

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration**

[Docket No. ICR-99-17]

**Derricks (Inspection Certification Records) and Extension of the Office of Management and Budget's (OMB) Approval of an Information Collection (Paperwork) Requirement****AGENCY:** Occupational Safety and Health Administration (OSHA); Labor.**ACTION:** Notice of an opportunity for public comment.**SUMMARY:** OSHA solicits comments concerning the proposed decrease in, and extension of, the information collection requirements (inspection certification records) contained in the standard on Derricks (29 CFR 1910.181).*Request for Comment:* The Agency seeks comments on the following issues:

- Whether the information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated, electronic, mechanical, and other technological information and transmission collection techniques.

**DATES:** Submit written comments on or before October 18, 1999.**ADDRESSES:** Submit written comments to the Docket Office, Docket No. ICR-99-17, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, N.W., Washington, DC 20210; telephone: (202) 693-2350. Commenters may transmit written comments of 10 pages or less in length by facsimile to (202) 693-1648.**FOR FURTHER INFORMATION CONTACT:** Theda Kenney, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3605, 200 Constitution Avenue, N.W., Washington, DC 20210; telephone: (202) 693-2222. A copy of the Agency's Information Collection Request (ICR) supporting the need for the information collection requirements in 29 CFR 1910.181 (inspection certification records) is available for inspection andcopying in the Docket Office, or mailed on request by telephoning Theda Kenney at (202) 693-2222 or Barbara Bielaski at (202) 693-2444. For electronic copies of the ICR, contact OSHA on the Internet at <http://www.osha.gov/comp-links.html>, and click on "Information Collection Requests."**SUPPLEMENTARY INFORMATION:****I. Background**

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is correct.

The Occupational Safety and Health Act of 1970 (the Act) authorizes information collection by employers are necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents. (29 U.S.C. 657). The major purpose of the information collection requirements in 29 CFR 1910.181 are to provide information for properly maintaining derricks and, therefore, to ensure safe operating conditions for employees. Specifically, employers must establish certification records to demonstrate that derrick inspections comply with the requirements specified in the standard. Failure of the employer to collect and distribute the information collected under the requirements contained in the standard will affect significantly OSHA's effort to control and reduce injuries and fatalities in the workplace.

**II. Proposed Actions**

OSHA proposes to decrease its earlier estimate of 28,508 burden hours for the information collection requirements in 29 CFR 1910.181 (g)(1) and (g)(3) to 28,500 burden hours.

OSHA will summarize the comments submitted in response to this notice, and will include this summary in the request to OMB to extend the approval of the information collection requirements contained in the above provisions.

*Type of Review:* Extension of currently approved information collection requirement.

*Agency:* Occupational Safety and Health Administration.

*Title:* Derricks (Inspection Certifications) (29 CFR 1910.181 (g)(1) and (g)(3)).

*OMB Number:* 1218-0222.

*Affected Public:* Business or other for-profit; Federal government; state, local or tribal government.

*Number of Respondents:* 10,000.

*Frequency:* Monthly; semi-annually.

*Average Time per Response:* 15 minutes (0.25 hour).

*Estimated Total Burden Hours:* 28,500.

**III. Authority and Signature**

Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506), Secretary of Labor's Order No. 6-96 (62 FR 111), and 29 CFR part 1911.

Signed at Washington, DC, this 12th day of August 1999.

**Charles N. Jeffress,**

*Assistant Secretary of Labor.*

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**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. STN 50-456 and STN 50-457]

**Commonwealth Edison Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. NPF-72 and NPF-77, issued to the Commonwealth Edison Company (ComEd, the licensee), for Braidwood Station, Unit Nos. 1 and 2, respectively, located in Will County, Illinois.

The proposed amendments would temporarily change the Technical Specifications (TS) to increase the upper temperature limit for the Ultimate Heat Sink (UHS) from 98 degrees Fahrenheit to 100 degrees Fahrenheit. The proposed temporary change would be in effect until September 30, 1999.

Prolonged hot weather has resulted in sustained, elevated UHS temperatures at Braidwood Station. Continued hot weather may result in the UHS

temperature exceeding 98 degrees Fahrenheit. This would be expected to occur before the Commission could publish a Notice in the **Federal Register** that would allow 30 days for public comment.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments 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:

Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

Analyzed accidents are assumed to be initiated by the failure of plant structures, systems or components. An inoperable UHS is not considered as an initiator of any analyzed events. The analyses for Braidwood Station, Units 1 and 2, assume an UHS temperature of 100 degrees Fahrenheit. Therefore, continued operation with an UHS temperature less than or equal to 100 degrees Fahrenheit, until September 30, 1999, will not increase the consequences of an accident previously evaluated in the UFSAR [Updated Final Safety Analysis Report]. The proposed change does not involve any physical alteration of plant systems, structures or components. A UHS temperature of up to 100 degrees Fahrenheit does not increase the failure rate of systems, structures or components because the systems, structures or components are rated and analyzed for operation with Essential Service water temperatures of 100 degrees Fahrenheit and the design allows for higher temperatures than at which they presently operate.

The basis provided in Regulatory Guide 1.27 "Ultimate Heat Sink for Nuclear Power Plants," Revision 2, dated January 1976, was employed for the temperature analysis of the Braidwood Station UHS to implement General Design Criteria 44 and 2 of Appendix A to 10 CFR Part 50. This Regulatory Guide was employed for both the original design/licensing basis of the Braidwood Station UHS and a subsequent evaluation which investigated the potential for increasing the average water temperature of the UHS from

less than or equal to 98 degrees Fahrenheit to less than or equal to 100 degrees Fahrenheit. The meteorological conditions chosen for the Braidwood Station UHS analysis utilized a synthetic 36-day period consisting of the most severe 5 days, most severe 1 day, and the most severe 30 days based on historical data. The heat loads selected for the UHS analysis considered one Braidwood Unit in a LOCA [Loss-of-Coolant Accident] condition concurrent with a Loss-of-Offsite Power (LOOP) and the remaining Braidwood unit undergoing a normal plant shutdown. In the analysis, these heat loads are removed by the UHS using only SX [essential service water] pumps. The main condenser cooling pond is conservatively assumed not to be available at the start of the event. The analysis shows that with an initial UHS temperature of 100 degrees Fahrenheit, the required heat loads can be met for 30 days while maintaining essential service water temperatures at acceptable values.

Based on the above facts and reasoning, it has been demonstrated that the increase of the initial UHS temperature from less than or equal to 98 degrees Fahrenheit to less than or equal to 100 degrees Fahrenheit at the start of the design basis event will result in the continued ability of the equipment and components supplied by the SX system to perform their safety functions.

Therefore, increasing the average water temperature of the UHS from less than or equal to 98 degrees Fahrenheit to less than or equal to 100 degrees Fahrenheit in TS 3.7.9, has no impact on any analyzed accident. Raising this limit does not introduce any new equipment, equipment modifications, or any new or different modes of plant operation, nor does it affect the operational characteristics of any equipment or systems. Therefore, these changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed action does not involve a physical alteration of the units. There is no change being made to the parameters within which the units are operated that is not bounded by the analyses. There are no setpoints at which protective or mitigative actions are initiated that are affected by this proposed action. This proposed action will not alter the manner in which equipment operation is initiated, nor will the function demands on credited equipment be changed. No alteration in the procedures that ensure the units remain within analyzed limits, is proposed, and no change is being made to procedures relied upon to respond to an off-normal event. As such, no new failure modes are being introduced. The proposed action does not alter assumptions made in the safety analysis.

Increasing the average water temperature of the UHS in TS 3.7.9 has no impact on plant operation. The proposed temperature limits does not introduce new failure mechanisms for systems, structures or components. The engineering analyses performed to support the UHS temperature increase provides the basis to conclude that the equipment is

designed for the operation at elevated temperatures. In addition, design and construction codes provided sufficient margin to accommodate the proposed temperature change.

Therefore, this proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Does the change involve a significant reduction in a margin of safety?

The proposed action allows operation with the UHS temperature less than or equal to 100 degrees Fahrenheit until September 30, 1999. The margin defined by the difference in the assumed steady state SX temperature and the calculated SX temperature profile integrated over the duration of the event is not significantly impacted. The margin of safety is determined by the design and qualification of the plant equipment, the operation of the plant within analyzed limits, and the point at which protective or mitigative actions are initiated. The proposed action does not impact these factors. There are no required design changes or equipment performance parameter changes associated with this change. No protection setpoints are affected as a result of this change. This temperature increase will not change the operational characteristics of the design of any equipment or system. All accident analysis assumptions and conditions will continue to be met. Thus, the proposed increase in temperature 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 amendments requested involve no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of the 14-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 amendments before the expiration of the 14-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. 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 September 17, 1999, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Wilmington Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in

the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendments are issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendments requested involve no

significant hazards consideration, the Commission may issue the amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments requested involve a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

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 Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690-0767, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated July 30, 1999, 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 Wilmington Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Dated at Rockville, Maryland, this 12th day of August 1999.

For the Nuclear Regulatory Commission.

**Stewart Bailey,**

*Project Manager, Section 2, Project Directorate 3, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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