

APPENDIX—Continued  
[Petitions Instituted On 12/02/96]

TA-W	Subject Firm (Petitioners)	Location	Date of petition	Product(s)
32,978 .....	CSCS Caribeian N.V. (Wkrs) .....	Miami, FL .....	10/22/96	Info. Services to Cruise Line Passengers.
32,979 .....	Collegeville Flag & Mfg (Wkrs) .....	Port Clinton, PA .....	11/15/96	Flags.
32,980 .....	TRW Vehicle Safety (Wkrs) .....	Louisville, MS .....	11/13/96	Seat Belts.
32,981 .....	Dayco Products (USWA) .....	Waynesville, NC .....	11/11/96	Automotive Timing Belts.
32,982 .....	Delta Wood (Wkrs) .....	Trumann, AR .....	11/07/96	Furniture for Bombay Co.
32,983 .....	Rohr Industries (Wkrs) .....	Riverside, CA .....	11/11/96	F-14 Missiles.
32,984 .....	Crossville Apparel Mfg (Wkrs) .....	Crossville, TN .....	11/14/96	Golf & Uniform Shirts.
32,985 .....	J.H. Collectibles (UNITE) .....	Milwaukee, WI .....	11/21/96	Ladies' Apparel.
32,986 .....	Bell Oil Tools (Comp) .....	Great Bend, KS .....	11/08/96	Oil Tools Sales, Rental & Services.
32,987 .....	Vineyard, Inc (The) (Comp) .....	Clovis, NM .....	11/14/96	Fabric Covered Bed & Bath Accessories.
32,988 .....	Dazey Corp (Wkrs) .....	Osage City, KS .....	11/18/96	Foot Tub, Turbo Spa, Hair Dryer, etc.
32,989 .....	Harbor Bell, Inc (Wkrs) .....	Bay Center, WA .....	11/06/96	Frozen Crabmeat, Shrimp, Salmon.
32,990 .....	ASARCO, Inc (Comp) .....	Leadville, CO .....	11/13/96	Lead and Zinc Concentrates.
32,991 .....	Channel Lumber Co (Comp) .....	Craigmont, ID .....	11/21/96	Dimensional Lumber.
32,992 .....	Concast Metal Products Co (IBT) .....	Dailey, WV .....	11/21/96	Bronze Alloy Bar Tubing.
32,993 .....	Grant Prideco (Wkrs) .....	Bastrop, TX .....	11/12/96	Fittings for Oil Drill Pipe.
32,994 .....	3-M Co (Wkrs) .....	Weatherford, OK .....	11/21/96	Computer Disks.
32,995 .....	AT&T Communications (CWA) .....	Odessa, TX .....	11/20/96	Bilingual Telephone Operators.
32,996 .....	Fruit of the Loom (Wkrs) .....	Raymondville, TX .....	11/22/96	Raglan Fleece Sweatshirts.
32,997 .....	General Electric Co (Comp) .....	Erie, PA .....	11/21/96	Locomotive Coils—Direct Current Motors.

[FR Doc. 96-32101 Filed 12-17-96; 8:45 am]  
BILLING CODE 4510-30-M

## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

### Sunshine Act Meeting

December 12, 1996.

**TIME AND DATE:** 10:00 a.m., Thursday, December 19, 1996.

**PLACE:** Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following:

1. *Secretary of Labor v. Midwest Material Company*, Docket No. LAKE 94-126-M (Issues include whether the judge erred in finding that a violation of 30 C.F.R. § 56.14211(a) was not the result of the operator's unwarrantable failure to comply with the regulation).

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 C.F.R. § 2706.150(a)(3) and § 2706.160(d).

**CONTACT PERSON FOR MORE INFORMATION:** Jean Ellen (202) 653-5629/(202) 708-

9300 for TDD Relay/1-800-877-8339 for toll free.

Jean H. Ellen,  
*Chief Docket Clerk.*

[FR Doc. 96-32251 Filed 12-16-96; 8:45 am]  
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## UNITED STATES NUCLEAR REGULATORY COMMISSION

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

### Oconee Nuclear Station, Units 1, 2, and 3; 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 the Duke Power Company (the licensee), for operation of the Oconee Nuclear Station Units 1, 2, and 3, respectively, located in Seneca, South Carolina.

If approved, the proposed amendments would allow a revision to the Oconee Updated Final Safety Analysis Report to include a one-time emergency power system functional test involving the three Oconee units. The purpose of the test is to verify certain design features of the emergency power system in an integrated fashion. The proposed test procedure involves safety

equipment on all three Oconee units and is beyond the scope of tests described in the licensing basis of the units. The licensee has determined that there is a marginal increase in the possibility of a loss of power when compared with the other emergency power system functional tests that have been previously evaluated and that are performed at Oconee. Therefore, the licensee has determined that the tests may involve an unreviewed safety question, which requires prior NRC approval in accordance with 10 CFR 50.90.

The three Oconee units are presently shut down due to an outage resulting from an unexpected shutdown of Oconee Unit 2 on September 24, 1996. Because of this condition, the NRC requested that the licensee consider performance of tests of the emergency electrical system in a letter dated October 18, 1996. Development and analysis of the test procedures led to the licensee's determination that an unreviewed safety question exists. Since the tests are scheduled to start on January 2, 1997, the amendments must be processed prior to that date. Any delay would delay startup of the Oconee units, which requires that the amendments be processed under exigent circumstances.

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.

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:

This proposed change has been evaluated against the standards in 10 CFR 50.92 and has been determined to involve no significant hazards considerations, in 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?

No. For this test all three Oconee units will already be in a shutdown condition, thus there is no chance of an Oconee unit trip, LOCA/LOOP [Loss-of-Coolant Accident/Loss of Offsite Power] scenarios and most UFSAR [Updated Final Safety Analysis Report] analyzed accident scenarios. The UFSAR Loss of Electric Power accident assumes two types of events: (1) Loss of load and (2) Loss of all system and station power. Since all three Oconee units are shutdown during performance of this test, an Oconee unit trip cannot occur. Nothing associated with this test will result in a significant increase in the likelihood of a loss of all system and station power since both Keowee units and the switchyard will remain available. In addition, the gas turbine at Lee Steam station will be available and the SSF [standby shutdown facility] diesel will be operable. The loss of all station power accident analysis assumptions are still valid. Additionally, since the switchyard will remain energized and available, offsite power can quickly be reconnected to the plant.

The Keowee units provide the main source of emergency power for the Oconee units, but they are not accident initiators. This test has no adverse impact on the ability of the Keowee units to satisfy their design requirements of achieving rated speed and voltage within 23 seconds of receipt of an emergency start signal.

Although not a design basis accident, a hypothetical station blackout condition where all offsite power and the Keowee units are lost is described in the UFSAR. As detailed above, this test will not deenergize the switchyard or remove the Keowee units.

Thus, emergency power systems will remain available, as well as the SSF diesel, and there is no significant increase in [the] likelihood of a station blackout. The probability of an accident evaluated in the FSAR (LOOP, LOCA, and LOCA/LOOP) will not be significantly increased beyond what has already been evaluated under Technical Specifications.

Calculations using the test configuration, actual core data, and no operator action (except for opening the atmospheric dump valves) for Oconee Units 1 and 2 indicate that core boiling will not occur. Based on the predicted steam generator heat transfer, the peak temperature will be approximately 220°F at approximately 13.5 hours. Since the RCS [Reactor Coolant System] will be pressurized by a nitrogen or steam bubble during the test, the reactor coolant will not boil at 220°F. Core uncover and possible fuel damage is not considered a concern during the performance of this test. In addition, there is no concern of any significant RCS temperature increase on Oconee Units 1 and 2 during the short periods when DHR [Decay Heat Removal] is interrupted. Fuel will be removed from the Oconee Unit 3 core during performance of this test. There is no adverse impact on containment integrity, radiological release pathways, fuel design, filtration systems, main steam relief valve setpoints, or radwaste systems.

Therefore, based on this analysis and the information presented in Attachment 2 [of the licensee's application], the probability or consequences of an accident previously evaluated will not be significantly increased by the proposed test.

2. Create the possibility of a new or different kind of accident from the accidents previously evaluated?

No. The emergency power system will remain operable and available to mitigate accidents. All three Oconee units will already be in a shutdown condition, so there is no risk of an Oconee unit trip, challenge to the reactor protective system (RPS), LOCA/LOOP scenarios, and most UFSAR analyzed accident scenarios. Since the Oconee units have been shutdown for greater than 60 days, the decay heat loads are relatively low. Additionally, on Oconee Unit 3, the vessel head will be removed and fuel will not be in the core when ECCS [Emergency Core Cooling System] injection occurs. This arrangement precludes any potential fuel assembly/control rod lift or reactivity management concerns.

Preplanning, use of dedicated operators, and independent verification will be employed during critical test phases involving manual manipulation of the 'S' and 'E' breakers. A dedicated technician in contact with the control room will be stationed at the affected cabinet ready to close the appropriate knife switches to re-enable the normal source. These precautions ensure AC power sources are not paralleled. Therefore, based on this analysis and the supporting information in Attachment 2, no new failure modes or credible accident scenarios are postulated.

3. Involve a significant reduction in a margin of safety?

No. No function of any safety related emergency power system/component will be adversely affected or degraded as a result of this test. No safety parameters, setpoints, or design limits are adversely affected. For this test, all three Oconee units will be in a shutdown condition, so there is no risk of an Oconee unit trip, challenge to the reactor protective system (RPS), LOCA/LOOP scenarios, and most UFSAR analyzed accident scenarios. Strictly per the Technical Specifications, ECCS and auxiliary power systems are not required with RCS temperature less than 200°F. However, both the emergency power and DHR systems will remain operable during the test. Decay heat removal will only be briefly interrupted during the simulated LOOP portions of the test. Since the Oconee units have been shutdown for greater than 60 days, the decay heat loads are relatively low, and compensatory measures are in place to ensure heat removal capability can be regained in a timely manner. Additionally, the vessel head will be removed and fuel will not be in the core on Oconee Unit 3 when ECCS injection occurs. There is no adverse impact to the fuel, cladding, RCS, or required containment systems. Therefore, based on this analysis and the supporting information in Attachment 2, the margin of safety is not significantly reduced as a result of this test.

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 15 days after the date of publication of this notice will be considered in making any final determination.

The Commission may issue the license amendment before the expiration of the 15-day notice period if failure to do so would unnecessarily delay startup of the units, 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.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications 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 6D22, 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 January 2, 1997, 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 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 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 the amendments are 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 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: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Mr. Herbert N. Berkow: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. 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 Mr. J. Michael McGarry, III, Winston and Strawn, 1200 17th Street, NW., Washington, DC 20036, 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 December 11, 1996, 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 Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina.

Dated at Rockville, Maryland, this 16th day of December 1996.

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. 96-32213 Filed 12-17-96; 8:45 am]

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