

Written data, views or comments for consideration by the committee may be submitted, preferably with 20 copies, to Joanne Goodell at the address provided below. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting. Because of the need to cover a wide variety of subjects in a period of time, there is usually insufficient time on the agenda for members of the public to address the committee orally. However, any such requests will be considered by the Chair who will determine whether or not time permits. Any request to make an oral presentation should state the amount of time desired, the capacity in which the person would appear, and a brief outline of the content of the presentation. Individuals with disabilities who need special accommodations should contact Theresa Berry (phone: 202-693-1999; FAX: 202-693-1641) one week before the meeting.

An official record of the meeting will be available for public inspection in the OSHA Technical Data Center (TDC) located in Room N2625 of the Department of the Labor Building (202-693-2350). For additional information contact: Joanne Goodell, Occupational Safety and Health Administration (OSHA); Room N-3641, 200 Constitution Avenue NW, Washington, D.C., 20210 (phone: 202-693-2400; FAX: 202-693-1641; e-mail joanne.goodell@osha-no.osha.gov; or at www.osha.gov).

Signed at Washington, D.C., this 7th day of January, 1999.

**Charles N. Jeffress,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 99-744 Filed 1-12-99; 8:45 am]

BILLING CODE 4510-26-M

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99-013]

### NASA Advisory Council, Minority Business Resource Advisory Committee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the

NASA Advisory Council, Minority Business Resource Advisory Committee.

**DATES:** Wednesday, January 27, 1999, 9:00 a.m. to 4:00 p.m. and Thursday, January 28, 1999, 9:00 a.m. to noon.

**ADDRESSES:** National Aeronautics and Space Administration, Lyndon B. Johnson Space Center, Building 1, Room 820, Houston, TX 77058-3696.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ralph C. Thomas III, Code K, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358-2088.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- MBRAC Subpanel Reports
- Status of MBRAC Recommendations
- Special Issues
- Action Items
- Call to Order
- Reading of Minutes
- Agency Small Disadvantaged Business (SDB) Program
- Report of Chair
- Public Comment
- Center Directorate Reports
- Report on NASA FY 98 SDB Accomplishments

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitors' register.

Dated: January 7, 1999.

**Matthew M. Crouch,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 99-741 Filed 1-12-99; 8:45 am]

BILLING CODE 7510-01-P

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99-012]

### Notice of Prospective Patent License

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of prospective patent license.

**SUMMARY:** NASA hereby gives notice that Benick Brands, Inc., of Glastonbury, Connecticut, has applied for an exclusive license to practice the inventions described and claimed in U.S. Patent No. 5,772,912, entitled "Environmentally Friendly Anti-Icing Fluid," and in NASA Case No. ARC-12069-9GE, entitled "Anti-Icing Fluid or Deicing Fluid." Both inventions are assigned to the United States of America as represented by the Administrator of

the National Aeronautics and Space Administration. Written objections to the prospective grant should be sent to NASA Ames Research Center.

**DATES:** Responses to this notice should be received by March 15, 1999.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Dal Bon, Patent Counsel, NASA Ames Research Center, Mail Stop 202A-3, Moffett Field, CA 94035-1000; telephone (650) 604-5104.

Dated: January 7, 1999.

**Edward A. Frankle,**  
*General Counsel.*

[FR Doc. 99-742 Filed 1-12-99; 8:45 am]

BILLING CODE 7510-01-P

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## NATIONAL BIPARTISAN COMMISSION ON THE FUTURE OF MEDICARE

### Public Meeting

The National Bipartisan Commission on the Future of Medicare will hold a public meeting on Tuesday, January 26, 1999 at the Cannon House Office Building, Cannon Caucus Room 340, Washington, DC. Please check the Commission's web site for additional information: [http:// Medicare.Commission.Gov](http://Medicare.Commission.Gov)

Tuesday, January 26, 1999, 9:00 a.m.

### Tentative Agenda

Members of the Commission to discuss options to reform the Medicare program.

If you have any questions, please contact the Bipartisan Medicare Commission, ph: 202-252-3380.

I hereby authorize publication of the Medicare Commission meetings in the **Federal Register**.

**Julie Hasler,**

*Office Manager, National Bipartisan Medicare Commission.*

[FR Doc. 99-681 Filed 1-12-99; 8:45 am]

BILLING CODE 1132-00-M

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## UNITED STATES NUCLEAR REGULATORY COMMISSION

[Docket No. 50-400]

### Carolina Power & Light; 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-63 issued to Carolina Power & Light (CP&L or the licensee) for operation of the Shearon Harris Nuclear Power Plant

located in Wake and Chatham Counties, North Carolina.

The proposed amendment would support a modification to the plant to increase the spent fuel storage capacity by adding rack modules to spent fuel pools (SFPs) "C" and "D" and placing the pools in service. In order to activate the pools, CP&L requests that the NRC review and approve the following:

i. Revised Technical Specification 5.6 to identify PWR burnup restrictions, BWR enrichment limits, pool capacities, heat load limitations and nominal center-to-center distances between fuel assemblies in the racks to be installed in SFPs 'C' and 'D.'

ii. 10 CFR 50.55a Alternative Plan to demonstrate acceptable level of quality and safety in the completion of the component cooling water (CCW) and SFP 'C' and 'D' cooling and cleanup system piping.

The cooling system for SFPs 'C' and 'D' cannot be N stamped in accordance with ASME Section III since some installation records are not available, a partial turnover was not performed when construction was halted following the cancellation of Unit 2 and CP&L's N certificate program was discontinued following completion of Unit 1.

iii. Unreviewed safety question for additional heat load on the CCW system. The acceptability of the 1.0 MBtu/hr heat load from SFPs 'C' and 'D' was demonstrated by the use of thermal-hydraulic analyses of the CCW system under various operating scenarios. The dynamic modeling used in the thermal-hydraulic analyses identified a decrease in the minimum required CCW system flow rate to the residual heat removal heat exchangers. This change has not been previously reviewed by the NRC and is deemed to constitute an unreviewed safety question.

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:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

In the analysis of the safety issues concerning the expanded pool storage capacity within Harris' Fuel Handling Building, the following previously postulated accident scenarios have been considered:

- a. A spent fuel assembly drop in a Spent Fuel Pool.
- b. Loss of Spent Fuel Pool cooling flow.
- c. A seismic event.
- d. Misloaded fuel assembly.

The probability that any of the accidents in the above list can occur is not significantly increased by the activity itself. The probabilities of a seismic event or loss of Spent Fuel Pool cooling flow are not influenced by the proposed changes. The probabilities of accidental fuel assembly drops or misloadings are primarily influenced by the methods used to lift and move these loads. The method of handling loads during normal plant operations is not significantly changed, since the same equipment (i.e., Spent Fuel Handling Machine and tools) and procedures as those in current use in pools 'A' and 'B' will be used in pools 'C' and 'D'. Since the methods used to move loads during normal operations remain nearly the same as those used previously, there is no significant increase in the probability of an accident. Current shipping activities at the Harris Nuclear Plant will continue as previously licensed. The consequences of an accident involving shipping activities [are] not changed and there is no significant increase in the probability of an accident.

During rack installation, all work in the pool area will be controlled and performed in strict accordance with specific written procedures. Any movement of fuel assemblies which is required to be performed to support this activity (e.g., installation of racks) will be performed in the same manner as during normal refueling operations.

Accordingly, the proposed activity does not involve a significant increase in the probability of an accident previously evaluated.

The consequences of the previously postulated scenarios for an accidental drop of a fuel assembly in the Spent Fuel Pool have been re-evaluated for the proposed change. The results show that such the postulated accident of a fuel assembly striking the top of the storage racks will not distort the racks sufficiently to impair their functionality. The minimum subcriticality margin,  $K_{eff}$  less than or equal to 0.95, will be maintained. The structural damage to the Fuel Handling Building, pool liner, and fuel assembly resulting from a fuel assembly drop striking the pool floor or another assembly located within the racks is primarily dependent on the mass of the falling object and the drop height. Since these two parameters are not changed by the proposed activity from those considered previously, the structural damage to these items remains unchanged. The radiological dose at the exclusion area

boundary will not be increased from those previously considered, since the pertinent fuel parameters remain unchanged. These dose levels remain "well within" the levels required by 10 CFR 100, paragraph 11, as defined in Section 15.7.4.II.1 of the Standard Review Plan. Thus, the results of the postulated fuel drop accidents remain acceptable and do not represent a significant increase in consequences from any of the same previously evaluated accidents that have been reviewed and found acceptable by the NRC.

The consequences of a loss of Spent Fuel Pool cooling have been evaluated and found to have no increase. The concern with this accident is a reduction of Spent Fuel Pool water inventory from bulk pool boiling resulting in uncovering fuel assemblies. This situation would lead to fuel failure and subsequent significant increase in offsite dose. Loss of spent fuel pool cooling at Harris is mitigated in the usual manner by ensuring that a sufficient time lapse exists between the loss of forced cooling and uncovering fuel. This period of time is compared against a reasonable period to re-establish cooling or supply an alternative water source. Evaluation of this accident usually includes determination of a time to boil, which in the case of pools 'C' and 'D' is in excess of 13 hours based on a consideration of end of plant life heat loads. This evaluation neglects any possible cooling from the connection to pools 'A' and 'B' through the transfer canal. The 13 hour period is much shorter than the onset of any significant increase in offsite dose, since once boiling begins it would have to continue unchecked until the pool surface was lowered to the point of exposing active fuel. The time to boil represents the onset of loss of pool water inventory and is commonly used as a gauge for establishing the comparison of consequences before and after a refueling project. The heatup rate in the Spent Fuel Pool is a nearly linear function of the fuel decay heat load.

Subsequent to the proposed changes, the fuel decay heat load will increase because of the increase in the number assemblies from those considered from Pools 'A' and 'B' alone. The methodology used in the thermal-hydraulic analysis determined the maximum fuel decay heat loads. In the unlikely event that pool cooling is lost to pools 'C' and 'D', sufficient time will still be available for the operators to provide alternate means of cooling before the onset of pool boiling. Therefore, the proposed change represents no increase in the consequences of loss of pool cooling.

The consequences of a design basis seismic event are not increased. The consequences of this accident are evaluated on the basis of subsequent fuel damage or compromise of the fuel storage or building configurations leading to radiological or criticality concerns. The new racks have been analyzed in their new configuration and found safe during seismic motion. The fuel stored in these racks has been determined to remain intact and the racks maintain the fuel and fixed poison configurations subsequent to a seismic event. The structural capability of the pool and liner will not be exceeded under the appropriate combinations of dead weight, thermal, and seismic loads. The Fuel

Handling Building structure will remain intact during a seismic event and will continue to adequately support and protect the fuel racks, storage array, and pool moderator/coolant. Thus, the consequences of a seismic event are not increased.

Fuel misloading and mislocation accidents were previously credible occurrences, since fuel could be placed at an unintended storage location or could have been lowered outside and adjacent to a storage rack in Pools 'A' or 'B'. However, neither of these two scenarios previously represented any concern because of the flux trap style of the rack designs in these two pools. Similar procedures, equipment and methods of fuel movement will be used for Pools 'C' and 'D' as those used previously for Pools 'A' and 'B'. Therefore, the proposed activity does not represent any increase in the probability of occurrence. The proposed non-flux trap design racks for Pools 'C' and 'D' require administrative controls to ensure that fuel assemblies meet effective enrichment criteria prior to storage. Under these conditions, misloading of a fuel assembly by placement in an unintended storage cell has no significant consequences. Therefore, the only remaining potential mislocation of a fuel assembly is for an assembly to be lowered outside of and directly adjacent to a storage rack. This accident occurring in Pools 'C' or 'D' has been analyzed for the worst possible storage configuration subsequent to the proposed activity and it has been shown that the consequences remain acceptable with respect to the same criteria used previously. Thus, there is no increase in consequences for fuel mislocation or misloading.

Therefore it is concluded that the proposed changes do not significantly increase the probability or consequences of any accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

To assess the possibility of new or different kind of accidents, a list of the important parameters required to ensure safe fuel storage was established. Safe fuel storage is defined here as providing an environment, which would not present any significant threats to workers or the general public (i.e., meeting the requirements of 10 CFR 100 and 10 CFR 20). Any new events, which would modify these parameters sufficiently to place them outside of the boundaries analyzed for normal conditions and/or outside of the boundaries previously considered for accidents would be considered to create the possibility of a new or different accident. The criticality and radiological safety evaluations were reviewed to establish the list of important parameters. The fuel configuration and the existence of the moderator/coolant were identified as the only two parameters, which were important to safe fuel storage. Significant modification of these two parameters represents the only possibility of an unsafe storage condition. Once the two important parameters were established, an additional step was taken to determine what events (which were not previously considered) could result in changes to the storage configuration or moderator/coolant presence during or subsequent to the proposed changes.

This process was adopted to ensure that the possibility of any new or different accident scenario or event would be identified. Due to the proposed activity, an accidental drop of a rack module during construction activity in the pool was considered as the only event which might represent a new or different kind of accident.

A construction accident resulting in a rack drop is an unlikely event. The proposed activity will utilize the defense-in-depth approach for these heavy loads. The defense-in-depth approach is intended to meet the requirements of NUREG-0612 and preclude the possibility of a rack drop. All movements of heavy loads over the pool will comply with the applicable administrative controls and guidelines (i.e. plant procedures, NUREG-0612, etc.). A temporary hoist and rack lifting rig will be introduced to lift and suspend the racks from the bridge of the Auxiliary Crane. These items have been designed in accordance with the requirements of NUREG-0612 and ANSI N14.6 and will be similar to those used recently to install storage rack modules in Pool 'B'.

The postulated rack drop event is commonly referred to as a "heavy load drop" over the pools. Heavy loads will not be allowed to travel over any racks containing fuel assemblies. The danger represented by this event is that the racks will drop to the pool floor and the pool structure will be compromised leading to loss of moderator/coolant, which is one of the two important parameters identified above. Although the analysis of this event has been performed and shown to be acceptable, the question of a new or different type of event is answered by determining whether heavy load drops over the pool have been considered previously. As stated above, heavy loads (storage rack modules) were recently installed in Pool 'B' using similar methods. Therefore, the rack drop does not represent a new or different kind of accident.

The proposed change does not alter the operating requirements of the plant or of the equipment credited in the mitigation of the design basis accidents. The proposed change does not affect any of the important parameters required to ensure safe fuel storage. Therefore, the potential for a new or previously unanalyzed accident is not created.

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

The function of the Spent Fuel Pool is to store the fuel assemblies in a subcritical and coolable configuration through all environmental and abnormal loadings, such as an earthquake or fuel assembly drop. The new rack design must meet all applicable requirements for safe storage and be functionally compatible with Pools 'C' and 'D'.

CP&L has Addressed the Safety Issues Related to the Expanded Pool Storage Capacity in the Following Areas:

1. Material, mechanical and structural considerations. The mechanical, material, and structural designs of the new racks have been reviewed in accordance with the applicable provisions of the NRC Guidance entitled, "Review and Acceptance of Spent

Fuel Storage and Handling Applications". The rack materials used are compatible with the spent fuel assemblies and the Spent Fuel Pool environment. The design of the new racks preserves the proper margin of safety during normal and abnormal loads. It has been shown that such loads will not invalidate the mechanical design and material selection to safely store fuel in a coolable and subcritical configuration.

## 2. Nuclear Criticality

The methodology used in the criticality analysis of the expanded Spent Fuel Pool meets the appropriate NRC guidelines and the ANSI standards (GDC 62, NUREG 0800, Section 9.1.2, the OT Position for Review and Acceptance of Spent Fuel Storage and Handling Applications, Reg. Guide 1.13, and ANSI/ANS 8.17). The margin of safety for subcriticality is maintained by having the neutron multiplication factor equal to, or less than, 0.95 under all accident conditions, including uncertainties. This criterion is the same as that used previously to establish criticality safety evaluation acceptance and remains satisfied for all analyzed accidents.

## 3. Thermal-hydraulic and Pool Cooling

The thermal-hydraulic and cooling evaluation of the pools demonstrated that the pools can be maintained below the specified thermal limits under the conditions of the maximum heat load and during all credible accident sequences and seismic events. The pool temperature will not exceed 137°F during the highest heat load conditions. The maximum local water temperature in the hot channel will remain below the boiling point. The fuel will not undergo any significant heat up after an accidental drop of a fuel assembly on top of the rack blocking the flow path. A loss of cooling to the pool will allow sufficient time (>13 hours) for the operators to intervene and line up alternate cooling paths and the means of inventory make-up before the onset of pool boiling. The thermal limits specified for the evaluations performed to support the proposed activity are the same as those that were used in the previous evaluations. It has also been demonstrated that adequate margin exists in the Unit 1 CCW system to support near term operation of the pools subject to the requirements of the proposed changes to the Technical Specifications.

Based on the preceding discussion it is concluded that this activity does not involve a significant reduction in the 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 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 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 February 12, 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 Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605. 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 William D. Johnson, Vice President and Senior Counsel, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602, 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).

The Commission hereby provides such notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of the NWPA, the

Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties."

The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules and the designation, following argument of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NHPA are found in 10 CFR Part 2, Subpart K, "Hybrid Hearing Procedures for Expansion of Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41662 dated October 15, 1985). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. The presiding officer must grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application must be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding timely requests oral argument, and if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR Part 2, Subpart G apply.

For further details with respect to this action, see the application for amendment dated December 23, 1998, 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 Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

Dated at Rockville, Maryland, this 7th day of January 1999.

For the Nuclear Regulatory Commission.

**Scott Flanders,**

*Project Manager, Project Directorate II-3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 99-758 Filed 1-12-99; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket Number 40-8102]

### Exxon Coal and Minerals Company

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of receipt of Exxon Coal and Minerals Company's application for establishing alternate concentration limits in source material license SUA-1139 for the Highland Uranium Mill in Converse County, Wyoming; notice of opportunity for a hearing.

**SUMMARY:** Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has received, by letter dated December 18, 1998, an application from Exxon Coal and Minerals Company (ECMC) to establish Alternate Concentration Limits (ACLs) for nickel, radium (Ra 226+228), and natural uranium (UNAT); and amend accordingly Source Material License No. SUA-1139 for the Highland uranium mill.

**FOR FURTHER INFORMATION CONTACT:** Mohammad W. Haque, Uranium Recovery Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415-6640.

**SUPPLEMENTARY INFORMATION:** ECMC's application to amend Source Material License SUA-1139, which describes the proposed change and the reasons for the request, is being made available for public inspection at NRC's Public Document Room at 2120 L Street, N.W. (Lower Level), Washington, DC 20555.

The NRC hereby provides notice of an opportunity for a hearing on the license amendment under the provisions of 10 CFR Part 2, Subpart L, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(c), a request for hearing must be filed within 30 days of the publication of this notice in the **Federal Register**. The request for a hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Docketing and Service Branch.

In accordance with 10 CFR 2.1205(e), each request for a hearing must also be served, by delivering it personally, or by mail, to:

(1) The applicant, Exxon Coal and Minerals Company, P.O. Box 1314, Houston, Texas 77251-1314, Attention: David Range; and

(2) The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR Part 2 of NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

(3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

Dated at Rockville, Maryland, this 5th day of January 1999.

**N. King Stablein,**

*Acting Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 99-756 Filed 1-12-99; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 72-09]

### Public Service Company of Colorado, Fort St. Vrain Independent Spent Fuel Storage Installation; Exemption

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Public Service Company of Colorado (PSCo, the licensee) holds Materials