

U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* 10 CFR Part 54, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants".

3. *The form number if applicable:* Not applicable.

4. *How often the collection is required:* One-time submission with application for renewal of an operating license for a nuclear power plant and occasional collections for holders of renewed licenses.

5. *Who will be required or asked to report:* Commercial nuclear power plant licensees who wish to renew their operating licenses.

6. *An estimate of the number of responses:* 1-2 responses.

7. *The estimated number of annual respondents:* 1-2 respondents based on an estimate of 4 renewal applications during the requested 3-year clearance period.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* Approximately 89,333 hours (85,333 hours one-time reporting burden and 4,000 hours recordkeeping burden).

9. *An indication of whether Section 3507(d), Pub. L. 104-13 applies:* Not applicable.

10. *Abstract:* 10 CFR Part 54 of the NRC regulations, "Requirements for Renewal of Operating Licenses for Nuclear Power Plants," specifies the procedures, criteria, and standards governing nuclear power plant license renewal, including information submittal and recordkeeping requirements, so that the NRC may make determinations necessary to promote the health and safety of the public.

A copy of the final 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/PUBLIC/OMB/index.html>). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by April 7, 1999. Comments received after this date will be

considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Erik Godwin, Office of Information and Regulatory Affairs (3150-0155) NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3084.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 2nd day of March 1999.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99-5601 Filed 3-5-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-368]

Entergy Operations, Inc.; 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-6, issued to Entergy Operations, Inc., (the licensee), for operation of Arkansas Nuclear One, Unit-2 (ANO-2) located in Pope County, Arkansas.

The proposed amendment would revise Technical Specification (TS) Table 3.3-1, "Reactor Protective Instrumentation," Action 2 through the addition of a footnote. The proposed footnote would allow startup and operation with the functional units associated with the Channel "D" ex-core nuclear instrumentation to be maintained in the bypassed or tripped condition following the restart from Refueling Outage 2R13. This footnote is intended to support normal plant operations until such time that the Channel "D" ex-core detector assembly can be restored to an operable condition. This footnote will be in effect for a time period not to extend beyond Mid-Cycle Outage 2P99 which is the next scheduled entry into cold shutdown for ANO-2.

The licensee requested that this proposed amendment be processed as an exigent request, pursuant to 10 CFR 50.91(a)(6). The exigency is created by the inability of ANO-2 to fully comply with TS Table 3.3-1, Action 2. TS Table

3.3-1 requires that three of four channels of linear power level-high, local power density-high, departure from nucleate boiling ratio-low and core protection calculators be operable in Modes 1 and 2. In addition, TS Table 3.3-1 requires three of four channels of the logarithmic power level-high function be operable in Mode 2, and in Modes 3, 4, and 5 when the system is capable of control element assembly (CEA) withdrawal. Action 2 states, "With the number of channels Operable one less than the Total Number of Channels, operation in the applicable Modes may continue provided the inoperable channel is placed in the bypassed or tripped condition within 1 hour. If the inoperable channel is bypassed for greater than 48 hours, the desirability of maintaining this channel in the bypassed condition shall be reviewed at the next regularly scheduled PSC [Plant Safety Committee] meeting in accordance with the QA Manual Operations. The channel shall be returned to Operable status prior to startup following the next Cold Shutdown." During the previous operating cycle Channel "D" ex-core detector failed and was maintained in the bypassed or tripped condition until Refueling Outage 2R13 which began on January 9, 1999. During Refueling Outage 2R13, the Channel "D" detector assembly was replaced with a spare detector assembly. The detector assembly passed all pre- and post-installation electrical tests. However, with the unit in Mode 3, plant operators noticed that the instrument was not responding as anticipated. Subsequent troubleshooting determined that the detector or its associated cables were faulty and no spare assemblies were readily available on-site or from the vendor. Since Channel "D" was inoperable prior to the unit shutdown for 2R13, TS Table 3.3-1, Action 2, requires that it be returned to operable status prior to restart.

Based on the circumstances described above, the NRC verbally issued a Notice of Enforcement Discretion (NOED) on February 23, 1999. The NOED was documented by letter dated February 24, 1999. The NOED expressed the NRC's intention to exercise discretion not to enforce compliance with TS Limiting Condition for Operation 3.0.4 and TS Table 3.3-1, Action 2, until the NRC staff acts on the licensee's exigent TS amendment request to revise TS Table 3.3-1, Action 2, with a footnote to address this condition until such time that the Channel "D" ex-core detector assembly can be replaced. This footnote will be in effect for a time period not to

extend beyond Mid-Cycle Outage 2P99 which is the next scheduled entry into cold shutdown for ANO-2. The licensee submitted the exigent TS amendment request on February 25, 1999.

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:

An evaluation of the proposed change has been performed in accordance with 10 CFR 50.91(a)(1) regarding no significant hazards considerations using standards in 10 CFR 50.92(c). A discussion of these standards as they relate to this amendment request follows:

Criterion 1—Does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Startup and operation with the ANO-2 Reactor Protective System (RPS) linear power level-high and logarithmic power level-high functional units, and the Core Protection Calculator (CPC) local power density-high (LPD-high), and departure from nucleate boiling ratio-low (DNBR-low) functional units in a 2-out-of-3 logic mode has no effect on the probability of any accidents previously evaluated as it has no impact on the causes of initiating events in the plant.

Startup and operation with these functional units in a 2-out-of-3 logic mode has no effect on the consequences of an event previously evaluated since, with one channel of each functional unit in bypass, the functional units maintain a functional redundancy of one. This ensures protective system actuation in accordance with the assumptions of the accident analysis. The accident analysis has accounted for those events that might have an effect on the functional units due to the geometry of the installed sensors, and demonstrated acceptable results in such a case, assuming a single failure and a channel in bypass.

Therefore, startup and operation with the ANO-2 RPS linear power level-high and logarithmic power level-high functional units, and the CPC LPD-high, and DNBR-low

functional units in a 2-out-of-3 logic mode does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—Does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The only way the proposed change could alter the course of an event would be by the ANO-2 RPS linear power level-high and logarithmic power level-high functional units, and the CPC LPD-high, and DNBR-low functional units failing to actuate when required. These functional units maintain a functional redundancy of one when operating in a 2-out-of-3 logic mode, thus the functional units will not fail in this manner.

Therefore, startup and operation with the ANO-2 RPS linear power level-high and logarithmic power level-high functional units, and the CPC LPD-high, and DNBR-low functional units in a 2-out-of-3 logic mode does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—Does not involve a significant reduction in the margin of safety.

The ANO-2 technical specification (TS) for RPS linear power level-high and logarithmic power level-high functional units, and the CPC LPD-high, and DNBR-low functional units allows operation through the remainder of the cycle with only three channels operable, providing that the desirability of maintaining this configuration is reviewed at the next regularly scheduled Plant Safety Committee (PSC) meeting. The TS requires that the inoperable functional unit be returned to operable status prior to startup following the next Cold Shutdown. Per the Safety Evaluation Report for TS Amendment 159, which added these provisions to the TS, the goal of the PSC review and the requirement to return the system to an operable status prior to startup was to repair the inoperable channel and return it to service as quickly as practical. Review of the design and installation of these functional units has demonstrated that, while starting up or operating in a 2-out-of-3 logic mode, their functional redundancy is one. For any design bases event, with the occurrence of any postulated single failure, the ANO-2 RPS linear power level-high and logarithmic power level-high functional units, and the CPC LPD-high, and DNBR-low functional units will provide the protection assumed in the accident analysis.

Therefore, startup and operation with the ANO-2 RPS linear power level-high and logarithmic power level-high functional units, and the CPC LPD-high, and DNBR-low functional units in a 2-out-of-3 logic mode does not involve a significant reduction in the margin of safety.

Based upon the reasoning presented above, Entergy Operations has determined that startup and operation with the ANO-2 RPS linear power level-high and logarithmic power level-high functional units, and the CPC LPD-high, and DNBR-low functional units in a 2-out-of-3 logic mode does not involve a significant hazards consideration.

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 April 7, 1999, 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 Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801. 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 Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., 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 February 25, 1999, 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 Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Dated at Rockville, Maryland, this 2nd day of March 1999.

For the Nuclear Regulatory Commission.

M. Christopher Nolan,

Project Manager, Project Directorate IV-1, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99-5599 Filed 3-5-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-482-LT]

Memorandum and Order

Commissioners

Shirley Ann Jackson, Chairman
Greta J. Dicus
Nils J. Diaz
Edward McGaffigan, Jr.
Jeffrey S. Merrifield

In the Matter of: Kansas Gas and Electric Co. Corp. *et al.*; (Wolf Creek Generating Station, Unit 1); CLI-99-05.

Before the Commission is a petition to intervene and request for hearing filed by the Kansas Electric Power Cooperative (KEPCo). Pursuant to our recently-promulgated Subpart M, 10 CFR 2.1300 *et seq.*, KEPCo challenges a proposed license transfer affecting the Wolf Creek Generating Station, a nuclear power reactor in which KEPCo owns a 6% interest. The license transfer would transfer the 47% ownership interests of the Kansas Gas and Electric Company (KGE) and the Kansas City Power and Light Company (KCPL) to a new company, Westar Energy. KEPCo's petition claims that the license transfer would have "serious adverse and anticompetitive effects" (p. 5), would result in "significant changes" in the competitive market (pp. 15-17), and therefore warrants an antitrust review under section 105c of the Atomic Energy Act, 42 U.S.C. 2135(c).

The NRC staff historically has performed a "significant changes" review in considering the antitrust aspects of certain kinds of license