

NTSB Office of Public Affairs at (202) 314-6100.

Dated: August 6, 1998.

**Rhonda Underwood,**

*Federal Register Liaison Officer.*

[FR Doc. 98-21560 Filed 8-11-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Number 40-2259]

### Pathfinder Mines Corporation; Applications, Hearings, Determinations, Etc.

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Receipt of Application from Pathfinder Mines Corporation to change two site-reclamation milestones in Condition 61 of Source Material License SUA-672 for the Lucky Mc, Wyoming uranium mill site. Notice of Opportunity for a Hearing.

**SUMMARY:** Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has received, by letter dated July 23, 1998, an application from Pathfinder Mines Corporation (PMC) to amend License Condition (LC) 61 of its Source Material License No. SUA-672 for the Lucky Mc, Wyoming uranium mill site. The license amendment application proposes to modify LC 61 to change the completion date for two site-reclamation milestones. The new dates proposed by PMC would extend completion of placement of the final radon barrier cover over tailings pile and placement of the erosion protection cover by three years and three months.

**FOR FURTHER INFORMATION CONTACT:** Mohammad W. Haque, Uranium Recovery Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415-6640.

**SUPPLEMENTARY INFORMATION:** The portion of LC 61 with the proposed changes would read as follows:

A. (3) Placement of final radon barrier designed and constructed to limit radon emissions to an average flux of no more than 20 pCi/m<sup>2</sup>/s above background—December 31, 2001.

B. (1) Placement of erosion protection as part of reclamation to comply with Criterion 6 of Appendix A of 10 CFR Part 40—December 31, 2002.

PMC's application to amend LC 61 of Source Material License SUA-672, which describes the proposed changes to the license condition and the reasons

for the request is being made available for public inspection at the NRC's Public Document Room at 2120 L Street, NW (Lower Level), Washington, DC 20555.

The NRC hereby provides notice of an opportunity for a hearing on the license amendment under the provisions of 10 CFR Part 2, Subpart L, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings." 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 hearing must be filed within 30 days of the publication of this notice in the **Federal Register**. 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 Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

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

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, Pathfinder Mines Corporation, 935 Pendell Boulevard, P.O. Box 730, Mills, Wyoming 82644, Attention: Tom Hardgrove; and

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

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).

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

In addition, members of the public may provide comments on the subject application within 45 days of the publication of this notice in the **Federal Register**. The comments may be provided to David L. Meyer, 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.

Dated at Rockville, Maryland, this 6th day of August 1998.

**Joseph J. Holonich,**

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

[FR Doc. 98-21605 Filed 8-11-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-338 and 50-339]

### In the Matter of Virginia Electric and Power Company North Anna Power Station, Unit Nos. 1 and 2; Exemption

The Virginia Electric and Power Company (VEPCO, the licensee) is the holder of Facility Operating License Nos. NPF-4 and NPF-7, which authorize operation of the North Anna Power Station (NAPS), Unit Nos. 1 and 2. The licenses provide, among other things, 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 two pressurized-water reactors at the licensee's site located in Louisa County, Virginia.

## II

Title 10 of the *Code of Federal Regulations* (10 CFR), Section 20.1703, "Use of individual respiratory protection equipment" requires in subsection (a)(1) that ". . . the licensee shall use only respiratory protection equipment that is tested and certified or had certification extended by the National Institute for Occupational Safety and Health/Mine Safety and Health Administration (NIOSH/MSHA)." Further, 10 CFR 20.1703(c) requires that "the licensee shall use as emergency devices only respiratory protection equipment that has been specifically certified or had certification extended for emergency use by NIOSH/MSHA," and

10 CFR Part 20, Appendix A, Protection Factors for Respirators, Footnote d.2 (d), states that ". . . the protection factors apply for atmosphere-supplying respirators only when

supplied with adequate respirable air. Respirable air shall be provided of the quality and quantity required in accordance with NIOSH/MSHA certification (described in 30 CFR part 11). Oxygen and air shall not be used in the same apparatus." By letter dated March 3, 1998, as supplemented May 5, 1998, the licensee requested an exemption from certain requirements of 10 CFR 20.1703(a)(1), 10 CFR 20.1703(c) and 10 CFR Part 20, Appendix A, Footnote d.2 (d).

Pursuant to 10 CFR 20.2301, the Commission may, upon application by a licensee or upon its own initiative, grant an exemption from the requirements of the regulations in Part 20 if it determines that the exemption is authorized by law and would not result in undue hazard to life or property.

### III

The NAPS 1&2 containments are designed to be maintained at subatmospheric pressure during power operations. The containment pressure can range from 9.0 to 11.0 pounds per square inch absolute (psia). This containment environment could potentially impact personnel safety due to reduced pressure and resulting oxygen deficiency. Such environment requires the use of a Self-Contained Breathing Apparatus (SCBA) with enriched oxygen breathing gas. The licensee initially purchased Mine Safety Appliances, Inc. (MSA) Model 401 open-circuit, dual-purpose, pressure-demand SCBAs constructed of brass components which were originally intended for use with compressed air. The licensee qualified the Model 401 cylinders for use with 35% oxygen/65% nitrogen following the recommendations of the Compressed Gas Association's Pamphlet C-10, Recommended Procedures for Changes of Gas Service for Compressed Gas Cylinders, which established procedures to utilize these devices with an enriched oxygen mixture. The licensee is currently using these SCBAs with 35% oxygen/65% nitrogen instead of compressed air. The MSA Model 401 SCBA has received the NIOSH/MSHA certification for use with compressed air, but has not been tested for 35% enriched oxygen applications. Using these SCBAs without the NIOSH/MSHA certification requires an exemption from 10 CFR 20.1703(a)(1), 10 CFR 20.1703(c) and 10 CFR Part 20, Appendix A, Protection Factors for Respirators, Footnote d.2.(d).

### IV

Pursuant to 10 CFR 20.1703(a)(2), SCBAs that have not been tested or

certified or for which certification has not been extended by NIOSH/MSHA require a demonstration by testing or reliable test information that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use. VEPCO contracted with National Aeronautic and Space Administration's (NASA) White Sand Test Facility (WSTF) and Lawrence Livermore National Laboratory (LLNL) to conduct applicable oxygen compatibility testing. WSTF evaluated the compatibility of the MSA Custom 4500 SCBA (testing of the model "MSA Custom 4500" envelops the lower pressure applications of models "MSA Ultralite" and "Model 401") with an oxygen-enriched breathing gas mixture. Based on these evaluations, the licensee concluded that compatibility exists provided 1) all hydrocarbon contamination is removed, 2) the SCBAs are maintained so as to preclude the introduction of hydrocarbon contamination, and 3) the temperature of the system does not exceed 135° F when the regulator is first activated. LLNL also concluded that an MSA Custom 4500, equipped with the interchangeable silicone facepiece, meets the National Fire Protection Association Flame and Heat Test requirements whether operated with 35% oxygen/65% nitrogen breathing gas mixture or with compressed air.

The licensee has indicated that the above conditions are met as follows: (1) the MSA repair guidance stipulates that no hydrocarbon-based compounds are to be used within the pressure boundary during maintenance, (2) the SCBAs are required to be stored and repaired in clean, dry locations free of chemical contamination, (3) containment average temperature is required by Technical Specification to be less than or equal to 120°F at NAPS 1&2, and (4) VEPCO procedural guidance presently requires that SCBAs using 35% oxygen 65% nitrogen breathing gas mixture be equipped with a silicone facepiece. VEPCO has also stated that it has over 20 years of actual safe operating experience using SCBAs with 35% oxygen/65% nitrogen mixture with no incidents of oxygen-induced failure or equipment maintenance problems associated with the enriched oxygen operation.

The combination of the existing NIOSH/MSHA certification of the SCBAs (with compressed air), the testing of the SCBA with the enriched oxygen-nitrogen mixture conducted for VEPCO by NASA and LLNL, and VEPCO's safe use history constitutes an

adequate basis for granting the requested exemption to permit the use of MSA SCBAs Model 401, Custom 4500 and Ultralite with 35% oxygen-65% nitrogen breathing air mixture in the sub-atmospheric containments of NAPS, Units 1 and 2.

### V

Accordingly, the Commission has determined that, pursuant to 10 CFR 20.2301, the requested exemption is authorized by law, and will not result in undue hazard to life or property. Therefore, the Commission hereby grants an exemption from the requirements of 10 CFR 20.1703(a)(1), 10 CFR 20.1703(c) and 10 CFR Part 20, Appendix A, Footnote d.2.(d), for North Anna Power Station, Unit 1 and Unit 2, provided VEPCO uses SCBAs identified and meeting the formal testing outlined above and follows the above described conditions.

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 (63 FR 40324).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 31st day of July, 1998.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**  
*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 98-21606 Filed 8-11-98; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Nuclear Regulatory Commission.

**DATES:** Weeks of August 10, 17, 24, and 31, 1998.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

### MATTERS TO BE CONSIDERED:

*Week of August 10*

There are no meetings the week of August 10.

*Week of August 17—Tentative*

Wednesday, August 19

11:30 a.m.—Affirmation Session (Public Meeting) (if needed)