and frequency. The second part will use the same loads, but the Keowee unit will be loaded at approximately 90 percent rated voltage and frequency. Test data will be collected throughout the Oconee emergency power system (EPS) during the test. The licensee will then review this data to determine which delayed loading modifications should be implemented.

In the September 17, 1998, letter, Duke explained it has determined that this test involves an unreviewed safety question, which, therefore, requires NRC approval prior to performing the test. This request is being processed separately. The licensee also indicated that in the extremely unlikely (probability, according to the licensee, of 2 E–9) event that a real LOCA with loss of offsite power (LOOP) were to occur on either of the Oconee operating units (Unit 1 or 2) simultaneously when the test is initiated on Unit 3, the Oconee EPS would be placed in a condition outside the design basis. The EPS may not be capable of handling the electrical loading of two instantaneous LOCA/LOOP events without some safety related equipment being adversely affected. However, the EPS would be able to handle the electrical loading if the two events are offset in time by approximately 10 seconds to allow the first unit's load to reach a steady-state condition prior to starting of the second unit's emergency loads. Therefore, this 10-second window of vulnerability causes an infinitesimally small, but non-zero, increase in the probability of a malfunction of equipment important to safety and increases the potential consequences of a LOCA/LOOP event during the performance of the test.

The ECCS is designed to assure that the consequences of the spectrum of LOCA accidents, coincident with a 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 this criteria in the extremely unlikely event that a LOCA and LOOP on Units 1 or 2 occurred coincident with the start of the test on Unit 3. Therefore, in the October 21 letter and pursuant to 10 CFR 50.12, the licensee applied for an exemption from 10 CFR 50.46.

III

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50, when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. The requested exemption meets the special circumstances of 10 CFR 50.12(a)(2)(iv) in that the exemption would result in benefit to the public health and safety that compensates for the small decrease in safety that may result from granting the exemption. The benefit is that this test will produce data to support a decision on implementation of proposed modifications to the loading methodology of the Keowee hydro unit to improve the overall reliability of the Oconee EPS, which supports the ECCS. The test is being conducted under a comprehensive test plan that includes special management oversight, ''just in time training'' for the operators, including power system failures, and detailed contingency plans. Other precautions to protect the power systems will be in place, which are described in more detail in the licensee's September 17, 1998, submittal. No other work will be allowed on the EPS of any unit during this test. A Lee gas turbine will be powering CT–5 to provide additional defense in depth for the EPS during the test. This minimizes the likelihood of a plant-centered LOOP occurring during the test period. Additionally, precautions have been taken so that the planned LOOP tests on Unit 3 will not propagate to the operating units. Therefore, the likelihood of two LOCA/LOOP events occurring within approximately 10 seconds of each other (one event being the LOCA/LOOP test on Unit 3 and the second event being an actual LOCA/LOOP on Unit 1 or 2) is low during the postulated period of 24-hour duration of the KEP/ESF Test.

IV

For the foregoing reasons, the NRC staff has concluded that the licensee's proposed exemption request from the requirements of 10 CFR 50.46(b) for the KEP/ESF Test is justified. The probability of a coincident LOCA/LOOP on one of the operating units (approximately 2E–9, as estimated by the licensee) was calculated for the entire duration (24 hours) of the KEP/ESF Test. If a separation in time of greater than 10 seconds exists between initiation of the test and a coincident event, the ECCS on the affected unit will be capable of performing its intended safety function. The benefit to the Oconee Emergency Power System from performing this test, along with the low probability of a concurrent LOCA/LOOP on one of the two operating Oconee units, provides justification for granting this exemption request. In addition, granting of the exemption to allow performance of the test will not present an undue risk to public health and safety and is consistent with the common defense and security. The NRC staff has determined that there are special circumstances present, as specified in 10 CFR 50.12(a)(2)(iv), in that the exemption will result in a benefit to the public health and safety that compensates for the decrease in safety that may result from the granting the exemption because the exemption will allow the test to be performed that will produce data to support an implementation decision for a proposed modification that will improve the overall reliability of the Oconee emergency power system.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Therefore, the Commission hereby grants Duke an exemption from the requirements of 10 CFR 50.46(b) for Units 1, 2, and 3 during the 24-hour period when the tests are being conducted on Unit 3 as requested in the submittal.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not result in any significant effect on the quality of the human environment (63 FR 63754).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 16th day of November 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–31025 Filed 11–19–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 55–32443–SP; ASLBP No. 99–755–01–SP]

Atomic Safety and Licensing Board; Michel A. Philippon, (Denial of Senior Operator License Application); Notice of Hearing and of Opportunity To Petition for Leave To Intervene or To Participate as an Interested Governmental Entity

November 16, 1998.

Before Administrative Judges: Thomas S. Moore, Presiding Officer, Dr. Charles N. Kelber, Special Assistant.

On October 4, 1998, the NRC staff issued a notice of denial of application for a senior reactor operator's (SRO) license to Michel A. Philippon. In that letter, the staff advised Mr. Philippon that although he had passed the written portion of the SRO examination administered to him on April 6, 1998, his application was being denied because he failed to pass the operating test portion of the examination.

On October 16, 1998, Mr. Philippon filed a timely hearing request challenging the staff's denial of his SRO license application. On October 26, 1998, the Commission referred Mr. Philippon's hearing request to the Atomic Safety and Licensing Board Panel for the appointment of a presiding officer to conduct any necessary proceedings. On October 28, 1998, the Chief Administrative Judge of the Panel appointed Administrative Judge Thomas S. Moore, to act as the Presiding Officer, and Administrative Judge Charles N. Kelber, to serve as Special Assistant to the Presiding Officer.

After receiving the staff's November 6, 1998 answer to Mr. Philippon hearing request, on November 13, 1998, the Presiding Officer issued an order granting Mr. Philippon's hearing request.

Please take notice that a hearing will be conducted in this proceeding. This hearing will be governed by the informal hearing procedures set forth in 10 CFR Part 2, Subpart L (10 CFR 2.1201–.1263).

Further, in accordance with 10 CFR 2.1205(j), please take notice that within thirty (30) days from the date of publication of this notice of hearing in the **Federal Register** (1) any person whose interest may be affected by this proceeding may file a petition for leave to intervene; and (2) any interested governmental entity may file a request to participate in this proceeding in accordance with 10 CFR 2.1211(b). Any petition for leave to intervene must set forth the information required by 10 CFR 2.1205(e), including a detailed description of (1) the interest of the petitioner in the proceeding; (2) how that interest may be affected by the results of the proceeding, including the reasons why the petitioner should be permitted to intervene with respect to the factors set forth in 10 CFR 2.1205(h); (3) the petitioner's areas of concern regarding the staff's October 4, 1998 denial of Mr. Philippon's SRO license application; and (4) the circumstances establishing that the petition to intervene is timely in accordance with 10 CFR 2.1205(d). In accordance with 10 CFR 2.1211(b), any request to participate by an interested governmental entity must state with reasonable specificity the requestor's areas of concern regarding the staff's October 4, 1998 denial of Mr. Philippon's SRO license application.

In addition, pursuant to 10 CFR 2.1211(a), any person not a party to the proceeding may submit a written limited appearance statement setting forth his or her position on the issues in this proceeding. These statements do not constitute evidence, but may assist the Presiding Officer and/or parties in defining the issues being considered. Persons wishing to submit a written limited appearance statement should send it to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. A copy of the statement also should be served on the Presiding Officer and the Special Assistant.

In the November 13, 1998 order, the Presiding Officer directed that on or before December 14, 1998, the staff shall file the hearing file for this proceeding. Once the hearing file is received, pursuant to 10 CFR 2.1233 the Presiding Officer will establish a schedule for the filing of written presentations by Mr. Philippon and the staff, which may be subject to supplementation to accommodate the grant of any intervention petition or request to participate by an interested governmental entity. After receiving the parties' written presentations, pursuant to 10 CFR 2.1233(a) and 2.1235, the Presiding Officer may submit written questions to the parties or any interested governmental entity or provide an opportunity for oral presentations by any party or interested governmental entity, which may include oral questioning of witnesses by the Presiding Officer.

Documents relating to this proceeding are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

Dated: November 16, 1998.

Thomas S. Moore,

Administrative Judge.

[FR Doc. 98–31023 Filed 11–19–98; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Supplemental Information on Accident and Insurance.

(2) *Form(s) submitted:* SI–1c, SI–5, ID–3s, ID–3s–1, ID–3u, ID–30k, ID–30k–1.

(3) *OMB Number:* 3220–0036.

(4) *Expiration date of current OMB clearance:* 12/31/1998.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Respondents:* Individuals or households, business or other for profit.

(7) *Estimated annual number of respondents:* 30,700.

(8) *Total annual responses:* 30,700.

(9) *Total annual reporting hours:* 1,875.

(10) *Collection description:* The Railroad Unemployment Insurance Act provides for the recovery of sickness benefits paid if an employee receives a settlement for the same injury for which benefits were paid. The collection obtains information about the person or company responsible for such payments that is needed to determine the amount of the RRB's entitlement.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the form and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 98–31084 Filed 11–19–98; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–26941]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

November 13, 1998.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for