Addenda allows determination of the setpoint for mitigating LTOP events so that the maximum pressure in the vessel would not exceed 110 percent of the P–T limits that are determined using the 1996 methodology. This results in a safety factor of 1.8 on the principal membrane stresses. All other factors, including assumed flaw size and fracture toughness, remain the same. Although this methodology would reduce the safety factor on the principal membrane stresses, the proposed criteria will provide adequate margins of safety for the reactor vessel during LTOP transients and, thus, will satisfy the underlying purpose of 10 CFR 50.60 for fracture toughness requirements. Further, by relieving the operational restrictions, the potential for undesirable lifting of the PORV would be reduced, thereby improving plant safety.

It should be noted that the provision to set the PORV setpoint so that system pressure remains below 110 percent of the P–T limits has already been incorporated into the Byron and Braidwood licensing basis. This provision was approved by an exemption to 10 CFR 50.60 granted to Byron, Units 1 and 2, on November 29, 1996, to Braidwood, Unit 1 on July 13, 1995, and to Braidwood, Unit 2 on December 12, 1997, to allow the use of ASME Code Case N–514. Therefore, although it represents a change from the 1989 Edition of the ASME Code, it is not a change to the current licensing basis for the facilities.

IV

For the foregoing reasons, the NRC staff has concluded that ComEd's proposed use of the alternate methodology in determining the acceptable setpoint for LTOP events will not present an undue risk to public health and safety and is consistent with the common defense and security. The NRC staff has determined that there are special circumstances present, as specified in 10 CFR 50.12(a)(2), in that 10 CFR 50.60 need not be applied in order to achieve the underlying purpose of this regulation, which is to provide adequate fracture toughness of the reactor pressure boundary.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), an exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Therefore, the Commission hereby grants an exemption from the requirements of 10 CFR 50.60 so that the P–T limits may be determined using the 1996 Addenda to the ASME Code, Section XI, Appendix G, and the LTOP system setpoint may be determined so that system pressure does not exceed 110 percent of the P–T limits.

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 2268).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 16th day of January, 1998.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–1902 Filed 1–26–98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–271]

Vermont Yankee Nuclear Power Corporation, Vermont Yankee Nuclear Power Station; Exemption

I

The Vermont Yankee Nuclear Power Corporation (the licensee) is the holder of Facility Operating License No. DPR–28, which authorizes operation of the Vermont Yankee Nuclear Power Station. The license provides, 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 a single-unit boiling-water reactor located at the licensee's site in Windham County, Vermont.

II

Section 70.24 of Title 10 of the Code of Federal Regulations (10 CFR 70.24), ''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 also requires 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 for identifying 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 the services of 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 or she 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 Vermont Yankee 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 Vermont Yankee and has determined that it is extremely unlikely for such an accident to occur if the licensee meets the following seven criteria:

1. Only three new fuel assemblies are 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 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