

N-3718, 200 Constitution Avenue, NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:**

Bonnie Friedman, Director, Office of Information and Consumer Affairs, OSHA, 202-219-8151. For special disability accommodations, contact Theresa Berry (phone: 202-219-8615 ext. 106; FAX: 202-219-5986).

**SUPPLEMENTARY INFORMATION:** OSHA invites all interested persons to attend this meeting. Seating will be available on a first-come, first-served basis.

**Meeting Agenda**

At this meeting the following will be presented: An overview of the National Institute for Occupational Safety and Health (NIOSH) criteria document ("Criteria for a Recommended Standard: Occupational Exposures to Metalworking Fluids"), which will include a discussion of the respiratory studies and dermatological studies reported on in the criteria document; an overview of epidemiology, respiratory disease and dermatology related to metalworking fluids; machining in small business; and overview to using a systems approach to controlling metalworking fluids; the scope of fluids to be considered in the advisory committee inquiries. Informal work groups will be established. In addition, OSHA will discuss with the committee its current data collection activities with respect to the use of metalworking fluids in small business establishments and some agenda items for future meetings.

**Public Participation**

Interested persons may file written comments, data, views or statements for consideration by MWFSAC by submitting them to Dr. Peter Infante. Interested persons may also address the committee on items that are on the meeting agenda. Any person wishing to make such an oral presentation must provide Dr. Infante with a summary of the proposed presentation, an estimate of the time desired, and a statement of the interest that the person represents. Presentation time will be allotted to speakers based on the amount of time available. In addition, public attendees may be allowed to participate in committee discussions, in the Chair's discretion and subject to time available.

**Authority:** This notice is issued under the authority of section 6(b)(1) and 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 666), the Federal Advisory Committee Act (5 U.S.C. App. 2), and 29 CFR Part 1912.

Signed at Washington, DC., this 12th day of November, 1997.

**Charles N. Jeffress,**

*Assistant Secretary of Labor.*

[FR Doc. 97-30175 Filed 11-17-97; 8:45 am]

BILLING CODE 4510-26-M

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**National Advisory Committee on Occupational Safety and Health; Notice of Meeting**

Notice is hereby given of the date and location of the next meeting of the National Advisory Committee on Occupational Safety and Health (NACOSH), established under section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the Act. NACOSH will hold a meeting on December 9, 1997, in Room N3437 A-D of the Department of Labor Building located at 200 Constitution Avenue NW, Washington, DC. The meeting is open to the public and will begin at 9:00 a.m. lasting until approximately 4:30 p.m.

Agenda items will include: a brief overview of current activities in the Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH); a dialogue with OSHA's new Assistant Secretary, Charles N. Jeffress; regulatory and legislative updates; updates on OSHA's 11(c) and cooperative compliance programs, and NIOSH's National Occupational Research Agenda (NORA); as well as reports from NACOSH's workgroups.

Written data, views or comments for consideration by the committee may be submitted, preferably with 20 copies, to Joanne Goodell at the address provided below. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting. Because of the need to cover a wide variety of subjects in a short period of time, there is often insufficient time on the agenda for members of the public to address the committee orally. However, any such requests will be considered by the Chair who will determine whether or not time permits. Any request to make an oral presentation should state the amount of time desired, the capacity in which the person would appear, and a brief

outline of the content of the presentation. Individuals with disabilities who need special accommodations should contact Theresa Berry (phone: 202-219-8615, extension 106; FAX: 202-219-5986) one week before the meeting.

An official record of the meeting will be available for public inspection in the OSHA Technical Data Center (TDC) located in Room N2625 of the Department of Labor Building (202-219-7500). For additional information contact: Joanne Goodell, Directorate of Policy, Occupational Safety and Health Administration (OSHA); Room N-3641, 200 Constitution Avenue NW, Washington, DC, 20210 (phone: 202-219-8021, extension 107; FAX: 202-219-4383; e-mail joanne.goodell@osha-no.osha.gov).

Signed at Washington, D.C. this 13th day of November, 1997.

**Charles N. Jeffress,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 97-30260 Filed 11-17-97; 8:45 am]

BILLING CODE 4510-26-M

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 030-20586, License No. 49-21384-01 EA 97-457]

**In the Matter of Frontier Production Logging, Inc. Cody, WY; Confirmatory Order Modifying License (Effective Immediately)**

**I**

Frontier Production Logging, Inc., (Licensee) is the holder of NRC License No. 49-21384-01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 39. The license authorizes the Licensee to conduct well logging activities related to the use of licensed material. The license was first issued on July 14, 1983, was most recently amended on April 17, 1997, and was due to expire on June 30, 1994, but remains in effect in a timely renewal status.

**II**

During a routine inspection conducted on March 19-20, 1997, an investigation completed by the NRC's Office of Investigations on June 13, 1997, and subsequent in-office reviews which were completed on July 9, 1997, the NRC identified six apparent violations which were considered for escalated enforcement. NRC Inspection Report 030-20586/97-01 dated July 22, 1997, documented the findings of the inspection. As a result, the NRC

conducted a predecisional enforcement conference on August 4, 1997, in which the licensee's president participated by telephone. Based on the information obtained during the inspection and the information that the licensee's president presented at the August 4 conference, the NRC concluded that violations of NRC requirements occurred. The violations are cited in the Notice of Violation and Proposed Imposition of Civil Penalty dated November 7, 1997. The violations involve failures to: (1) File the appropriate documentation to receive NRC approval prior to vacating an authorized radioactive material storage location, (2) conduct operations so that the dose in any unrestricted area from external sources does not exceed 2 millirem in any 1 hour, (3) make adequate surveys of radiation levels in unrestricted areas to demonstrate compliance with the dose limits for individual members of the public, (4) utilize authorized shipping containers while transporting radioactive material, (5) monitor, upon receipt, the external surfaces of Department of Transportation (DOT) labeled packages for radioactive contamination, and (6) properly post areas in which licensed materials are stored.

The NRC concluded that the Licensee's failure to seek NRC approval prior to vacating an authorized radioactive material storage location demonstrated at least careless disregard for regulatory requirements. Specifically, the Licensee's president was aware of the requirements to obtain prior authorization and did not to comply with this requirement so as to delay payment of the applicable fees. As indicated in the November 7, 1997 Notice, a \$2,750 civil penalty was proposed for this willful violation.

The remaining five violations, which were not willful, were also discussed during the conference. Based on the information available, it appears that these violations resulted from a lack of understanding of the regulations by the company's radiation safety officer (who is also the company president). In fact, during the conference, the Licensee's radiation safety officer committed to attending appropriate radiation safety training as corrective action for the remainder of the violations. Subsequently, on August 8 and October 20, 1997, staff members from NRC Region IV discussed with the Licensee specific commitments that the NRC believed were necessary. Specifically, the NRC believed that, in addition to the training, two independent audits were warranted. The licensee agreed to the commitments during the August 8 and October 20 telephone discussions, and

to confirming the commitments through an Order.

On October 20, 1997, the NRC sent the Licensee a letter listing the specific commitments and formally seeking the Licensee's consent to confirming the commitments through an Order, thereby waiving its right to a hearing. On October 29, 1997, the Licensee signed and returned its consent to this Order.

### III

I find that the Licensee's commitments as set forth in Section IV are acceptable and necessary, and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that the public health and safety require that the Licensee's commitments be confirmed by this Order. Based on the above, and on the Licensee's consent, this Order is immediately effective upon issuance.

### IV

Accordingly, pursuant to sections 81, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 110, *It Is Hereby Ordered*, effective immediately, that License No. 49-21384-01 is modified as follows:

A. The Licensee's Radiation Safety Officer shall attend a Radiation Safety training course designed to meet the requirements necessary to serve as a radiation safety officer and to implement and manage a radiation safety program specifically designed for well logging and tracer study operations.

B. The Licensee shall retain the services of an independent individual or organization (consultant) to perform two audits of the Licensee's radiation safety program. The consultant is to be independent of the Licensee's organization and is to be experienced in, or be capable of, evaluating the effectiveness of the management and implementation of a radiation safety program for well logging and tracer study operations. At a minimum, each audit will: (1) Evaluate the effectiveness of the Licensee's radiation safety program and compliance with all NRC requirements; (2) evaluate the understanding of the Licensee's radiation safety officer of radiation safety and NRC requirements; (3) evaluate the adequacy of the Licensee's corrective actions for any violations or audit findings previously identified by the NRC or consultant; (4) make recommendations as necessary for improvements in management oversight of licensed activities; and (5) physically

observe well logging and/or tracer study operations in the field.

C. Within 30 days of the date of this Order, the Licensee shall submit to the Regional Administrator, NRC Region IV, for NRC review and approval, the following:

i. The name, location, dates and syllabus of the course the Licensee proposes to use in meeting the requirements of this Order.

ii. The name and qualifications of the consultant the Licensee proposes to use in conducting the audits.

D. Within 60 days of the date of the NRC's approval of the consultant, the first audit shall be completed and the Licensee shall ensure that the consultant submit to NRC Region IV the results of the audit and the review, including the deficiencies identified, at the same time the consultant provides the results to the Licensee.

E. Within 6 months of the date of completion of the first audit, the second audit shall be completed and the Licensee shall ensure that the consultant submit to NRC Region IV the results of the audit and the review, including the deficiencies identified, at the same time the consultant provides the results to the Licensee.

F. Within 30 days of the date of completion of each audit, the Licensee shall submit to NRC Region IV its corrective actions for any identified deficiencies in the audit reports. Alternatively, if the Licensee does not believe that corrective actions should be taken, the Licensee shall provide justification for its position to the NRC.

G. For the purpose of the Order, the Licensee shall send the qualifications of the consultant and the results of the audits to the Director, Division of Nuclear Material Safety, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011.

The Regional Administrator, Region IV, may relax or rescind, in writing, any of the above conditions upon a showing by the Licensee of good cause.

Any person adversely affected by this Confirmatory Order, other than the Licensee may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission Washington, D.C. 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Service Section, Washington, D.C. 20555. Copies also

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