

**PLACE:** The Board Room, 5th Floor, 490 L'Enfant Plaza, SW., Washington, DC 20594.

**STATUS:** Open.

**MATTERS TO BE DISCUSSED:**

6822A Aircraft Accident Report—Uncontrolled Flight into Terrain, ABX AIR INC (Airborne Express), Douglas DC-8-63, N827AX, Narrows, Virginia, December 22, 1996.

**NEWS MEDIA CONTACT:** Telephone: (202) 314-6100.

**FOR MORE INFORMATION CONTACT:** Bea Hardesty, (202) 314-6065.

Dated: July 3, 1997.

**Bea Hardesty,**

*Federal Register Liaison Officer.*

[FR Doc. 97-17926 Filed 7-3-97; 12:26 pm]

BILLING CODE 7533-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-334]

**Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company (Beaver Valley Power Station, Unit No. 1); Exemption**

### I

Duquesne Light Company (DLC), Ohio Edison Company (OEC), and Pennsylvania Power Company (PPC), the licensees, are holders of Facility Operating License No. DPR-66, which authorizes operation of the Beaver Valley Power Station, Unit No. 1 (BVPS-1). The license provides that the licensee is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility consists of a pressurized water reactor at the licensee's site located in Beaver County, Pennsylvania.

### II

The *Code of Federal Regulations*, 10 CFR 70.24, "Criticality Accident Requirements," requires that each licensee authorized to possess special nuclear material shall maintain a criticality accident monitoring system in each area where such material is handled, used, or stored. Subsection a(2) of 10 CFR 70.24 specifies detection and sensitivity requirements that these monitors must meet. 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 provides (1) that the procedures ensure that all personnel

withdraw to an area of safety upon the sounding of a criticality accident monitor alarm, (2) that the procedures must include drills to familiarize personnel with the evacuation plan, and (3) that 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 special nuclear material used or to be used in the reactor. Subsection (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 special nuclear material that could be assembled into a critical mass at BVPS-1 is in the form of nuclear fuel; the quantity of special nuclear material other than fuel that is stored on site 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 BVPS-1 and has determined that such an accident is unlikely to occur if the licensee meets the following seven criteria:

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

2. With the fresh fuel storage racks filled with fuel of the maximum permissible U-235 enrichment and flooded with pure water, the maximum k-effective shall not exceed 0.95, at a 95% probability, 95% confidence level.

3. With the fresh fuel storage racks filled with fuel of the maximum permissible U-235 enrichment and flooded with moderator at the (low) density corresponding to optimum moderation, the maximum k-effective shall not exceed 0.98, at a 95% probability, 95% confidence level.

4. With the spent fuel storage racks filled with fuel of the maximum permissible U-235 enrichment and flooded with pure water, the maximum k-effective shall not exceed 0.95, at a 95% probability, 95% confidence level.

5. The quantity of other forms of special nuclear material, such as sources, detectors, etc., that are stored on site is small enough to preclude achieving 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 weight percent.

By letter dated December 18, 1996, as supplemented April 10 and June 11, 1997, DLC requested an exemption from 10 CFR 70.24. In this exemption request, DLC addressed the seven criteria given above. The Commission's technical staff has reviewed DLC's submittal and has determined that BVPS-1 meets the criteria for prevention of inadvertent criticality; therefore, the staff has determined that an inadvertent criticality in special nuclear materials handling or storage areas at BVPS-1 is highly unlikely.

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. Although the staff has determined that an inadvertent criticality event is highly unlikely, the licensee has radiation monitors, as required by General Design Criterion 63 (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 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 following exemption: DLC, OEC, and PPC are exempt from the requirements of 10 CFR 70.24 for BVPS-1.

Pursuant to 10 CFR 51.32, the Commission has determined that the

granting of this exemption will have no significant impact on the quality of the human environment (62 FR 34320).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 26th day of June 1997.

For the Nuclear Regulatory Commission.

**Frank J. Miraglia,**

*Acting Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-17748 Filed 7-7-97; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-387 and 50-388]

### Susquehanna Steam Electric Station (Units 1 and 2); 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 an amendment to Facility Operating License Nos. NPF-14 and NPF-22 issued to Pennsylvania Power & Light Company (PP&L, the licensee) for operation of the Susquehanna Steam Electric Station (SSES), Units 1 and 2 located in Luzerne County, PA.

The proposed amendment would change the Technical Specifications (TS) for the two units to clarify the current methodology for laboratory analysis of used carbon samples for the standby gas treatment system (SGTS) and the control room emergency outside air supply system (CREOASS).

PP&L's request for this license amendment to be processed under exigent circumstances was based on its recent discovery that a standard cited in TS surveillances was not actually being used for laboratory analysis of activated carbon samples taken from the SGTS and CREOASS at SSES, Units 1 and 2. Despite the fact that the actual testing methodology being conducted on the carbon samples is an improvement over the TS referenced method, the licensee has requested that this amendment be processed in an exigent matter to correct this condition of non-compliance with its TSs. PP&L had determined that it would have been forced to shut down both units had it not requested enforcement discretion to be permitted to not comply with the specified TS surveillance requirements until this requested amendment could be reviewed and approved by the staff. The

staff also determined that the licensee could not have avoided making this request since having them strictly comply with the TS methods would have taken several weeks to process new testing purchase orders and additional delay in compliance.

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.

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 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. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The methods used to test charcoal samples do not increase the probability or consequences of an accident or malfunction of equipment important to safety as previously evaluated in the FSAR. The capability of the charcoal in SGTS and CREOASS to adsorb iodine is a consideration in assessing the consequences of an accident. The limit on methyl iodide penetration assures that the activated carbon in these safety-related systems will provide the iodine removal efficiencies assumed in the accident analyses. The charcoal testing methodology currently being used is equivalent or more conservative than that specified in Technical Specifications, and thus provides assurance that charcoal meeting the acceptance criteria will perform as designed. These changes do not affect the probability of event initiators or any ESF actuation setpoints or accident mitigation capabilities.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Testing on carbon samples is performed offsite, and residual samples are not returned to the SGTS or CREOASS. Therefore, the testing methodology has no effect on system operation. No new or different accident scenarios, transient precursors, failure mechanisms or limiting single failures will be introduced as a result of these changes.

3. The proposed change does not involve a significant reduction in the margin of safety.

The limit on methyl iodide penetration assures that the activated carbon in these safety-related systems will provide the iodine removal efficiencies assumed in the accident analyses. Use of the ASTM-D-3803-1979 methodology more accurately assures that the SGTS and CREOASS perform their intended design functions. This change will not affect system operation or performance. Therefore, there is no reduction in the margin of safety. Offsite and control room dose analyses are not affected by this change. All offsite and control room doses will remain within the limits established in the accident analyses.

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 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 amendment 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 amendment before the expiration of the 14-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. 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 Review and Directives Branch, Division of Freedom of Information and Publications 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 6D22, 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