

Employers can also call the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) Employer Hotline at 1-800-255-8155. Employees or applicants can call the OSC Employee Hotline at 1-800-255-7688.

How Should Employers Fill-out the Form I-9?

To complete the Form I-9 at the time of hire or re-verification for an employee who presents an EAD card that has been automatically extended by this **Federal Register** notice, the employer should include or add the following information under Section 2 (List A) or Section 3 of the Form I-9, as appropriate:

(1) Record the document identification information of the EAD; and

(2) Record December 22, 1999 for the document expiration date.

If the employee presents the mailed letter or a copy of this **Federal Register** notice, the employer should note on Form I-9 his or her review of these documents.

What is the First Step in Obtaining Subsequent Employment Authorization?

The Service will soon issue an interim rule which implements section 902 of HRIFA by establishing procedures for certain nationals of Haiti who have been residing in the United States to apply for lawful permanent resident status in this country. Instructions for obtaining employment authorization based upon HRIFA will be included in these procedures. In accordance with HRIFA, the interim rule will allow eligible aliens to obtain lawful permanent resident status without applying for an immigrant visa at a United States consulate abroad and will waive many of the usual requirements for this benefit.

Who is Eligible for Benefits Under HRIFA?

In order to be eligible for benefits under HRIFA, an applicant must be a national of Haiti who was present in the United States on December 31, 1995, and who was physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for adjustment of status is filed (not counting absences totaling 180 days or less). The applicant must fall within one of the five classes of persons described in section 902(b)(1) of HRIFA. Those five classes are:

(1) Haitian nationals who filed for asylum before December 31, 1995,

(2) Haitian nationals who were paroled into the United States prior to December 31, 1998, after having been identified as having a credible fear of persecution, or paroled for emergent reasons or reasons deemed strictly in the public interest,

(3) Haitian national children who arrived in the United States without parents and have remained without parents in the United States since arrival,

(4) Haitian national children who became orphaned subsequent to arrival in the United States; and

(5) Haitian national children who were abandoned by their parents or guardians prior to April 1, 1998, and have remained abandoned since such abandonment.

For the last three of these classes, the applicant must have been a child at the time of his or her arrival in the United States and on December 31, 1995, but not necessarily at the time of his or her adjustment of status. In addition, the spouse, child, or unmarried son or daughter of an alien whose status is adjusted pursuant to HRIFA may be eligible to adjust under HRIFA themselves.

When do Beneficiaries of HRIFA Benefits Have To File an Application for New Work Authorization?

Once the HRIFA regulations are promulgated, HRIFA beneficiaries will not be under a deadline to file an application for a new Employment Authorization Document. However, the Service emphasizes that the adjudication of an employment authorization application and issuance of an EAD may take up to 90 days not including the round-trip mailing time. Incomplete applications will be returned requiring additional time. Therefore, Haitian DED grantees who apply for adjustment of status under HRIFA should file their work authorization applications as soon as possible in order to receive their HRIFA-based EADs before December 22, 1999, when this automatic extension of employment authorization expires.

Dated: December 9, 1998.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

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NUCLEAR REGULATORY COMMISSION

Entergy Gulf States, Inc. and Entergy Operations, Inc. (River Bend Station, Unit 1); Exemption

[Docket No. 50-458]

I

Entergy Operations, Incorporated¹ (the Licensee), is the holder of Facility Operating License No. NPF-47, which authorizes operation of the River Bend Station, Unit 1 (RBS) (the facility). The license provides, among other things, that the facility is subject to all the rules, regulations, and orders of the U.S. Nuclear Regulatory Commission now or hereafter in effect.

The RBS, is a boiling-water nuclear reactor located approximately 2 miles east of the Mississippi River in West Feliciana Parish, Louisiana, approximately 2.7 miles southeast of St. Francisville, Louisiana and approximately 18 miles northwest of the city limits of Baton Rouge, Louisiana.

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)(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

¹ Entergy Operations, Incorporated is authorized to act as agent for Entergy Gulf States, Inc. and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility.

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 Commission's technical staff has evaluated the possibility of an inadvertent criticality of the nuclear fuel at River Bend Station (RBS), and has determined that it is extremely unlikely for such an accident to occur if the licensee meets the following seven criteria:

1. Plant procedures do not permit more than 3 BWR fuel assemblies to be in storage or in transit between their associated shipping cask and dry storage rack at one time.
2. The k-effective of the fresh fuel storage racks filled with fuel of the maximum permissible U-235 enrichment and flooded with pure water does not exceed 0.95, at a 95% probability, 95% confidence level.
3. If optimum moderation of fuel in the fresh fuel storage racks occurs when the fresh fuel storage racks are not flooded, the k-effective corresponding to this optimum moderation does not exceed 0.98, at a 95% probability, 95% confidence level.
4. The k-effective of spent fuel storage racks filled with fuel of the maximum permissible U-235 enrichment and flooded with pure water does not exceed 0.95, at a 95% probability, 95% confidence level.
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 May 15, 1997, Entergy Operations, Inc. (EOI) requested an exemption from the requirements of

section 70.24(a) of Title 10 of the *Code of Federal Regulations*, "Criticality Accident Requirements," for the River Bend Station (RBS). On June 11, 1997, the NRC requested that RBS address the seven criteria published in Information Notice 97-77, "Exemptions from the Requirements of Section 70.24 of Title 10 of the Code of Federal Regulations" in order to continue with the exemption process.

On August 12, 1998, EOI superseded its original May 15, 1997, letter and requested an exemption from the criticality accident monitoring requirements stipulated in 10 CFR 70.24(a) specifically for the areas containing incore detectors (which are not in use) and unirradiated fuel while it is handled, used, or stored on site.

In this request the licensee addressed the seven criteria given above. The Commission's technical staff has reviewed the licensee's submittal and has determined that, except for Criteria 1 and 3 discussed below, RBS meets the applicable criteria.

RBS does not restrict fuel movement and storage of fuel assemblies that are out of their associated shipping cask to 3 assemblies. However, based on the elevation and configuration of the area where the assemblies are placed before storage into the new or spent fuel racks, the possibility of flooding is highly improbable. In addition, administrative controls are provided to restrict the fire-fighting practices employed in the fuel building to prevent low-density optimum moderation conditions. Fire-fighting foam is not permitted in the area and hose stations are equipped with straight-stream nozzles while handling fuel in the fuel building or storing fuel in the new fuel vault so that the array will not be covered with mist. Therefore, the staff concludes that any array of fuel assemblies in storage or in transit while outside of their associated shipping cask will be safely subcritical under the most adverse moderation conditions feasible, and the exception to Criterion 1 is acceptable.

Although the RBS new fuel racks are designed to maintain k-effective less than 0.95 when either dry or completely flooded with water, the new fuel racks cannot meet the 0.98 k-effective limit under accident conditions of low-density optimum moderation (e.g., foam or mist). Therefore, solid, noncombustible, gasketed covers are provided over the new fuel vault to preclude the entrance of optimum moderation media. When these covers are removed for fuel handling, the fuel is covered by a fire retardant material to ensure that the storage array is not moderated by low-density moderation.

As previously mentioned, administrative controls are also provided to prevent optimum moderation conditions in the new fuel vault so that the array will not be covered with mist. Therefore, the staff concludes that a k-effective greater than 0.98 will not be attained in the new fuel storage racks and the exception to Criterion 3 is acceptable.

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 determined that it is extremely unlikely that such an accident could occur. The low probability of an inadvertent criticality constitutes good cause for granting an exemption to the requirements of 10 CFR 70.24(a).

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 licensee an exemption from the requirements of 10 CFR 70.24 for the RBS.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not result in any significant adverse environmental impact (63 FR 63755).

This exemption is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 2nd day of December 1998.

Roy P. Zimmerman,

Acting Director, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-443]

Notice of Consideration of Approval of Transfer of Facility Operating License and Issuance of Conforming Amendment, and Opportunity for a Hearing; North Atlantic Energy Service Corporation, et. al.

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of the interest held by Montauk Electric Company in Facility Operating License No. NPF-86 for the Seabrook