II, Atlanta Federal Center, 61 Forsyth Street, SW, Suite 23T85, Atlanta, Georgia within ten days of the date of this Order.

3. Within ten days of the date of this Order, the Licensee shall complete a leak test pursuant to Byproduct Material License No. 45–24851–02, Condition 14.A.(1), C and D, to confirm the absence of leakage of radioactive materials and to establish the levels of residual radioactive contamination. The Licensee shall, within five days of the date the leak test results are known, submit the results of the leak test in writing to the NRC Region II office. This information should be addressed to the Regional Administrator, NRC Region II, at the address given in Paragraph A.2. above. If the test reveals the presence of 0.005 microcurie or greater of removable contamination, the Licensee shall immediately contact Mr. Douglas M. Collins, NRC Region II, at the telephone number given in Paragraph A.2. above.

4. Within 30 days of the date of this Order, the Licensee shall cause all licensed material in its possession to be transferred to an authorized recipient in accordance with 10 CFR 30.41 and shall submit for NRC approval a completed form NRC–314. This information should be addressed to the Regional Administrator, NRC Region II, at the address given in Paragraph A.2. above.

5. At least two working days prior to the date of the transfer of any licensed material, the Licensee shall notify Mr. Douglas M. Collins, NRC Region II, at the telephone number given in Paragraph A.2. above, so that the NRC may, if it elects, observe the transfer of the material to the authorized recipient.

6. Within seven working days following completion of the transfer, the Licensee shall provide to the Regional Administrator, NRC Region II, in writing, under oath or affirmation: (1) Confirmation, on form NRC–314, that all licensed material has been transferred; (2) the last date that the licensed material was used; (3) a copy of the leak test performed prior to transfer; (4) a copy of the survey performed in accordance with 10 CFR 30.36(j)(2); and (5) a copy of the certification from the authorized recipient that the licensed material has been received. This information shall be addressed to the Regional Administrator, NRC Region II, at the address given in Paragraph A.2. above.

B. It is further ordered:

1. Upon a written finding by the Regional Administrator, NRC Region II, that no licensed material remains in the Licensee's possession and that other applicable provisions of 10 CFR 30.36 have been fulfilled, Byproduct Material License No. 45–24851–02 is revoked.

The Director, Office of Enforcement, may relax or rescind, in writing, any of the above provisions upon demonstration of good cause by the Licensee.

VI

In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Rulemakings Adjudications Staff, Washington, D.C. 20555.

Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Deputy Assistant General Counsel for Enforcement at the same address, and to the Regional Administrator, NRC Region II, Atlanta Federal Center, 61 Forsyth Street, SW Suite 23T85, Atlanta, Georgia 30303 and to MPS if the answer or hearing request is by a person other than MPS. If a person other than MPS requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by the Licensee, or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), MPS may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the provisions of this Order which are immediately effective on the ground that those provisions, including the need for immediate effectiveness, are not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the provisions of this order which are immediately effective.

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

For the Nuclear Regulatory Commission.

Thomas T. Martin,

Acting Deputy Executive Director for Regulatory Effectiveness.

[FR Doc. 98–11502 Filed 4–29–98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–306]

Northern States Power Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Northern States Power Company (the licensee) to withdraw its February 10, 1998, application for proposed amendment to Facility Operating License No. DPR–60 for the Prairie Island Nuclear Generating Plant, Unit 2, located in Goodhue County, Minnesota.

The proposed amendment requested a limited duration change to the Prairie Island Technical Specifications that would allow a reduction in the boron concentration required for Mode 6.

The Commission had previously published notices in the Minneapolis Star Tribune on February 16, 1998, and in the Red Wing Republican Eagle and Minneapolis Star Tribune on February 17, 1998, requesting comments on the NRC staff's proposed determination that the proposed amendment involved no significant hazards considerations. However, by letter dated March 31, 1998, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated February 10, 1998, and the licensee's letter dated March 31, 1998, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Dated at Rockville, Maryland, this 24th day of April 1998.

For the Nuclear Regulatory Commission.

Tae Kim,

Senior Project Manager, Project Directorate III–1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98–11501 Filed 4–29–98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 70–7001 Certificate No. GDP–1 EA 98–156]

In the Matter of United States Enrichment Corporation Bethesda, MD; Confirmatory Order Modifying Certificate (Effective Immediately)

I

United States Enrichment Corporation (Corporation) is the holder of Certificate No. GDP–1 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 76. The certificate authorizes the Corporation to operate the Paducah Gaseous Diffusion Plant (Paducah) for the purpose of enriching uranium up to 2.75 percent ^{235}U by weight. The certificate, originally issued on November 26, 1996, is due to expire on December 31, 1998.

II

Since transition to NRC regulatory oversight on March 3, 1997, the Corporation has been operating its withdrawal facilities (Buildings C–310/310A and C–315) with liquid uranium hexafluoride (UF_6) inventories in process piping, condensers, and accumulators. The certificate conditions placed no restrictions on those inventories, thereby allowing the accumulators to contain any amount up to their full capacity. A certificate amendment request dated October 31, 1997, submitted by the Corporation, requested an update to the Safety Analysis Report (SAR) to include a new Chapter 4, ''Accident Analysis.'' An NRC request for additional information (RAI) dated February 5, 1998, identified questions about the conservative nature of assumptions for the seismic accident scenario in Chapter 4. In response to the RAI, the Corporation reviewed Paducah's liquid UF_6 withdrawal facilities' records and determined that the seismic accident analysis assumption of no liquid UF_6 in both facilities' accumulators underestimated the potential source term from the withdrawal facilities for the seismic accident scenario. In telephone discussions with the NRC on February 18, 1998, the NRC made it clear to the Corporation that a notification pursuant to 10 CFR 76.9(b) was warranted. Thereafter, the Corporation provided verbal notification to NRC Region III on February 19, 1998, and a follow-up written report on February 20, 1998, identifying the potential nonconservative assumption in the SAR updated accident analysis. Then, on February 24, 1998, in telephone discussions with NRC, the Corporation also provided information that the withdrawal facilities' current operations were outside the Certification SAR because the Chapter 4 seismic accident analysis assumed no liquid UF_6 in Building C–315 withdrawal facility's process piping, condensers, and accumulators. In addition, the source term from Building C–310/310A was probably too low.

Based on the NRC's review of the certificate amendment request dated October 31, 1997, submitted by the Corporation and the current Certification SAR, the NRC has concluded that violations of NRC requirements occurred. The violations involve an inadequate accident analysis and a failure to comply with the conditions of certification. The Commission's regulations in 10 CFR 76.85 require the Corporation, as the certificate holder, to perform an analysis of potential accidents and consequences to establish the basis for limiting conditions for operations and to provide assurance that plant operation will be conducted in a manner to prevent or to mitigate the consequences from a reasonable spectrum of postulated accidents, including natural phenomena. Further, 10 CFR 76.85 requires that the assessment consider the full range of operations, including operations at the maximum capacity contemplated. The Commission's regulations in 10 CFR 76.51 require the Corporation, as the certificate holder, to comply with the conditions set forth in the Certificate of Compliance. Condition 8 of the Certificate of Compliance (GDP–1) for the Paducah Gaseous Diffusion Plant requires the Corporation to conduct its operations in accordance with the statements and representations contained in the certification application and subsequent amendments. The certification application includes Safety Analysis Report (SAR) Chapter 4, ''Accident Analysis,'' Section 4.6, ''Natural Phenomena,'' describing assumptions made on facility operations to determine the consequences of postulated seismically-induced failures. The Chapter 4 seismic accident analysis is based on an inappropriately low assumption of the amount of liquid UF_6 in Buildings C–310/310A and C–315 withdrawal facilities' process piping, condensers, and accumulators in calculating the possible releases. Current facility configuration and operations are such that significantly higher volumes (on the order of several thousand pounds (lbs)) of liquid UF_6 may be present. Therefore the accident analysis in the Certification SAR is not in compliance with 10 CFR 76.85 and operation of that facility is not in compliance with Condition 8. Furthermore, operation with the larger amount of liquid UF_6 in the withdrawal facilities is safety significant because failure could result in potential on-site fatalities/injuries and off-site injuries. During a seismic event of 0.05 g peak ground acceleration, failure of equipment in both withdrawal facilities would likely occur with releases of liquid UF_6. If the 0.05 g seismic event occurred with substantial amounts of liquid UF_6 in those facilities, the on-site and off-site consequences would exceed any analyzed accident and be unacceptable.

III

By letter dated February 25, 1998, the Corporation committed to implement the administrative control as stated below:

1. Access to Buildings C–310/310A and C–315 will be limited to only those individuals essential to operations, inspections, or those personnel performing any modifications to fix the identified seismic failures.

By letter dated March 5, 1998, the Corporation committed to implement the following additional administrative controls in order to mitigate the consequences of a seismic event:

2. When flow of liquid UF_6 has been diverted to the on-line accumulator in C–310A or C–315 for greater than one hour (nominal 2,000 and 5,000 lbs liquid UF_6, respectively, at one hour),