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USNRC

'98 SEP 10 P4:52

Chattooga River Watershed Coalition

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OFFICE OF THE
SECRETARY
U.S. NUCLEAR REGULATORY COMMISSION
ADJUDICATIONS STAFF

September 8, 1998

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Attn: Rulemaking and Adjudication's Staff
Washington, D.C. 20555-0001

Dear Sir/Madam,

Pursuant to the Notice in the Federal Register dated August 11, 1998, (Vol. 63, Number 154, pg. 4286) announcing the Notice of Acceptance for Docketing of the Application, and Notice of Opportunity for Hearing regarding the renewal of Duke Energy Corporation's License Nos. DPR-38, DPR -47 and DPR-55 for an additional 20 year period, I along with the following individuals and the Chattooga River Watershed Coalition (CRWC) are hereby filing a petition for leave to intervene with full intent to amend said petition as appropriate and in a timely manner.

Myself, Norman "Buzz" Williams along with William "Butch" Clay and W.S. Lesan (see attached list of addresses), all of whom are residents of South Carolina and who reside within 20 miles of the Oconee Nuclear Station, request the aforementioned leave to intervene and also give our permission to the CRWC for future representation. We feel we are entitled to be recognized as intervenors because of our residential proximity to the facility in question, and make our request in that regard.

We look forward to your reply.

Sincerely,

Buzz Williams
Buzz Williams

cc: Commission's Public Document Room
Gelman Building
2120 L. Street, NW
Washington, D.C. 20037

Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Paul R. Newton, Esquire
Duke Energy Corporation
422 South Church Street
Charlotte, NC 28201-1006

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PDR ADOCK 05000269
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Address List Attachment:

1) Norman "Buzz" Williams, 190 Mountain Cove Rd., Mountain Rest, SC 29664

2) William "Butch" Clay, POB 53, Long Creek, SC 29658

3) W.S. Lesan, POB 66 Long Creek, SC 29658



submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology. In this notice, NARA is soliciting comments concerning the following information collection:

Title: Item Approval Request List.

OMB number: 3095-0025

Agency form number: NA Form 14110 and 14110A

Type of review: Regular.

Affected public: Business or for-profit, nonprofit organizations and institutions, federal, state and local government agencies, and individuals or households.

Estimated number of respondents: 1,550.

Estimated time per response: 15 minutes.

Frequency of response: On occasion (when respondent requests copies of motion picture, audio, and video holdings from NARA).

Estimated total annual burden hours: 388 hours.

Abstract: The information collection is prescribed by 36 CFR 1254.72. The collection is prepared by researchers who cannot visit the appropriate NARA research room or who request copies of records as a result of visiting a research room. NARA offers limited provisions to obtain copies of records by mail and requires requests to be made on prescribed forms for certain bodies of records. NARA uses the Item Approval Request List form to track reproduction requests and to provide information for customers and vendors.

Dated: August 5, 1998.

L. Reynolds Cahoon,
Assistant Archivist for Human Resources and Information Services.

[FR Doc. 98-21545 Filed 8-10-98; 8:45 am]

BILLING CODE 7515-01-P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

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

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 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: Revision.
2. The title of the information collection: 10 CFR Part 73—Physical Protection of Plants and Materials.
3. How often the collection is required: On occasion. Required reports are submitted and evaluated as events occur.
4. Who will be required or asked to report: Persons who possess, use, import, export, transport, or deliver to a carrier for transport, special nuclear material.
5. The number of annual responses: 68,641.
6. The number of hours needed annually to complete the requirement or request: The industry total burden is 410,494 hours annually (43,134.5 hours for reporting and 367,359.8 hours for recordkeeping).
7. An indication of whether Section 3507(d), Pub. L. 104-13 applies: Not applicable.
8. Abstract: NRC regulations in 10 CFR Part 73 prescribe requirements for establishment and maintenance of a physical protection system with capabilities for protection of special nuclear material at fixed sites and in transit and of plants in which special nuclear material is used. The information in the reports and records is used by the NRC staff to ensure that the health and safety of the public is protected and that licensee possession and use of special nuclear material is in compliance with license and regulatory requirements.

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>) 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 should be directed to the OMB reviewer by September 10, 1998: Erik Godwin, Office of Information and Regulatory Affairs (3150-0002), 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 4th day of August, 1998.

For the Nuclear Regulatory Commission.
Brenda Jo. Shelton,
NRC Clearance Officer, Office of the Chief Information Officer.
[FR Doc. 98-21462 Filed 8-10-98; 8:45 am]
BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

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

Duke Energy Corporation, Oconee Nuclear Station Units 1, 2, and 3; Notice of Acceptance for Docketing of the Application and Notice of Opportunity for a Hearing Regarding Renewal of Licenses Nos. DPR-38, DPR-47, and DPR-55 for an Additional 20-Year Period

The U.S. Nuclear Regulatory Commission (the Commission) is considering the renewal of operating license Nos. DPR-38, DPR-47 and DPR-55, which authorize the Duke Energy Corporation (Duke), the applicant, to operate its Oconee Nuclear Station (ONS) Units 1, 2, and 3 at 2568 megawatts thermal. The renewed licenses would authorize the applicant to operate ONS Units 1, 2, and 3 for an additional 20 years beyond the current 40-year period. The current operating licenses for the ONS Units 1, 2, and 3 expire on February 6, 2013, October 6, 2013, and July 19, 2014, respectively.

Duke submitted an application to renew the operating licenses for its ONS units by letter dated July 6, 1998. A Notice of Receipt of Application, "Duke Energy Corporation, Oconee Nuclear Station Units 1, 2, and 3, Notice of Receipt of Application for Renewal of Facility Operating Licenses Nos. DPR-38, DPR-47, and DPR-55, for an Additional 20 Year Period," was

published in the **Federal Register** on July 14, 1998, (63 FR 37909).

The Commission's staff has determined that Duke has submitted information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, and 51.53(c) that is complete and acceptable for docketing. The current docket nos. 50-269, 50-270, and 50-287 for License Nos. DPR-38, DPR-47, and DPR-55, respectively, will be retained. If the Commission determines that new license or docket numbers are necessary, any such changes will be published in a subsequent **Federal Register** notice. The docketing of the renewal application does not preclude requesting additional information as the review proceeds, nor does it predict whether the Commission will grant or deny the application.

Prior to issuance of the requested license renewals, the NRC will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's rules and regulations. In accordance with 10 CFR 54.29, the NRC will issue a renewed license based upon its review and findings that actions have been identified and have been or will be taken with respect to (1) Managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified to require aging management review and (2) time-limited aging analyses that have been identified to require review such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB) and that any changes made to the plant's CLB comply with the Act and the Commission's regulations. Additionally, in accordance with 10 CFR 51.95(c), the NRC will prepare an environmental impact statement which is a supplement to the Commission's NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants" (May 1996). Pursuant to 10 CFR 51.26, as part of the environmental scoping process, the staff intends to hold a public scoping meeting. The details of the public scoping meeting will be included in a future **Federal Register** notice. The Commission also intends to hold public meetings to discuss the license renewal process and schedule for conducting the review. The Commission will provide prior notice for these meetings. As discussed further below, in the event that a hearing is held, issues that may be litigated will be confined to those pertinent to the foregoing.

By September 10, 1998, the applicant may file a request for a hearing, 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 with respect to the license renewals in accordance with the provisions of 10 CFR 2.714. 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 20037 and at the Local Public Document Room for the Oconee County Library, 501 West South Broad Street, Walhalla, SC 29691. If a request for a hearing or a 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(s) and/or petition(s), and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order. In the event that no request for hearing or petition for leave to intervene is filed by the above date, the NRC may, upon completion of its evaluations and upon making the findings required under 10 CFR Part 54 and Part 51, renew the licenses without further notice.

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, taking into consideration the limited scope of matters which may be considered pursuant to 10 CFR Parts 54 and 51. 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 fifteen (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. The 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 action 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.

Requests for a hearing and petitions 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, 20037 by the above date. A copy of the request for a hearing and the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Paul R. Newton, Esquire, Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201-1006.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions, and/or requests for a hearing will not be entertained absent a determination by the

Commission, the presiding officer, or the 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).

Detailed information about the license renewal process can be found under the nuclear reactors icon of the NRC's web page, <http://www.nrc.gov>.

A copy of the application to renew the ONS Units 1, 2, and 3 licenses is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC 20037, and the Local Public Document Room for the ONS Units 1, 2, and 3 located in the Oconee County Library, 501 West South Broad Street, Walhalla, SC 29691.

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

For the Nuclear Regulatory Commission.
Christopher L. Grimes,
Director, License Renewal Project Directorate,
Division of Reactor Program Management,
Office of Nuclear Reactor Regulation.
[FR Doc. 98-21463 Filed 8-10-98; 8:45 am]
BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8681-MLA-4 ASLBP No. 98-748-03-MLA]

International Uranium (USA) Corporation Designation of Presiding Officer

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 FR 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.1207 of the Commission's Regulations, a single member of the Atomic Safety and Licensing Board Panel is hereby designated to rule on petitions for leave to intervene and/or requests for hearing and, if necessary, to serve as the Presiding Officer to conduct an informal adjudicatory hearing in the following proceeding.

International Uranium (USA) Corporation (IUSA) (Request for Material License Amendment)

The hearing, if granted, will be conducted pursuant to 10 C.F.R. Subpart L of the Commission's Regulations, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." This proceeding concerns a request for hearing by Envirocare of Utah, Inc. and the State of Utah with respect to NRC's approval of a license amendment which allows IUSA to

receive uranium bearing material from the Ashland 2 Formerly Utilized Sites Remedial Action Program site near Tonawanda, New York.

The Presiding Officer in this proceeding is Administrative Judge Peter B. Bloch. Pursuant to the provisions of 10 CFR § 2.722, Administrative Judge Richard F. Cole has been appointed to assist the Presiding Officer in taking evidence and in preparing a suitable record for review.

All correspondence, documents and other materials shall be filed with Judge Bloch and Judge Cole in accordance with CFR § 2.701. Their addresses are: Administrative Judge Peter B. Bloch, Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Administrative Judge Richard F. Cole, Special Assistant, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Issued at Rockville, Maryland, this 4th day of August 1998.

B. Paul Cotter, Jr.,
Chief Administrative Judge, Atomic Safety
and Licensing Board Panel.

[FR Doc. 98-21461 Filed 8-10-98; 8:45 am]
BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket 70-7002]

Notice of Amendment to Certificate of Compliance GDP-2 For The U.S. Enrichment Corporation, Portsmouth Gaseous Diffusion Plant, Portsmouth, OH

The Director, Office of Nuclear Material Safety and Safeguards, has made a determination that the following amendment request is not significant in accordance with 10 CFR 76.45. In making that determination, the staff concluded that: (1) there is no change in the types or significant increase in the amounts of any effluents that may be released offsite; (2) there is no significant increase in individual or cumulative occupational radiation exposure; (3) there is no significant construction impact; (4) there is no significant increase in the potential for, or radiological or chemical consequences from, previously analyzed accidents; (5) the proposed changes do not result in the possibility of a new or different kind of accident; (6) there is no significant reduction in any margin of safety; and (7) the proposed changes

will not result in an overall decrease in the effectiveness of the plant's safety, safeguards, or security programs. The basis for this determination for the amendment request is described below.

The NRC staff has reviewed the certificate amendment application and concluded that it provides reasonable assurance of adequate safety, safeguards, and security and compliance with NRC requirements. Therefore, the Director, Office of Nuclear Material Safety and Safeguards, is prepared to issue an amendment to the Certificate of Compliance for the Portsmouth Gaseous Diffusion Plant (PORTS). The staff has prepared a Compliance Evaluation Report which provides details of the staff's evaluation. The NRC staff has determined that this amendment satisfies the criteria for a categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for this amendment.

USEC or any person whose interest may be affected may file a petition, not exceeding 30 pages, requesting review of the Director's Decision. The petition must be filed with the Commission not later than 15 days after publication of this Federal Register Notice. A petition for review of the Director's Decision shall set forth with particularity the interest of the petitioner and how that interest may be affected by the results of the decision. The petition should specifically explain the reasons why review of the Decision should be permitted with particular reference to the following factors: (1) the interest of the petitioner; (2) how that interest may be affected by the Decision, including the reasons why the petitioner should be permitted a review of the Decision; and (3) the petitioner's areas of concern about the activity that is the subject matter of the Decision. Any person described in this paragraph (USEC or any person who filed a petition) may file a response to any petition for review, not to exceed 30 pages, within 10 days after filing of the petition. If no petition is received within the designated 15-day period, the Director will issue the final amendment to the Certificate of Compliance without further delay. If a petition for review is received, the decision on the amendment application will become final in 60 days, unless the Commission grants the petition for review or otherwise acts within 60 days after publication of this Federal Register Notice.

A petition for review must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

DUKE ENERGY CORPORATION

(Oconee Nuclear Station,
Units 1, 2, and 3)

Docket No.(s) 50-269/270/287

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing HOYLE MEMO TO COTTER RE PET.
have been served upon the following persons by U.S. mail, first class, except
as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Chief Admin. Judge
B. Paul Cotter, Jr.
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Lawrence J. Chandler, Esquire
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Paul R. Newton, Esquire
Duke Energy Corporation
422 South Church Street
Charlotte, NC 28201

J. Michael McGarry, III, Esquire
Winston & Strawn
1400 L Street, N.W.
Washington, DC 20005

Norman "Buzz" Williams
190 Mountain Cove Rd.
Mountain Rest, SC 29664

William "Butch" Clay
P.O. Box 53
Long Creek, SC 29658

W. S. Lesan
P.O. Box 66
Long Creek, SC 29658

Docket No.(s)50-269/270/287
HOYLE MEMO TO COTTER RE PET.

Chattooga River Watershed Coalition
P.O. Box 2006
Clayton, GA 30525

Dated at Rockville, Md. this
15 day of September 1998


Office of the Secretary of the Commission