

shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, and to Frontier Production Logging, Inc. If such a person requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An Answer Or a Request for Hearing Shall Not Stay the Immediate Effectiveness of This Order.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 7th day of November 1997.

James Lieberman,

Director, Office of Enforcement.

[FR Doc. 97-30207 Filed 11-17-97; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-275 and 50-323]

In the Matter of Pacific Gas and Electric Company (Diablo Canyon Power Plant, Units 1 and 2); Exemption

I

The Pacific Gas and Electric Company, et al. (the licensee) is the holder of Facility Operating License Nos. DPR-80 and DPR-82, which authorize operation of the Diablo Canyon Power Plant (DCPP), Units 1 and 2. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The facility consists of two pressurized-water reactors at the licensee's site located in San Luis Obispo County, California.

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 (SNM) shall maintain a criticality accident monitoring system in each area where 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 SNM is handled, used, or stored and provides 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 must 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 have a means to identify quickly 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, to maintain arrangements for a physician and other medical personnel qualified to handle radiation emergencies, and to maintain 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 SNM used or to be used in the reactor. Paragraph (d) of 10 CFR 70.24 states that any licensee who believes that there is good cause why he 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 SNM that could be assembled into a critical mass at DCPP, Units 1 and 2, is in the form of nuclear fuel; the quantity of SNM 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 DCPP, Units 1 and 2, and has determined that it is extremely unlikely for such an accident to occur if the licensee meets the following seven criteria:

1. Only one fuel assembly is allowed out of a shipping cask or storage rack at one time.

2. The k-effective does not exceed 0.95, at a 95% probability, 95% 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, then the k-effective does not exceed 0.98, at a 95% probability, 95% 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 does not exceed 0.95, at a 95% probability, 95% 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 forms of special nuclear material, other than nuclear fuel, that are 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 63, are provided in fuel storage and handling areas to detect excessive radiation levels and to initiate appropriate safety actions.

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

By letter dated April 3, 1997, and supplemental letter dated August 4, 1997, the licensee requested an exemption from 10 CFR 70.24. In this request the licensee addressed the seven criteria given above. The Commission's technical staff has reviewed the licensee's submittals and has determined that DCPP, Units 1 and 2, meets the criteria for prevention of inadvertent criticality; therefore, the staff has determined that it is extremely unlikely for an inadvertent criticality to occur in SNM handling or storage areas at DCPP, Units 1 and 2.

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 SNM, 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; furthermore, the licensee has radiation monitors, as required by General Design Criterion 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 General Design Criterion 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 Pacific Gas and Electric Company an exemption from the requirements of 10 CFR 70.24.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (62 FR 59907).

This exemption is effective upon issuance.

For The Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 12th day of November 1997.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97-30210 Filed 11-17-97; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8968]

Hydro Resources, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability of issuance of errata.

SUMMARY: The U. S. Nuclear Regulatory Commission has issued an Errata to the "Final Environmental Impact Statement to Construct and Operate the Crownpoint Uranium Solution Mining Project, Crown Point, New Mexico"

(NUREG-1508). It should be noted that none of these errata change the conclusions of the Final Environmental Impact Statement.

ADDRESSES: A copy of the Errata is available for public inspection and/or copying at the NRC Public Document Room, 2120 L. Street (Lower Level), NW, Washington, DC 20555-0001. Copies of NUREG-1508 and the accompanying Errata may be purchased from the Superintendent of Documents, U. S. Government Printing Office, PO Box 37082, Washington, DC. 20402-9328. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

FOR FURTHER INFORMATION CONTACT:

Robert Carlson, Uranium Recovery Branch, Mail Stop TWFN 7-J8, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415-8165.

Dated at Rockville, Md, this 15th day of November 1997.

For The Nuclear Regulatory Commission.

Joseph J. Holonich,

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

The following information is provided as errata to the "Final Environmental Impact Statement to Construct and Operate the Crownpoint Uranium Solution Mining Project, Crownpoint, New Mexico" (NUREG-1508), dated February 1997.

Errata

1. Page 1-5, 1st paragraph: replace the term "* * * Safe Water Drinking Act (SWDA)" with "* * * Safe Drinking Water Act (SDWA)."

2. Page 2-6, Table 2.2, equation (2a): replace the term "* * * +4Na+H₂O" with "* * * +4Na++H₂O."

3. Page 2-19, 1st complete paragraph, 5th sentence: change sentence to read: "NRC would require HRI to decontaminate areas if radionuclide accumulation exceeds decommissioning standards, if HRI uses land application to dispose of process waters."

4. Page 2-19, 1st complete paragraph, 4th sentence; Page 4-81, last paragraph, last sentence: delete the following phrase from the existing text "* * *

generally using a zero-release NPDES permit."

5. Page 2-28, 4th paragraph, last sentence: delete the word "preestablished."

6. Page 3-56, 1st paragraph, 1st sentence: revise existing text to read, "* * * known as the "checkerboard" for its mixed private, tribal, and government property rights."

7. Page 3-5, Table 3.4; Page 3-7, Table 3.5; and Page 4-3, Table 4.3: replace the term "fg/m³" with "µg/m³."

8. Page 4-20, last paragraph, #1: replace the term "alkalinity" with the term "bicarbonate."

9. Page 4-28, Table 4.6; and Page 4-30, Table 4.7: replace the parameter "Radium-226" with "Radium" (i.e., radium is inclusive of radium-226 and radium-228).

10. Page 4-61, 5th bullet, #(4): replace the phrase "one production/ injection well per 1.6 ha (4 acres) in each well field" with the phrase "one production/ injection well per acre in each well field."

11. Page 4-63, #8: replace entire text with the following, "All casing strings shall be pressure tested to 125% of actual wellfield operating pressure, not to exceed 70% of the minimum burst strength (measured on surface usually using water and the rig pump). If pressure declines more than 10% in 30 minutes, corrective action shall be taken."

12. Page 4-71, last paragraph: delete last sentence beginning with, "However, to further minimize transportation risk, * * *"

13. Page 4-72, top of page: delete entire proposed license condition (entire bullet beginning with, "Yellowcake and 11e(2) by-product waste material, * * *"), and subsequent phrase, "In addition to this license condition,".

14. Page xx of the Summary and Conclusions, 2nd complete paragraph; Page 2-20, 1st paragraph; Page 4-27, 1st complete paragraph; Page 4-45, 1st complete paragraph; Page 4-47, top of page; and Page A-21, 3rd complete paragraph: change the term "300 pCi/mL" to "300 pCi/L."

15. Page 3-27, Table 3.13: replace the existing table with the following (values in italic have been changed):