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.

[FR Doc. 98–33111 Filed 12–11–98; 8:45 am]

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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 Montaup Electric Company in Facility Operating License No. NPF–86 for the Seabrook

Station, Unit No.1 (Seabrook Station), located in Rockingham County, New Hampshire, and considering issuance of a conforming amendment under 10 CFR 50.90.

Consent to the proposed transfer would authorize Little Bay Power Corporation (Little Bay) to possess the ownership interest in the Seabrook Station now held by Montaup Electric Company (Montaup). Little Bay is a wholly owned subsidiary of BayCorp Holdings, Ltd., which is the holding company that also owns Great Bay Power Corporation, an existing owner of the Seabrook Station. North Atlantic Energy Service Corporation, the sole licensed operator of the facility, would remain as the Managing Agent for the 11 Joint Owners of the facility and would continue to have exclusive responsibility for the management, operation and maintenance of the Seabrook Station. The license would be amended for administrative purposes to reflect the transfer of Montaup's ownership interest to Little Bay.

The proposed transfer does not involve a change in the rights, obligations, or interests of the other co-owners of the Seabrook Station.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of a license, or any right thereunder, after notice to interested persons. Such approval is contingent upon the Commission's determination that the transferee is qualified to hold the license and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders of the Commission.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing, and petitions for leave to intervene, and written comments with regard to the transfer application, are discussed below.

By January 4, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR Part 2. In particular, such requests must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request should address the factors that the Commission will also consider, in reviewing untimely requests, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon the applicant; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by January 13, 1999, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the applications for consent to transfer Montaup's interest in the license and issuance of a conforming amendment submitted under cover of a letter dated September 29, 1998, from North Atlantic Energy Service Corporation which 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 Exeter Public Library, Founders Park, Exeter, NH 03833.

Dated at Rockville, Maryland, this 4th day of December, 1998.

For the Nuclear Regulatory Commission.

Cecil O. Thomas,

Director, Project Directorate I–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–33109 Filed 12–11–98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8084]

Rio Algom Mining Corporation

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt of a request from Rio Algom Mining Corporation to revise a site-reclamation milestone in License No. SUA–1119 for the Lisbon, Utah, facility and notice of opportunity for a hearing.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has received, by letter dated October 23, 1998, a request from Rio Algom Mining Corporation (Rio Algom) to amend License Condition (LC) 55 A.(3) of Source Material License SUA–1119 for the Lisbon, Utah, facility. The license amendment request proposes to modify LC 55 A.(3) to change the completion date for placement of the final radon barrier on the pile. The date proposed by Rio Algom would extend completion of the final radon barrier by 18 years.

FOR FURTHER INFORMATION CONTACT: Myron Fliegel, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555. Telephone (301) 415–6629.

SUPPLEMENTARY INFORMATION: The portion of LC 55 A.(3) with the proposed change would read as follows:

A. To ensure timely compliance with target completion dates established in the Memorandum of Understanding with the Environmental Protection Agency (56 FR 55432, October 25, 1991), the licensee shall complete reclamation to control radon emissions as expeditiously as practicable,