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 SNM other than nuclear fuel, that is 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 (GDC) 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 December 16, 1997, the licensee requested an exemption from 10 CFR 70.24. The licensee's letter dated January 13, 1998, provided additional information supporting the exemption. In the submittals, the licensee addressed criteria 1, 2, 4, 5, 6, and 7. Criterion 3 is satisfied because the licensee's submittal dated January 13, 1998, states that the cycle 20 fuel will be channeled and stored in the spent fuel storage pool until it is loaded in the core and that the licensee has no plans to store new fuel in the new fuel storage vault. The Commission's technical staff has reviewed the licensee's submittals and has determined that Vermont Yankee 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 Vermont Yankee.

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; furthermore, the licensee has radiation monitors that meet GDC 63 in fuel storage and handling areas. These monitors will alert personnel to excessive radiation levels and allow them to initiate appropriate safety actions. The low probability of an inadvertent criticality, together with the licensee's adherence to GDC 63, constitutes good cause for granting an exemption to the requirements of 10 CFR 70.24.

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 Vermont Yankee Nuclear Power Corporation an exemption from the requirements of 10 CFR 70.24.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the human environment (63 FR 2425).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 20th day of January 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–1901 Filed 1–26–98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–22]

Westinghouse Electric Corporation (CBS Corporation); Westinghouse Test Reactor; Notice of Withdrawal of Application for Consent to Transfer Facility License and Conforming Amendment

The U.S. Nuclear Regulatory Commission (the Commission) has permitted the withdrawal of the August 18, 1997 application for consent to transfer Facility License No. TR–2 for the Westinghouse Test Reactor, located at the Westinghouse Waltz Mill site in Westmoreland County, Pennsylvania, and application for a conforming license amendment; submitted by Westinghouse Electric Corporation (CBS Corporation).

The proposed action would have approved the transfer of License No. TR–2 from the Westinghouse Electric Corporation to a new corporation that would have taken the name Westinghouse Electric Corporation, but would not have included in its lines of business certain media operations. The proposed action would have also amended the license to reflect the proposed transfer of the license.

The Commission had previously issued a Notice of Consideration of Approval of Transfer of License and Issuance of a Conforming Amendment to Facility License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing published in the **Federal Register** on September 26, 1997 (62 FR 50628). An Environmental Assessment and Finding of No Significant Impact was published in the **Federal Register** on October 1, 1997 (62 FR 51493). However, by letter dated December 18, 1997, the licensee withdrew the August 18, 1997 application.

The licensee withdrew the application because its plan to reorganize and create a new corporation changed.

For further details with respect to this action, see the application for amendment dated August 18, 1997, and the letter from licensee dated December 18, 1997, which withdrew the application. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

Dated at Rockville, Maryland, this 20th day of January 1998.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactors and Decommissioning Project Directorate, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 98–1899 Filed 1–26–98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–263]

Draft Environmental Assessment; Relating to a Proposed License Amendment To Increase the Maximum Rated Thermal Power Level at the Monticello Nuclear Generating Plant

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of opportunity for public comment.

SUMMARY: The Nuclear Regulatory Commission has prepared a draft environmental assessment related to the Northern States Power Company's (NSP's) request for a license amendment to increase the maximum rated thermal power level from 1670 megawatts-thermal (MWt) to 1775 MWt. As stated in the NRC staff's position paper on the Boiling-Water Reactor Extended Power Uprate Program dated February 8, 1996, the staff has the option of preparing an environmental impact statement if it believes a significant impact results from the power uprate. The staff did not identify a significant impact related to the NSP's request and, therefore, the NRC staff documented its