

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-254 and 50-265]

Commonwealth Edison Company and MidAmerican Energy Company; Quad Cities Nuclear Power Station, Units 1 and 2; Exemption**I**

Commonwealth Edison Company (ComEd) and MidAmerican Energy Company are the holders of Facility Operating License Nos. DPR-29 and DPR-30, which authorize operation of the Quad Cities Nuclear Power Station, Units 1 and 2 (the facility). ComEd (the licensee) is the holder of a 75-percent ownership share in Quad Cities. ComEd, acting as agent and representative of the two owners listed on the licenses, is licensed to operate the facility. The license provides, among other things, that the facility is subject to all the rules, regulations, and orders of the U.S. Nuclear Regulatory Commission now or hereafter in effect.

The facility is a boiling-water reactor located at the licensees' site in Rockford County, Illinois.

II

Section 70.24 of Title 10 of the *Code of Federal Regulations*, "Criticality Accident Requirements," requires that each licensee authorized to possess special nuclear material maintain a criticality accident monitoring system in each area in which such material is handled, used, or stored. Subsections (a)(1) and (a)(2) of 10 CFR 70.24 specify detection and sensitivity requirements that these monitors must meet. Subsection (a)(1) also specifies that all areas subject to criticality accident monitoring must be covered by two detectors. Subsection (a)(3) of 10 CFR 70.24 requires licensees to maintain emergency procedures for each area in which this licensed special nuclear material is handled, used, or stored and requires that (1) the procedures ensure that all personnel withdraw to an area of safety upon the sounding of a criticality accident monitor alarm, (2) the procedures include drills to familiarize personnel with the evacuation plan, and (3) the procedures designate responsible individuals for determining the cause of the alarm and placement of radiation survey instruments in accessible locations for use in such an emergency. Subsection (b)(1) of 10 CFR 70.24 requires licensees to provide the means of identifying quickly any personnel who have received a dose of 10 rads or more. Subsection (b)(2) of 10 CFR 70.24

requires licensees to maintain personnel decontamination facilities, arrangements for a physician and other medical personnel qualified to handle radiation emergencies, and arrangements for the transportation of contaminated individuals to treatment facilities outside the site boundary. Paragraph (c) of 10 CFR 70.24 exempts Part 50 licensees from the requirements of paragraph (b) of 10 CFR 70.24 for special nuclear material used or to be used in the reactor. Subsection (d) of 10 CFR 70.24 states that any licensee that believes that there is good cause why it should be granted an exemption from all or part of 10 CFR 70.24 may apply to the Commission for such an exemption and shall specify the reasons for the relief requested.

III

The special nuclear material that could be assembled into a critical mass at Quad Cities is in the form of nuclear fuel. The quantity of special nuclear material other than fuel that is stored on site in any given location is small enough to preclude achieving a critical mass. The Commission's technical staff has evaluated the possibility of an inadvertent criticality of the nuclear fuel at Quad Cities and has determined that it is extremely unlikely that such an accident will occur if the licensees meet the following seven criteria:

1. Only three boiling-water reactor new fuel assemblies are allowed out of a shipping cask or a storage rack at one time;
2. The k-effective dose does not exceed 0.95, at a 95-percent probability, 95-percent confidence level, in the event that the fresh fuel storage racks are filled with fuel of the maximum permissible U-235 enrichment and flooded with pure water;
3. If optimum moderation occurs at low moderator density, the k-effective dose does not exceed 0.98, at a 95-percent probability, 95-percent confidence level, in the event that the fresh fuel storage racks are filled with fuel of the maximum permissible U-235 enrichment and flooded with a moderator at the density corresponding to optimum moderation;
4. The k-effective dose does not exceed 0.95, at a 95-percent probability, 95-percent confidence level, in the event that the spent fuel storage racks are filled with fuel of the maximum permissible U-235 enrichment and flooded with pure water;
5. The quantity of special nuclear material, other than nuclear fuel, stored on-site in any given area is less than the quantity necessary for a critical mass;

6. Radiation monitors, as required by General Design Criterion (GDC) 63, are provided in fuel storage and handling areas to detect excessive radiation levels and to initiate appropriate safety actions; and

7. The maximum nominal U-235 enrichment is limited to 5.0 weight percent.

By letter dated October 27, 1997, the licensee requested an exemption from 10 CFR 70.24. In this request, the licensee addressed the seven criteria previously stated. The licensee stated that Quad Cities does not analyze optimum moderation conditions as addressed in Criteria 3 above, but has used a standard industry practice by implementing administrative and physical controls in accordance with General Electric Service Information Letter 152, "Criticality Margins for the Storage of New Fuel." To preclude the existence of an optimum moderation condition in the new fuel storage vault area, the following controls are used: the new fuel storage vault is verified dry; the drains are free and clear of obstruction before new fuel storage; low velocity fog nozzles (fire protection) in the vicinity of the dry storage vault have been removed; and the new fuel storage vault plugs are installed during prolonged work delays. The staff has found this practice acceptable.

The Commission's technical staff has reviewed the licensee's submittal and has determined that Quad Cities meets the criteria for prevention of inadvertent criticality. Therefore, the staff has determined that it is extremely unlikely that an inadvertent criticality will occur in the handling of special nuclear materials or in their storage areas at Quad Cities.

The purpose of the criticality monitors required by 10 CFR 70.24 is to ensure that if a criticality were to occur during the handling of special nuclear material, personnel would be alerted to that fact and would take appropriate action. The staff has determined that it is extremely unlikely that such an accident could occur. Although Quad Cities is not licensed to GDC 63, the licensee has radiation monitors consistent with the requirements of GDC 63 in fuel storage and handling areas. These monitors will alert personnel to excessive radiation levels and allow them to initiate appropriate safety actions. The low probability of an inadvertent criticality, together with the licensee's adherence to the requirements of GDC 63, constitutes good cause for granting an exemption to the requirements of 10 CFR 70.24.

IV

The Commission has determined that pursuant to 10 CFR 70.14, this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants the licensee an exemption from the requirements of 10 CFR 70.24 for Quad Cities.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not result in any significant adverse environmental impact (63 FR 10957).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 31st day of March 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98-8918 Filed 4-3-98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-220]

Niagara Mohawk Power Corporation; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is permitting the withdrawal of Niagara Mohawk Power Corporation's (the licensee) application of September 20, 1996, regarding the proposed amendment to Facility Operating License No. DPR-63 for Nine Mile Point Nuclear Station, Unit No. 1, located in Oswego County, New York.

The proposed amendment would have revised the facility technical specifications by changing certain surveillance requirements currently performed during refueling outages such that the surveillance requirements could be performed when the reactor is operating or during outage periods not associated with refueling. The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on December 18, 1996 (61 FR 66709). However, by letter dated March 12, 1998, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated September 20, 1996, and the licensee's letter dated March 12, 1998, which withdrew the application for license amendment. The above

documents are 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 31st day of March 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. 98-8917 Filed 4-3-98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-272 and 50-311]

Public Service Electric and Gas Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Public Service Electric and Gas Company (the licensee) to withdraw its May 14, 1997, application for proposed amendment to Facility Operating License Nos. DPR-70 and DPR-75 for the Salem Nuclear Generating Station, Unit Nos. 1 and 2, located in Salem County, New Jersey.

The proposed amendment would have revised the facility technical specifications pertaining to the surveillance requirements for the control room air conditioning system by changing the filter testing boundary and associated acceptance criteria.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on May 29, 1997 (62 FR 29158). However, by letter dated March 12, 1998, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated May 14, 1997, and the licensee's letter dated March 12, 1998, which withdrew the application for license amendment. The above documents are 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 Salem Free Public Library, 112 West Broadway, Salem, NJ 08079.

Dated at Rockville, Maryland, this 26th day of March 1998.

For the Nuclear Regulatory Commission.

Patrick D. Milano,

Senior Project Manager, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98-8919 Filed 4-3-98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-607]

Department of the Air Force at McClellan Air Force Base (McClellan Air Force Base Triga Reactor); Notice of Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of Facility Operating License No. R-130 for a term of 20 years for the Department of the Air Force at McClellan Air Force Base (AFB) (the applicant) 2.3-megawatt thermal (MW(t)) TRIGA reactor located at the McClellan Nuclear Radiation Center (MNRC), McClellan AFB, California.

Description of Proposed Action

The proposed action is the issuance of Facility Operating License No. R-130 for the MNRC TRIGA research reactor at McClellan AFB, California, in response to an application from the applicant dated October 23, 1996, as supplemented. The proposed action would authorize operation of the MNRC reactor at a power level of 2.3 MW(t) for a period of 20 years. The reactor has pulsing capability, with a maximum reactivity step addition of 1.75\$ proposed by the applicant. The MNRC has been in operation since mid-1991 under the authority of the Department of the Air Force under Section 91b of the Atomic Energy Act. The applicant has sought NRC licensing of the reactor due to the planned closure of McClellan AFB.

Summary of the Environmental Assessment

The NRC staff has reviewed the applicant's application for an operating license including the applicant's environmental report. To document its review, the staff has prepared an environmental assessment (EA) which examined radiological and nonradiological impacts of continued operation, the environmental effects of postulated radiological accidents, and the long-term effects of continued facility operation. Based on its review of the applicant's application, the staff has determined that the environmental