

for each site shall be exercised biennially with full participation by each offsite authority having a role under the plan.

### III.

In a letter dated August 18, 1997, the licensee requested a one-time exemption from the requirements of Section IV.F.2.c of Appendix E to 10 CFR Part 50 to exercise Monticello Nuclear Generating Plant's offsite emergency preparedness (EP) plans with State and local government authorities within the plant's plume exposure pathway emergency planning zone (EPZ). The licensee requested this one-time exemption in support of the State of Minnesota's request for relief from the Federal Emergency Management Agency (FEMA) requirements in 44 CFR Part 350 to biennially exercise offsite EP plans. The State and local counties requested relief from FEMA requirements (in accordance with Section 350.9.c of 44 CFR Part 350) due to the hardships caused by recent natural disasters. In a letter dated August 12, 1997, to FEMA Region V, the State of Minnesota provided the following justification for its relief request:

The Minnesota Division of Emergency Management (DEM) and other State agencies are in various phases of seven Presidential Declarations of Major Disasters within the last 2 years. The State experienced record cold, crippling snowfall, and the worst floods in its history. Thousands of State, local, and Federal emergency responders were activated. In July 1997, a string of severe storms brought high speed straight line winds, tornadoes, and more flooding to central Minnesota. DEM continues to have 42 percent of its staff assigned to these natural disasters.

Sherburne and Wright counties (the counties within the plume exposure EPZ) are still conducting damage assessment for their third Presidential Declaration in the last 8 months. Personnel responsible for coordinating the radiological response plan implementation in the upcoming exercise are still in the midst of clean-up, restoration, recovery, and human services activities.

The State has a good record of exercise performance and has not received an exercise deficiency since 1991. Neither county has ever received an exercise deficiency.

Minnesota received numerous accolades from FEMA for the effective and efficient way in which it responded to these natural disasters. The State and county drew upon the planning and exercise experiences from the last 15 years in radiological EP and feel that the actual use of plans and procedures was far more valuable than an exercise.

As stated in 10 CFR 50.47, the NRC bases its finding on the adequacy of offsite EP on FEMA's assessment. In a letter dated August 21, 1997, FEMA

notified the NRC that it has determined that granting this relief will have no undue risk on public safety. Since the licensee intends to perform the onsite portion of the 1997 biennial exercise, granting this one-time exemption will not affect the status of onsite EP. Based upon FEMA's assessment of offsite EP for the State and local counties within Monticello's EPZ, and since the onsite portion of the biennial exercise will be performed in 1997, granting this one-time exemption will not pose undue risk to public health and safety.

Section 50.12(a)(2) of 10 CFR specifies that special circumstances must exist for the Commission to consider an exemption request and provides a list of conditions, any of which constitute special circumstances. One of these conditions is "the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation." The licensee will perform the onsite portion of the 1997 biennial exercise and only requested this exemption because of the hardships that performing the offsite portion of the exercise would have on the State and local counties. The licensee expects full participation of the State and local agencies in the next biennial exercise scheduled for June 22, 1999. In addition, the State is scheduled to participate in the July 1998 exercise at the Prairie Island nuclear power plant. Therefore, special circumstances exist that allow for consideration of the licensee's exemption request.

### IV.

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12(a), that this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission has further determined that special circumstances as provided in 10 CFR 50.12(a)(2) are present justifying the exemption.

Therefore, the Commission hereby grants the requested one-time exemption from the requirements of Section IV.F.2.c of Appendix E to 10 CFR Part 50.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (62 FR 47520).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 10th day of September 1997.

For The Nuclear Regulatory Commission  
**Frank J. Miraglia,**  
*Acting Director Office of Nuclear Reactor Regulation.*

[FR Doc. 97-24382 Filed 9-12-97; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket 70-7002]

### Notice of Amendment to Certificate of Compliance GDP-2 for the U.S. Enrichment Corporation (Portsmouth Gaseous Diffusion Plant, Portsmouth, Ohio)

The Director, Office of Nuclear Material Safety and Safeguards, has made a determination that the following amendment request is not significant in accordance with 10 CFR 76.45. In making that determination the staff concluded that (1) there is no change in the types or significant increase in the amounts of any effluents that may be released offsite; (2) there is no significant increase in individual or cumulative occupational radiation exposure; (3) there is no significant construction impact; (4) there is no significant increase in the potential for, or radiological or chemical consequences from, previously analyzed accidents; (5) the proposed changes do not result in the possibility of a new or different kind of accident; (6) there is no significant reduction in any margin of safety; and (7) the proposed changes will not result in an overall decrease in the effectiveness of the plant's safety, safeguards or security programs. The basis for this determination for the amendment request is shown below.

The NRC staff has reviewed the certificate amendment application and concluded that it provides reasonable assurance of adequate safety, safeguards, and security, and compliance with NRC requirements. Therefore, the Director, Office of Nuclear Material Safety and Safeguards, is prepared to issue an amendment to the Certificate of Compliance for the Portsmouth Gaseous Diffusion Plant. The staff has prepared a Compliance Evaluation Report which provides details of the staff's evaluation.

The NRC staff has determined that this amendment satisfies the criteria for a categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for this amendment.

USEC or any person whose interest may be affected may file a petition, not exceeding 30 pages, requesting review

of the Director's Decision. The petition must be filed with the Commission not later than 15 days after publication of this **Federal Register** Notice. A petition for review of the Director's Decision shall set forth with particularity the interest of the petitioner and how that interest may be affected by the results of the decision. The petition should specifically explain the reasons why review of the Decision should be permitted with particular reference to the following factors: (1) the interest of the petitioner; (2) how that interest may be affected by the Decision, including the reasons why the petitioner should be permitted a review of the Decision; and (3) the petitioner's areas of concern about the activity that is the subject matter of the Decision. Any person described in this paragraph (USEC or any person who filed a petition) may file a response to any petition for review, not to exceed 30 pages, within 10 days after filing of the petition. If no petition is received within the designated 15-day period, the Director will issue the final amendment to the Certificate of Compliance without further delay. If a petition for review is received, the decision on the amendment application will become final in 60 days, unless the Commission grants the petition for review or otherwise acts within 60 days after publication of this **Federal Register** Notice.

A petition for review 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.

For further details with respect to the action see (1) the application for amendment and (2) the Commission's Compliance Evaluation Report. These items 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.

*Date of amendment request:* May 16, 1997.

*Brief description of amendment:* The proposed amendment reduces the minimum depth design feature requirement for Borosilicate glass Raschig rings (neutron poison) from 12 inches to 6 inches in Scale Pits 1A and 2 as stated in Technical Safety Requirement (TSR) 2.5.4.4 entitled "Scale Pit Raschig Rings," for the Extended Range Product (ERP) facility at the Portsmouth Gaseous Diffusion Plant. The proposed amendment request

is required to allow proper operation of the scale mechanism at the ERP 1A station. The request for reduction of the minimum depth of Raschig rings for ERP 2 station is to maintain consistency of administrative control on this neutron poison parameter.

*Basis for finding of no significance:* 1. The proposed amendment will not result in a change in the types or significant increase in the amounts of any effluents that may be released offsite.

Borosilicate glass Raschig rings are contained in ERP Scale Pits 1A and 2 as enhancements to other primary criticality controls. Modification to the minimum depth requirement would not result in significantly increasing the potential for unconfinement of  $\text{UF}_6$  which could lead to an increase in effluents that may be released offsite. On the contrary, retaining the required Raschig rings depth at ERP 1A station to at least 12 inches may cause improper operation of the scale which performs the safety function of measuring cylinder weight. When heated for sampling or some other purpose, an overfilled cylinder could rupture and release a large quantity of  $\text{UF}_6$ .

2. The proposed amendment will not result in a significant increase in individual or cumulative occupational radiation exposure.

Based on the staff's review of the adequacy of contingency analysis for all credible process upsets, reliability of controls, and adequacy of control independence (common-mode failures), the staff has determined that the proposed amendment will not significantly increase the risk of a criticality accident. The basis for the staff's conclusion is based on the following controls and requirements:

a. To maintain the integrity of the  $\text{UF}_6$  pressure boundary, which provides geometry and mass control, USEC is committed to applying appropriate quality assurance requirements to process gas piping and equipment (including valves).

b. To provide moderation control, scale pits are inspected weekly for the presence of liquids. Any liquid found, is transferred out of the scale pits appropriately.

c. Maximum uranium enrichment of ten percent is ensured by the use of in-line gamma and mass spectrometers or via samples if the spectrometers are not operational.

d. Raschig rings in the scale pits are inspected for settling and damage at least on an annual basis. USEC is also committed to maintaining the Raschig rings according to other requirements of ANSI/ANS-8.5 entitled "Use of

Borosilicate-glass Raschig Rings as a Neutron Absorber in Solutions of Fissile Material."

e. The scale pits are required to be maintained free of uranium buildup.

f. To prevent recirculating cooling water (RCW), which can act as a moderator, from entering the coolant system, the pressure of the RCW is maintained at least 5 psi lower than the coolant system. A pressure switch is provided to automatically trip the  $\text{UF}_6$  withdrawal compressor if this minimum pressure differential requirement is not maintained.

g. Smoke detectors are provided in ERP to monitor for  $\text{UF}_6$  releases. A  $\text{UF}_6$  out-leakage detection system has the capability of automatically isolating the pigtail if two smoke detector heads detect smoke at the withdrawal station. When these smoke detectors are not operational, a smoke watch is maintained. The pigtail isolation system can also be manually actuated from outside ERP.

h. The maximum  $\text{UF}_6$  pressure at the ERP station is maintained below 60 psia.

i. Prior to withdrawing  $\text{UF}_6$  into a product cylinder, a cold pressure check of the cylinder is performed. The cylinder is rejected if the pressure is greater than ten inches of mercury which provides indication of the probable presence of moderator or a hydrocarbon which can explosively react with  $\text{UF}_6$ . The cylinder is also visually inspected for damage and weighed before being attached to the pigtail.

j. The staff independently reviewed and found acceptable, USEC's assumptions and calculations leading to the conclusion that for a large  $\text{UF}_6$  release in ERP, the heat generated by the exothermic reaction of  $\text{UF}_6$  with water vapor in ERP will not be sufficient to actuate the sprinkler system which could introduce moderator into the scale pits.

k. There is a specific coolant pressure TSR Safety Limit (SL) of 440 psig. The purpose of this limit is to prevent the over pressurization and rupture of the coolant system which could result in the subsequent release of  $\text{UF}_6$  due to over pressurization and subsequent rupture of the  $\text{UF}_6$  containment boundary.

l. There are specific TSR Limiting Conditions of Operation (LCOs), Action Statements for conditions where LCOs are exceeded, and Surveillance Requirements (SRs), dealing with (1) minimum number of operable smoke detectors/alarms to detect and indicate a release of  $\text{UF}_6$ ; (2) coolant high pressure relief to ensure that the TSR SL

of 440 psig is not exceeded; (3) pigtail isolation system to limit the UF<sub>6</sub> release to less than 127 pounds in case of a pigtail failure; (4) assay monitoring to ensure that the TSR specified maximum assays for the accumulators and cylinders are not exceeded; (5) cylinder cart movement restrictions to ensure that a cylinder is not moved while it is connected to the withdrawal manifold; (6) liquid UF<sub>6</sub> cylinder movement methods and restrictions to minimize the risk of a liquid UF<sub>6</sub> cylinder drop and rupture; (7) UF<sub>6</sub> cylinder weight monitoring to ensure that the TSR specified fill weights are not exceeded; and (8) restrictions on heating solidified UF<sub>6</sub> plugs to prevent pipe rupture that could be caused by local liquefaction and expansion.

m. There are specific general design feature requirements and associated SRs related to (1) design, construction, testing and maintenance to ensure that the intended functions of UF<sub>6</sub> cylinders and pigtails are met so that they do not fail during normal operations; (2) cylinder lifting cranes and fixtures to ensure that a cylinder is not dropped and ruptured; and (3) Raschig rings in scale pits to enhance criticality safety. Consequently, there will be no significant increase in a risk of a criticality accident which could significantly increase individual or cumulative occupational radiation exposures.

3. The proposed amendment will not result in a significant construction impact.

The proposed amendment does not involve any construction, therefore, there will be no construction impacts.

4. The proposed amendment will not result in a significant increase in the potential for, or radiological or chemical consequences from, previously analyzed accidents.

For similar reasons (adequacy of contingencies, reliability of controls, and unlikelihood of common-mode failures) provided in the assessment of criterion 2, the proposed amendment will not significantly increase the risk of a criticality accident. Therefore, the proposed amendment will not significantly increase the potential for, or radiological or chemical consequences from, previously analyzed accidents.

5. The proposed amendment will not result in the possibility of a new or different kind of accident.

Based on the adequacy of contingencies, reliability of controls, and unlikelihood of common-mode failures provided in the assessment of criterion 2, the NRC staff has determined that the proposed

amendment will not result in the possibility of a new or different kind of accident.

6. The proposed amendment will not result in a significant reduction in any margin of safety.

For similar reasons (adequacy of contingencies, reliability of controls, and unlikelihood of common-mode failures) provided in the assessment of criterion 2, the proposed amendment will not significantly increase the risk of a criticality accident. In addition, the amendment is required to ensure proper operability of the ERP 1A scale, which performs the safety function of measuring the weight of the cylinder as it is being filled. Properly and safely weighing the cylinder is necessary to ensure safety of the facility. Therefore, the proposed amendment will not result in a significant reduction in any margin of safety.

7. The proposed amendment will not result in an overall decrease in the effectiveness of the plant's safety, safeguards or security programs.

For similar reasons (adequacy of contingencies, reliability of controls, unlikelihood of common-mode failures, and operability of ERP 1A scale) provided in the assessment of criteria 2 and 6, the proposed amendment will not significantly increase the risk of a criticality or UF<sub>6</sub> release accident. Therefore, the proposed amendment will not result in a decrease in the plant's overall safety program.

The staff has not identified any safeguards or security related implications from the proposed amendment. Therefore, the proposed amendment will not result in an overall decrease in the effectiveness of the plants safeguards or security programs.

*Effective date:* The amendment to GDP-2 will become effective 30 days after issuance by NRC.

Certificate of Compliance No. GDP-2: Amendment will incorporate a revised requirement of a General Design Feature contained in the Technical Safety Requirements.

Local Public Document Room location: Portsmouth Public Library, 1220 Gallia Street, Portsmouth, Ohio 45662.

Dated at Rockville, Maryland, this 2nd day of September 1997.

For the Nuclear Regulatory Commission.

**William F. Kane,**

*Acting Deputy Director, Office of Nuclear Material Safety and Safeguards.*

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## NUCLEAR REGULATORY COMMISSION

[Docket 70-7001]

### Notice of Amendment to Certificate of Compliance GDP-1 for the U.S. Enrichment Corporation Paducah Gaseous Diffusion Plant Paducah, KY

The Director, Office of Nuclear Material Safety and Safeguards, has made a determination that the following amendment request is not significant in accordance with 10 CFR 76.45. In making that determination, the staff concluded that: (1) There is no change in the types or significant increase in the amounts of any effluents that may be released offsite; (2) there is no significant increase in individual or cumulative occupational radiation exposure; (3) there is no significant construction impact; (4) there is no significant increase in the potential for, or radiological or chemical consequences from, previously analyzed accidents; (5) the proposed changes do not result in the possibility of a new or different kind of accident; (6) there is no significant reduction in any margin of safety; and (7) the proposed changes will not result in an overall decrease in the effectiveness of the plant's safety, safeguards or security programs. The basis for this determination for the amendment request is shown below.

The NRC staff has reviewed the certificate amendment application and concluded that it provides reasonable assurance of adequate safety, safeguards, and security, and compliance with NRC requirements. Therefore, the Director, Office of Nuclear Material Safety and Safeguards, is prepared to issue an amendment to the Certificate of Compliance for the Paducah Gaseous Diffusion Plant. The staff has prepared a Compliance Evaluation Report which provides details of the staff's evaluation.

The NRC staff has determined that this amendment satisfies the criteria for a categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for this amendment.

USEC or any person whose interest may be affected may file a petition, not exceeding 30 pages, requesting review of the Director's Decision. The petition must be filed with the Commission not later than 15 days after publication of this **Federal Register** notice. A petition for review of the Director's Decision shall set forth with particularity the interest of the petitioner and how that interest may be affected by the results of the decision. The petition should