

requirements. During the 1992 to 1994 timeframe, the NRC staff issued Generic Letter (GL) 92-08, "Thermo-Lag 330-1 Fire Barriers" and subsequent requests for additional information that requested licensees to submit plans and schedules for resolving the Thermo-Lag issue. The NRC staff has obtained and reviewed all licensees' corrective plans and schedules. The staff is concerned that some licensees may not be making adequate progress toward resolving the plant-specific issues, and that some implementation schedules may be either too tenuous or too protracted. For example, several licensees informed the NRC staff that their completion dates had slipped by 6 months to as much as 3 years. For plants that have completion action scheduled beyond 1997, the NRC staff has met with these licensees to discuss the progress of the licensees' corrective actions and the extent of licensee management attention regarding completion of Thermo-Lag corrective actions. In addition, the NRC staff discussed with licensees the possibility of accelerating their completion schedules.

GPUN was one of the licensees with which the NRC staff held a meeting. At this meeting, the NRC staff reviewed with GPUN the schedule of Thermo-Lag corrective actions. Subsequent to that meeting GPUN submitted by letter dated October 1, 1997, a supplement to their integrated schedule which changed the implementation schedule of Thermo-lag corrective actions. Based on the information submitted by GPUN, the NRC staff has concluded that the schedule presented by GPUN is reasonable. This conclusion is based on the (1) amount of installed Thermo-Lag, (2) the complexity of the plant-specific fire barrier configurations and issues, (3) the need to perform certain plant modifications during outages as opposed to those that can be performed while the plant is at power, and (4) integration with other significant, but unrelated issues that GPUN is addressing at its plant. In order to remove compensatory measures such as fire watches, it has been determined that resolution of the Thermo-Lag corrective actions by GPUN must be completed in accordance with the current GPUN schedule. By letter dated April 27, 1998, the NRC staff notified GPUN of its plan to incorporate GPUN's schedule commitment into a requirement by issuance of an order and requested consent from the Licensee. By letter dated May 11, 1998, the Licensee provided its consent to issuance of a Confirmatory Order.

III

The Licensee's commitment as set forth in its letter of May 11, 1998, is acceptable and is necessary for the NRC to conclude that public health and safety are reasonably assured. To preclude any schedule slippage and to assure public health and safety, the NRC staff has determined that the Licensee's commitment in its May 11, 1998, letter be confirmed by this Order. The Licensee has agreed to this action. Based on the above, and the Licensee's consent, this Order is immediately effective upon issuance.

IV

Accordingly, pursuant to sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, *it is hereby ordered*, effective immediately, that:

GPUN shall complete final implementation of Thermo-Lag 330-1 fire barrier corrective actions at Oyster Creek Nuclear Generating Station described in the GPUN submittal to the NRC dated October 1, 1997. The scheduled completion date for all corrective actions is Refueling Outage 18. Overall work package closeout will be completed by December 31, 2000.

The Director, Office of Nuclear Reactor Regulation, may relax or rescind, in writing, any provisions of this Confirmatory Order upon a showing by the Licensee of good cause.

V

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attention: Chief, Rulemaking and Adjudications Staff, Washington, D.C. 20555. Copies of the hearing request shall also be sent to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Deputy Assistant General Counsel for Enforcement at the same address, to the Regional Administrator, NRC Region I, U.S. Nuclear Regulatory Commission, 475 Allendale Rd., King of Prussia, PA 19406-1415, and to the Licensee. If such a person requests a hearing, that person

shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

Dated at Rockville, Maryland, this 22nd day of May 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98-14518 Filed 6-1-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Docket Nos. 50-220 and 50-410]

Niagara Mohawk Power Corporation; 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 amendments to Facility Operating License Nos. DPR-63 and NPF-69 issued to Niagara Mohawk Power Corporation (the licensee or NMPC) for operation of the Nine Mile Point Nuclear Station, Unit 1 (NMP1) and Unit 2 (NMP2), respectively, located in the town of Scriba, Oswego County, New York.

The proposed amendments would change administrative sections of the Technical Specifications (TS) (Sections 6.1, "Responsibility"; 6.2, "Organization"; 6.5, "Review and Audit"; 6.6, "Reportable Occurrence Action"; and 6.7, "Safety Limit Violation") to reflect a restructuring of

the licensee's upper management organization for the Nuclear Division. The Nuclear Division organizational restructuring would involve the elimination of the Vice President and General Manager—Nuclear position and the establishment of the Vice President—Nuclear Generation position. The Chief Nuclear Officer (CNO) would assume corporate and TS responsibility for overall plant nuclear safety (a responsibility currently assigned to the Vice President and General Manager—Nuclear). The TS responsibility for plant operation (also currently assigned to the Vice President and General Manager—Nuclear) would be assumed by the Vice President—Nuclear Generation. The new Vice President—Nuclear Generation position would report directly to the CNO. In addition to existing responsibilities delineated by TS 6.5.3.1, 6.5.3.9, and 6.5.3.10, the CNO would have overall responsibility for oversight of the Nuclear Division, including corporate and TS responsibility for overall plant nuclear safety, with authority to take such measures as may be needed to ensure acceptable performance of his staff in operating, maintaining, and providing technical support to the plant. The CNO would be responsible for periodically issuing management direction emphasizing the primary responsibilities of the Shift Supervisor. The changes for NMP1 would also correct a clerical error in which a previous Amendment No. (No. 144) was omitted when designating superseded amendments during preparation of prior Amendment No. 157.

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.

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 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:

11. *The operation of Nine Mile Point Unit 1 [or Unit 2], in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.*

The proposed amendment updates the * * * TS to reflect the revised NMPC Nuclear Division upper management organizational structure and associated reassignments of responsibilities. The proposed organizational structure provides more direct lines of authority by re-establishing the position and responsibilities of Vice President—Nuclear Generation and eliminating the position of Vice President and General Manager—Nuclear. The Vice President—Nuclear Generation will assume TS responsibility for plant operation. The Chief Nuclear Officer is reassigned corporate and TS responsibility for overall plant nuclear safety with direct reporting from the Vice Presidents responsible for Nuclear Generation, Engineering, and Safety Assessment and Support. The Chief Nuclear Officer is also assigned the responsibility for periodically issuing management direction emphasizing the primary responsibilities of the Shift Supervisor. The proposed organizational structure and associated reassignments of responsibilities provide for the integrated management of activities necessary to support the safe operation of the * * * nuclear facility * * *.

The proposed changes are limited to the administrative sections of the TS and the changes do not alter the technical content or intent of the affected administrative requirements and responsibilities. The revised organizational structure will not affect the design, function, or operation of any plant structure, system, or component (SSC), nor will it affect any maintenance, modification, or testing activities. Thus, there will be no impact on the capability of any SSC to perform its credited safety function to prevent an accident or mitigate the consequences of an accident as previously evaluated. Since the proposed changes are limited to administrative requirements and responsibilities, the changes do not involve accident precursors or initiators previously evaluated. It is, therefore, concluded that the probability of accident initiation will remain as previously evaluated and there will be no adverse effect on the conditions and assumptions of any previously evaluated accident. Hence, there will be no degradation of any fission product barrier which could increase the radiological consequences of any accident. Accordingly, operation in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. *The operation of Nine Mile Point Unit 1 [or Unit 2], in accordance with the proposed amendment, will not create the possibility of a new or different kind of accident from any accident previously evaluated.*

The revised Nuclear Division organizational structure will not affect the design, function, or operation of any plant SSC, nor will it affect any maintenance, modification, or testing activities. The

proposed changes are limited to the administrative sections of the TS and the changes do not alter the technical content or intent of the affected administrative requirements and responsibilities. As a result, the proposed changes will not impact the process variables, characteristics, or functional performance of any SSC in a manner that could create a new failure mode, nor will the changes introduce any new modes of plant operation or eliminate any requirements or impose any new requirements which could affect plant operation such that new credible accidents are introduced. Accordingly, operation in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. *The operation of Nine Mile Point Unit 1 [or Unit 2], in accordance with the proposed amendment, will not involve a significant reduction in a margin of safety.*

The proposed amendment updates the TS to reflect the revised NMPC Nuclear Division upper management organizational structure and associated reassignments of responsibilities. The proposed changes are limited to the administrative sections of the TS and the changes do not alter the technical content or intent of the affected administrative requirements and responsibilities. As such, the proposed changes do not involve any hardware changes or physical alteration of the plant and the changes will have no impact on the design or function of any SCC. Implementation of the proposed changes will promote clear management control and effective lines of authority and communication between the organizational units to assure necessary attention to nuclear safety matters. It is, therefore, concluded that the proposed changes do not eliminate any requirements or responsibilities, impose any new requirements or responsibilities, or alter any physical parameters which could reduce the margin to an acceptance limit. Accordingly, operation in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

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 amendments requests involve 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 amendment 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 amendment before the expiration of the 30-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 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 July 2, 1998, 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 Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126. 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 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 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 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 Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW, Washington, DC 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 applications for amendment dated May 15, 1998 (two letters, one for each unit), 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 Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Dated at Rockville, Maryland, this 28th day of May 1998.

For the Nuclear Regulatory Commission.

Darl S. Hood,

Senior Project Manager, Project Directorate I-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98-14516 Filed 6-1-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Draft NUREG: Issuance, Availability

The U. S. Nuclear Regulatory Commission (NRC) has published a draft report entitled "Analysis of Spent Fuel Heatup Following Loss of Water in a Spent Fuel Pool" (NUREG/CR-6441). The report describes a methodology for predicting the spent fuel heatup in the event of loss of water in the spent fuel pool. The methodology has been formulated and implemented within a computer code called SHARP (Spent-fuel Heatup: Analytical Response Program). The code modeling framework, including the mathematical models and solution methods are described in the draft NUREG/CR-6441. NUREG/CR-6441 has incorporated a users' manual for the SHARP code and it discusses how to compute the results of the spent fuel heatup characteristics using representative design parameters and fuel loading assumptions. The SHARP code is intended to provide NRC a method for analyzing the safety of spent fuel in the pool for post shutdown conditions. This situation may occur when a licensee requests relief from regulatory requirements during the decommissioning process at their nuclear reactor facility.

NUREG/CR-6441 has been prepared for the NRC by Brookhaven National Laboratory (BNL) and is now available for review and comment. Copies of draft report may be obtained from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161. A copy is also available for inspection and/or copying for a fee in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. The software for the SHARP code can be obtained by contacting Kia L. Jackson, Mail Stop T-9 F31, U.S. Nuclear Regulatory Commission, Washington, DC 20555; Phone (301) 415-6250; E-mail: klj@nrc.gov. For additional information, please contact the NRC program manager, George J. Mencinsky, Mail Stop T-9 F31, U.S. Nuclear Regulatory

Commission, Washington, DC 20555; Phone (301) 415-6206; E-mail: gjm@nrc.gov.

Comments on the draft report should be sent to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Mail Stop P-223, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of the comments received may be examined at the NRC Public Document Room at 2120 L Street, NW. (Lower Level), Washington, DC. Comments will be most helpful if they are received by August 3, 1998.

Dated at Rockville, Maryland, this 28th day of April, 1998.

For the Nuclear Regulatory Commission.

John W. Craig,

Director, Division of Regulatory Applications, Office of Nuclear Regulatory Research.

[FR Doc. 98-14515 Filed 6-1-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG-1998-3882]

Commercial Fishing Industry Vessel Advisory Committee (CFIVAC); Vacancies

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The Coast Guard is seeking applications for appointment to membership on the Commercial Fishing Industry Vessel Advisory Committee (CFIVAC). CFIVAC provides advice and makes recommendations to the Coast Guard on the safety of the commercial fishing industry.

DATES: Applications must reach the Coast Guard on or before October 1, 1998.

ADDRESSES: You may request an application form by writing to Commandant (G-MSO-2); U.S. Coast Guard, room 1210, 2100 Second Street SW., Washington, DC 20593-0001; by calling 202-267-0214; or by faxing 202-267-4570. Submit applications to the same address. This notice is available on the internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT:

For questions on this notice, contact Lieutenant Commander Randy Clark, Assistant Executive Director of CFIVAC, rclark@comdt.uscg.mil, or LTJG Karen Weaver, kweaver@comdt.uscg.mil, telephone 202-267-0214, fax 202-267-4570. For questions on this docket, contact Carol Kelly, Coast Guard Dockets Team Leader, or Paulette Twine, Chief, Documentary Services

Division, U.S. Department of Transportation, 202-366-9329.

SUPPLEMENTARY INFORMATION: The Commercial Fishing Industry Vessel Advisory Committee (CFIVAC) is a Federal advisory committee constituted under 5 U.S.C. App. 2. As required by the Commercial Fishing Industry Vessel Safety Act of 1988, the Coast Guard established CFIVAC to provide advice to the Coast Guard on issues related to the safety of commercial fishing vessels regulated under chapter 45 of title 46, United States Code, which includes uninspected fishing vessels, fish processing vessels, and fish tender vessels. CFIVAC consists of 17 members as follows: Ten members from the commercial fishing industry who reflect a regional and representational balance and have experience in the operation of vessels to which chapter 45 of Title 46, United States Code applies, or as a crew member or processing line member on an uninspected fish processing vessel; one member representing naval architects or marine surveyors; one member representing manufacturers of equipment for vessels to which chapter 45 applies; one member representing education or training professionals related to fishing vessel, fish processing vessel, or fish tender vessel safety, or personnel qualifications; one member representing underwriters that insure vessels to which chapter 45 applies; and three members representing the general public, including whenever possible, an independent expert or consultant in maritime safety and a member of a national organization composed of persons representing owners of vessels to which chapter 45 applies and persons representing the marine insurance industry.

CFIVAC meets at least once a year in different seaport cities nationwide. Special meetings may also be called. Subcommittee meetings are held to consider specific problems as required.

Applications will be considered for six positions that expire or become vacant in October 1999 in the following categories: (a) Commercial Fishing Industry (four positions); (b) General Public (one position); (c) Equipment Manufacturers (one position). Persons selected as general public members are required to complete a Confidential Financial Disclosure Report, OGE Form 450, on an annual basis. Neither the report nor the information it contains may be released to the public, except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a).

Each member serves for a term of three years. A limited portion of the