

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**Sunshine Act Meeting**

TIME AND DATE: 10:00 a.m., Wednesday, July 19, 1998.

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

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. Secretary of Labor on behalf of Bowling v. Mountain Top Trucking Co., Docket Nos. KENT 95-604-D, etc. (Issues include whether the judge erred in determining that coal truck drivers did not establish that they were constructively discharged and whether the judge abused his discretion in finding that a discriminatee's back pay award should be reduced because he did not mitigate his damages by requesting the Secretary of Labor to reopen his previously withdrawn application for temporary reinstatement.)

TIME AND DATE: 2:00 p.m., Wednesday, July 29, 1998.

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

STATUS: Closed [Pursuant to 5 U.S.C. § 552b(c)(10)].

MATTERS TO BE CONSIDERED: It was determined by a unanimous vote of the Commission that the Commission consider and act upon the following in closed session:

1. Secretary of Labor on behalf of Bowling v. Mountain Top Trucking Co., Docket Nos. KENT 95-604-D, etc. (See oral argument listing, supra, for issues.)

Any person attending oral argument or an open 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 CFR § 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.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-287]

Duke Energy 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 an amendment to Facility Operating License No. DPR-55 issued to Duke Energy Corporation (the licensee) for operation of the Oconee Nuclear Station Unit 3 located in Seneca, South Carolina.

If approved, the proposed amendment would extend, on a one-time basis, Technical Specification Surveillance 4.18.3 for hydraulic and mechanical snubber testing. The tests are required to be performed at a frequency of 18 months, with a maximum allowed frequency of 22 months, 15 days. The proposed amendment would extend this to a maximum of 25 months to coincide with the revised start date of the Oconee, Unit 3, refueling outage. The start date for the refueling outage has been delayed due to the management decision to extend the present operating cycle, which resulted in the surveillances becoming due prior to the start of the refueling outage.

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:

This proposed change has been evaluated against the standards in 10 CFR 50.92 and has been determined to involve no significant hazards, 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. A review of the previous two hydraulic and mechanical snubber functional tests, discussed in this amendment request concluded that no adverse effects should occur as a result of the one-time extension. As a consequence, there should be no adverse affects to the piping systems and components which are restrained by snubbers for seismic and pipe whip events.

There is a high level of confidence that the snubbers should be available to perform their intended function during the requested extension period. Thus, the probability and consequences of an accident previously evaluated will not be significantly increased.

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

No. Since the one-time extension should not cause any adverse effects on the snubbers' capability to restrain piping systems and components, a new or different kind of accident from the accidents which were previously evaluated will not occur. The snubbers should be available to perform their intended function during the requested extension period.

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

No. The margin of safety will not be significantly reduced by this amendment request because the snubbers and the systems supported by the snubbers should be available to perform their intended function during the requested extension period. In addition, the review of functional tests which are discussed in the amendment request concluded that no adverse effects should occur as a result of the one-time extension.

Duke [Duke Energy Corporation] has concluded, based on the above information, that there are no significant hazards involved in this amendment request.

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 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