by this Order may file a request for a hearing with respect to issuance of the Order. Any person requesting a hearing shall set forth with particularity how such person's interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is to be held, the Commission will issue an order designating the time and place of such hearing.

The issue to be considered at any such hearing shall be whether this Order should be sustained.

Any request for a hearing 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 20555–0001, by the above date. Copies should also be sent to the Office of the General Counsel and to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to John O'Neill, Jr., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037–1128, counsel for CPL.

For further details with respect to this action, see the application from CPL dated June 16, 1998, submitted under cover of a letter dated June 19, 1998, from Shaw, Pittman, Potts, and Trowbridge, counsel for CPL, supplemental letter dated June 23, 1998, and enclosures thereto, and the safety evaluation dated November 5, 1998, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555–0001, and at the local public document room located at the Wharton County Junior College, J.M. Hodges Learning Center, 911 Boling Highway, Wharton, TX 77488.

Dated at Rockville, Maryland, this 5th day of November 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–269, 50–270, and 50–287]

Duke Energy Corporation, Oconee Nuclear Station, Units 1, 2, and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.46(b) to the Duke Energy Corporation (the licensee) for operation of the Oconee Nuclear Station, Units 1, 2, and 3, located in Oconee County, South Carolina.

Environmental Assessment

Identification of Proposed Action

The proposed action would exempt the licensee from the provisions in 10 CFR 50.46(b), with respect to the emergency core cooling performance requirements during the performance of the proposed Keowee Emergency Power and Engineered Safeguards Functional (KEP/ESF) Test on Unit 3.

The emergency core cooling system (ECCS) is designed to assure that the consequences of the spectrum of loss of coolant accidents (LOCAs), coincident with a loss of offsite power (LOOP), are within the performance criteria specified in 10 CFR 50.46(b). As explained in the licensee's letter dated October 21, 1998, the planned test on Unit 3 could challenge these performance criteria in the extremely unlikely event that a LOCA and LOOP occurred coincident with the test. The licensee has chosen to address this issue with an exemption request. Therefore, pursuant to 10 CFR 50.12, the licensee applied for an exemption from 10 CFR 50.46.

The Need for the Proposed Action

The proposed action is required to exempt the licensee from the requirement to maintain an ECCS that is designed to conform to the criteria in 10 CFR 50.46(b) during the 10-second time interval when the test is actually being performed during the 24-hour test period. The action is needed to allow the test to be performed.

As stated in its September 17, 1998, letter, the licensee has planned a modification that would add voltage and frequency protection for Oconee loads when supplied from a Keowee hydro unit. The protection would separate Oconee loads from a Keowee unit if that unit's voltage or frequency becomes greater than 110 percent or less than 90 percent of rated value at any time after loading. The planned design would delay the loading of Oconee loads on the underground power path until the Keowee unit reaches greater than 90 percent voltage and frequency. The existing design allows early loading of the underground path Keowee unit at approximately 60 percent voltage. As a result of considering the frequency overshoot the Keowee units experience during an emergency start, and to resolve questions that arose concerning whether the preferred loading design for the emergency power system is 60 percent loading or 90 percent loading,