

Specifications requirements, administrative controls, and the fuel handling equipment and procedures. Therefore, the staff has determined that the Licensee has demonstrated good cause for the granting of the exemption, thus the exemption should be granted.

III

Accordingly, 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 Baltimore Gas and Electric Company an exemption as described in Section II above from 10 CFR 70.24, "Criticality Accident Requirements" for Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2.

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 (61 FR 52959).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 18th day of July 1997.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-244]

Rochester Gas and Electric Corporation, R. E. Ginna Nuclear Power Plant

Exemption

I

The Rochester Gas and Electric Corporation (the licensee) is the holder of Facility Operating License No. DPR-18, which authorizes operation of the R. E. Ginna Nuclear Power Plant. The license provides that the licensee is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC or the Commission) now or hereafter in effect.

The facility consists of a pressurized-water reactor at the licensee's site located in Wayne County, New York.

II

The Code of Federal Regulations at 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 in which such material is handled, used, or stored. Sections 70.24 a(1) and a(2) specify detection and sensitivity requirements that these monitors must meet. Section 70.24 a(1) also specifies that all areas subject to criticality accident monitoring must be covered by two detectors. Section 70.24(a)(3) 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. Section 70.24(b)(1) requires licensees to have a means by which to quickly identify personnel who have received a dose of 10 rads or more. Section 70.24(b)(2) 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. Section 70.24(c) exempts Part 50 licensees from the requirements of 10 CFR 70.24(b) for special nuclear material used or to be used in the reactor. Subsection 70.24(d) 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 the R. E. Ginna Nuclear Power Plant 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 the R. E. Ginna Nuclear Power Plant and has determined that such an accident is unlikely to occur if the licensee meets the following eight criteria:

1. Plant procedures do not permit more than one PWR fuel assembly or

three BWR fuel assemblies to be in storage or transit between their associated shipping cask or storage rack at one time.

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

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

4. The requirement is met that k-effective not exceed 0.95, at a 95% probability, 95% confidence level with the spent fuel storage racks 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, such as sources or detectors, that are stored onsite in one area, is less than that necessary for a critical mass.

6. Radiation monitors, as required by GDC 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 5 wt%.

8. Training is provided to the appropriate personnel for safely handling fresh fuel.

By letter dated June 5, 1997, Rochester Gas and Electric Corporation requested an exemption from 10 CFR 70.24. In this exemption request, the licensee addressed the eight criteria given above. The NRC staff has reviewed the licensee's submittal and has determined that the R. E. Ginna Nuclear Power Plant meets the criteria for prevention of inadvertent criticality; therefore, the staff has determined that an inadvertent criticality is highly unlikely in special nuclear material handling or storage areas at the R. E. Ginna Nuclear Power Plant.

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 it is highly unlikely that such an accident could occur, the licensee has radiation monitors, as required by General Design Criterion 63 (GDC), 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:

The Rochester Gas and Electric Corporation is exempt from the requirements of 10 CFR 70.24 for the R. E. Ginna Nuclear Power Plant.

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 38590.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 16th day of July 1997.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No.: 070-00698]

Consideration of Amendment Request To Approve a Site Remediation Plan for the Westinghouse Electric Corporation Waltz Mill Site in Madison, Pennsylvania, and Opportunity for a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of consideration of amendment request to approve a site remediation plan for the Westinghouse Electric Corporation Waltz Mill Site in Madison, Pennsylvania, and opportunity for a hearing.

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Special Nuclear Material License No. SNM-770 (SNM-770), issued to Westinghouse Electric Corporation (the licensee), to authorize remediation of portions of the licensee's Waltz Mill site in Madison, Pennsylvania.

The licensee is currently authorized by the NRC to perform activities with licensed radioactive materials at its Waltz Mill facility. These activities primarily support company ongoing service operations. Because of the presence of residual radioactive contamination from past operations identified in groundwater monitoring wells, the NRC added this site to its Site Decommissioning Management Plan (SDMP) in 1990. The NRC established and implemented the SDMP to identify and resolve issues associated with the timely and effective cleanup of the sites on the list. Radioactive contamination is also present in some interior areas of retired facilities on the site.

The licensee requested an amendment, by letter dated November 27, 1996, to approve a Remediation Plan, submitted with the letter, for their Waltz Mill facility. The licensee has requested authorization to commence remediating exterior soil contamination and contamination in interior retired areas. The licensee intends to remediate the interior areas so that they may be used in the performance of activities currently authorized by SNM-770, and to remediate exterior areas by removing soil contamination and structures, so that groundwater on the site is no longer adversely impacted and the site can be removed from the SDMP. Because the licensee is actively performing work under the current license, they are not requesting release of the site for unrestricted use nor termination of the license.

The NRC will require the licensee to remediate the Waltz Mill to meet NRC's decommissioning criteria, and to maintain effluents and doses within NRC requirements and as low as reasonably achievable during the remediation activities.

Prior to approving the decommissioning plan, NRC will have made findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment. Approval of the Remediation Plan will be documented in an amendment to SNM-770.

The NRC hereby provides notice that this is a proceeding on an application for amendment of a license falling within the scope of Subpart L, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings," of NRC's rules and practice for domestic licensing proceedings in 10 CFR Part 2. 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 a hearing must be filed within thirty (30) days of the date of publication of this **Federal Register** notice.

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 Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738; or

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

In addition to meeting other applicable requirements of 10 CFR Part 2 of the 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).

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, Westinghouse Electric Corporation, P.O. Box 355, Pittsburgh, Pennsylvania 15230, Attention: Joseph Nardi; and

2. The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738 or by mail, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

For further details with respect to this action, the application for amendment request is available for inspection at the NRC's Public Document Room, 2120 L Street NW., Washington, DC 20555 or at NRC's Region I offices located at 475 Allendale Road, King of Prussia, PA 19406. Persons desiring to review documents at the Region I Office should call Ms. Sheryl Villar at (610) 337-5239 several days in advance to assure that the documents will be readily available for review.

Dated at Rockville, Maryland this 21st day of July 1997.