radioactive decay and a site boundary distance of 610 meters, the complete draindown resulted in a postulated dose rate of 0.01 rem per hour. The licensee's calculated dose rate indicates it would take 4.1 days for this event to exceed the EPA early-phase PAG of 1 rem.

The staff concludes that the licensee's request for an exemption from certain requirements of 10 CFR 50.54(q), 10 CFR 50.47(b) and (c), and Appendix E to Part 50 is acceptable in view of the greatly reduced offsite radiological consequences associated with the current plant status. The staff finds that the postulated dose to the general public from any reasonably conceivable accident would not exceed EPA PAGs and, for the bounding accident, the length of time available gives confidence that offsite measures for the public could be taken without preplanning. The staff finds acceptable the licensee's commitment in the DSAR to establish administrative controls to ensure that calculated offsite doses from potential decommissioning accidents do not exceed those determined for a spent resin cask drop accident. Therefore, the staff concludes that the requirement that emergency plans meet all of the standards of 10 CFR 50.47(b) and all of the requirements of Appendix E to Part 50 is not now warranted at Maine Yankee and an exemption from the requirements for offsite emergency planning is acceptable.

IV

The NRC staff has completed its review of the licensee's request for an exemption from the requirements of 10 CFR 50.47(c)(2) and from the requirements of 10 CFR 50.54(q), that emergency plans must meet all of the standards of 10 CFR 50.47(b) and all the requirements of Appendix E to 10 CFR part 50. The standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR part 50 that remain in effect are listed in Attachment II to the licensee's letter dated June 29, 1998. On the basis of its review, the NRC staff finds that the postulated dose to the general public from any reasonably conceivable accident would not exceed EPA PAGs and, for the bounding accident, the length of time available provides confidence that offsite measures for the public could be taken without preplanning. The analyses submitted by the licensee are consistent with the commitment made in its DSAR, which stated that any decommissioning activities will be analyzed and administrative controls will be established to ensure that the calculated offsite doses do not exceed those determined for the spent resin cask drop accident. The staff finds the exemption from two requirements, 10 CFR 50.47(b)(9) and 10 CFR 50 Appendix E.IV.A.4, acceptable on the basis of the licensee's commitment to continue to maintain capabilities for dose assessment and personnel equivalent to those described in section 7.0 of the draft Defueled Emergency Plan provided in Attachment III to the licensee's letter dated November 6, 1997. The information developed from the capability would be used to determine whether offsite measures for the general public would be appropriate. Maine Yankee will continue to maintain an onsite emergency preparedness organization capable of responding to the consequences of radiological events still possible at the site. Thus, the underlying purpose of the regulations will not be adversely affected by eliminating offsite emergency planning activities or reducing the scope of onsite emergency planning.

For the foregoing reasons, the Commission has determined that, pursuant to 10 CFR 50.12, elimination of offsite emergency planning activities will not present an undue risk to public health and safety and is consistent with common defense and security. Further, special circumstances are present as stated in 10 CFR 50.12(a)(ii). Pursuant to 10 CFR 51.32, the Commission has determined that this exemption will not have a significant effect on the quality of the human environment (63 FR 43968, August 17, 1998).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 3rd day of September 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–24461 Filed 9–10–98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–280 and 50–281]

In the Matter of Virginia Electric and Power Company Surry 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. DPR–32 and DPR–37, which authorize operation of the Surry Power Station (SPS), 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 Surry 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 SPS 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 covering such applications 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 which is followed stipulates that no hydrocarbon-based compounds are to be used within the pressure boundary during maintenance, (2) the SCBAs are stored and repaired in clean, dry locations free of chemical contamination, (3) containment average temperature, required by Technical Specification, is less than or equal to 125°F at SPS 1&2, and (4) under VEPCO procedural guidance, SCBAs using 35% oxygen/65% nitrogen breathing gas mixture are 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 SPS, 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 the requested 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 Surry 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 45097).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 3rd day of September 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

Use of PRA in Plant-Specific Reactor Regulatory Activities: Final Regulatory Guide and Standard Review Plan Section; Availability

The Nuclear Regulatory Commission has issued three new guides in its Regulatory Guide Series, along with two conforming sections of the Standard Review Plan. The guides are Regulatory Guide 1.175, ''An Approach for Plant-Specific, Risk-Informed, Decisionmaking: Inservice Testing''; Regulatory Guide 1.176, ''An Approach for Plant-Specific, Risk-Informed Decisionmaking: Graded Quality Assurance''; and Regulatory Guide 1.177, ''An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications.'' The revised sections of NUREG–0800, ''Standard Review Plan,'' are Chapter 3.9.7, ''Standard Review Plan for Risk-Informed Decisionmaking: Inservice Testing,'' and Chapter 16.1, ''Standard Review Plan for Risk-Informed Decisionmaking: Technical Specifications.'' Together with Regulatory Guide 1.174, ''An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis,'' and the accompanying Chapter 19 of the Standard Review Plan, ''Use of Probabilistic Risk Assessment in Plant-Specific, Risk-Informed Decisionmaking: General Guidance,'' these documents provide the basic framework for an acceptable approach for use by power reactor licensees in preparing proposals for plant-specific changes to their licensing bases using risk information as a partial basis.

Comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Single copies of regulatory guides, both active and draft, may be obtained free of charge by writing the Reproduction and Distribution Services Section, OCIO, USNRC, Washington, DC