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 SNM that could be assembled into a critical mass at PBAPS, Units 2 and 3, 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 PBAPS, Units 2 and 3, 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 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 March 18, 1998, the licensee requested an exemption from 10 CFR 70.24.

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 PBAPS, Units 2 and 3, meet the applicable criteria. Criteria 2 and 3 are not applicable to PBAPS, Units 2 and 3, since Technical Specification Section 4.3.1.2 specifically states, ''The new fuel storage racks shall not be used for fuel storage. The new fuel shall be stored in the spent fuel storage racks.'' The reference to General Design Criterion (GDC) 63 was initially incorporated to ensure that licensees receiving an exemption to 10 CFR 70.24 would not erroneously view the exemption as the basis for removing from the spent fuel pool area radiation monitors that were meeting other monitoring requirements, such as those contained in GDC 63. However, Criterion 63 is not applicable to PBAPS because the units were evaluated against the draft GDCs current when PBAPS was licensed rather than the current GDCs proposed in July 1967. Thus, even though PBAPS is not required to meet GDC 63, the staff has determined that it is extremely unlikely for an inadvertent criticality to occur in SNM handling and storage areas at PBAPS, Units 2 and 3. Additionally, PBAPS, Units 2 and 3, have area radiation monitors (ARMs) that meet the requirements of 10 CFR 70.24(a)2, and function as a monitoring system capable of detecting criticality in the only area (the refuel floor) where accidental criticality is possible.

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 from 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 PECO Energy Company, an exemption from the requirements of 10 CFR 70.24(a) for Peach Bottom Atomic Power Station, Units 2 and 3.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (63 FR 33735).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 22nd day of June 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–17095 Filed 6–25–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–346]

Toledo Edison Company, et al.; (Davis-Besse Nuclear Power Station, Unit 1); Confirmatory Order Modifying License, Effective Immediately

I

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company (the Licensees) are the holders of Facility Operating License No. NPF–3, which authorizes operation of the Davis-Besse Nuclear Power Station, Unit 1, located in Ottawa County, Ohio.

II

The staff of the U.S. Nuclear Regulatory Commission (NRC) has been concerned that Thermo-Lag 330–1 fire barrier systems installed by licensees may not provide the level of fire endurance intended and that licensees using Thermo-Lag 330–1 fire barriers may not be meeting regulatory requirements. During the 1992 to 1994 timeframe, the NRC staff issued Generic Letter (GL) 92–08, ''Thermo-Lag 330–1 Fire Barriers,'' and subsequent requests for additional information that asked licensees to submit plans and schedules for resolving the Thermo-Lag issue. The NRC staff has obtained and reviewed all such corrective plans and schedules. The staff is concerned that some licensees may not be making adequate progress toward resolving the plant-specific issues, and that some implementation schedules may be either too tenuous or too protracted. For example, several licensees informed the NRC staff that their completion dates had slipped by 6 months to as much as 3 years. The NRC staff has met with licensees of plants that have completion action scheduled beyond 1997 to

discuss the progress of the licensees' corrective actions and the extent of licensee management attention regarding completion of Thermo-Lag corrective actions. In addition, the NRC staff discussed with licensees the possibility of accelerating their completion schedules.

The NRC staff met with the Licensees for Davis-Besse on April 3, 1997. At this meeting, the NRC staff reviewed the schedule of Thermo-Lag corrective actions described in the Licensees' submittals to the NRC dated February 20, April 24, June 26, and November 5, 1996, as documented in the NRC meeting summary dated April 16, 1997. On the basis of the information submitted by the Licensees (including an additional letter dated September 10, 1997), the NRC staff has concluded that the schedules presented are reasonable. This conclusion is based on (1) the amount of installed Thermo-Lag; (2) the complexity of the plant-specific fire barrier configurations and issues; and (3) the need to perform certain plant modifications during outages as opposed to those that can be performed while the plant is at power. In order to remove compensatory measures such as fire watches, it has been determined that resolution of the Thermo-Lag corrective actions by the Licensees must be completed in accordance with their current schedule. By letter dated May 4, 1998, the NRC staff notified the Licensees of its plan to incorporate their schedule commitment into a requirement by issuance of an order and requested consent from the Licensees. By letter dated June 11, 1998, the Licensees provided their consent to issuance of a Confirmatory Order.

III

The Licensees' commitment as set forth in their letter of June 11, 1998, is acceptable and is necessary for the NRC to conclude that public health and safety are reasonably assured. To preclude any schedule delay and to ensure public health and safety, the NRC staff has determined that the Licensees' commitment in their June 11, 1998, letter be confirmed by this Order. The Licensees have agreed to this action. On this basis, and the Licensees' consent, this Order is immediately effective upon issuance.

IV.

Accordingly, pursuant to sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, *it is hereby ordered*, effective immediately, that

The Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company (the licensees) shall complete final implementation of Thermo-Lag 330–1 fire barrier corrective actions at the Davis-Besse Nuclear Power Station, Unit No. 1, by December 31, 1998, as described in the licensees' submittals to the NRC dated February 20, 1996, April 24, 1996, June 26, 1996, November 5, 1996, and September 10, 1997, and as presented at the licensees' meeting with the NRC staff on April 3, 1997, as documented in the NRC meeting summary dated April 16, 1997.

The Director, Office of Nuclear Reactor Regulation, may relax or rescind, in writing, any provisions of this Confirmatory Order upon a showing by the Licensees of good cause.

V

Any person adversely affected by this Confirmatory Order, other than the Licensees, may request a hearing within 20 days of its issuance. 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 Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001, and must include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attention: Rulemakings and Adjudications Staff, Washington, D.C. 20555–0001. Copies of the hearing request shall also be sent to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001, to the Deputy Assistant General Counsel for Enforcement at the same address, to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, Illinois 60532–4351, and to the Licensees. If such a person requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address criteria set forth in 10 CFR 2.714(d).

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

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 IV 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 immediate effectiveness of this Order.

Dated at Rockville, Maryland this 22nd day of June 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–17098 Filed 6–25–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8502]

Cogema Mining, Inc.; Environmental Statements; Availability, etc

AGENCY: Nuclear Regulatory Commission.

ACTION: Final Finding of No Significant Impact and Notice of Opportunity for Hearing.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) proposes to renew NRC Source Material License SUA–1341 to authorize the licensee, COGEMA Mining, Inc. (COGEMA), to continue the commercial operation of its in-situ leach (ISL) uranium mines and processing facilities, located in Campbell and Johnson Counties, Wyoming. This license currently authorizes COGEMA to receive, acquire, possess, and transfer uranium at its Irigaray and Christensen Ranch Facilities, which are located approximately 10 miles northeast of Sussex, Wyoming, and 30 miles north-northeast of Midwest, Wyoming, respectively. An Environmental Assessment (EA) was performed by the NRC staff in support of its review of COGEMA's license renewal request, in accordance with the requirements of 10 CFR Part 51. The conclusion of the Environmental Assessment is a Finding of No Significant Impact (FONSI) for the proposed licensing action.

FOR FURTHER INFORMATION CONTACT: Ms. Janet Lambert, Uranium Recovery Branch, Mail Stop TWFN 7-J9, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone 301/415–6710. E-mail: JAL@NRC.GOV

SUPPLEMENTARY INFORMATION:

Background

The Irigaray Project was licensed for commercial operation in August 1978,