

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-313]

**Entergy Operations Inc.; Notice of Withdrawal of Application for Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Entergy Operations, Inc. (the licensee) to withdraw its December 12, 1997, application for proposed amendment to Facility Operating License No. DPR-51 for Arkansas Nuclear One, Unit No. 1, located in Pope County, Arkansas.

The proposed amendment would have established an alternate repair criteria for the segment of steam generator tubes that are located within the upper tube sheet.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on February 11, 1998 (63 FR 6984). However, by letter dated December 15, 1998, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated December 12, 1997, and the licensee's letter dated December 15, 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 Tomlinson Library, Arkansas Tech University, Russellville, AR 72801.

Dated at Rockville, Maryland, this 17th day of December, 1998.

For the Nuclear Regulatory Commission.

**Nicholas D. Hilton,**

*Project Manager, Project Directorate IV-1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.*

[FR Doc. 98-34121 Filed 12-23-98; 8:45 am]

BILLING CODE 7590-01-P

**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50-361 and 50-362]

**San Onofre Nuclear Generating Station, Units 2 and 3; Notice of Withdrawal of Application for Amendments to Facility Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Southern

California Edison Company (the licensee) to withdraw its July 29, 1996, application for proposed amendments to Facility Operating License Nos. NPF-10 and NPF-15 for the San Onofre Nuclear Generating Station, Units 2 and 3 (SONGS), located in San Diego County, California.

The proposed amendment would have revised Technical Specification (TS) 3.7, "Plant Systems," and TS 4.3, "Fuel Storage," to permit an increase in the licensed storage capacity of the spent fuel pools.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on February 11, 1998 (63 FR 6992). However, by letter dated December 7, 1998, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated July 29, 1996, and the licensee's letter dated December 7, 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 Main Library, University of California, P.O. Box 19557, Irvine, California 92713.

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

For The Nuclear Regulatory Commission.

**James W. Clifford,**

*Senior Project Manager, Project Directorate IV-2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.*

[FR Doc. 98-34123 Filed 12-23-98; 8:45 am]

BILLING CODE 7590-01-P

**NUCLEAR REGULATORY COMMISSION**

[NUREG-1600]

**Policy and Procedure for Enforcement Actions; Fuel Cycle Facilities Civil Penalties and Notices of Enforcement Discretion**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Policy statement: Amendment.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is amending its "General Statement of Policy and Procedure for NRC Enforcement Actions" (NUREG-1600) to increase the base civil penalties for fuel cycle facilities authorized to possess certain quantities of special nuclear material and to authorize issuance of Notices of

Enforcement Discretion to Gaseous Diffusion Plants.

**EFFECTIVE DATE:** This action is effective December 24, 1998. Comments are due on or before January 25, 1999.

**FOR FURTHER INFORMATION CONTACT:** James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, (301) 415-2741.

**SUPPLEMENTARY INFORMATION:**

The Commission's "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy or Policy) was first issued on September 4, 1980. Since that time, the Enforcement Policy has been revised on a number of occasions. On May 13, 1998 (63 FR 26630), the Enforcement Policy was revised and was re-published as NUREG-1600, Rev. 1. The Policy primarily addresses violations by licensees and certain non-licensed persons, including certificate holders, as discussed further in footnote 3 to Section I, Introduction and Purpose, and in Section X: Enforcement Action Against Non-licensees.

**Fuel Cycle Facility Base Penalties**

Base civil penalties are established for fuel facility licensees commensurate with the relative safety and safeguards risks among the different types of licensees. The base civil penalties, as currently defined in Table 1A of the General Statement of Policy and Procedure for Enforcement Actions (Enforcement Policy) (NUREG-1600, Rev. 1), are, in part: \$11,000 for uranium conversion facilities which handle only source material; \$27,500 for all fuel fabricators regardless of the specific safety and safeguards risks involved with the possession and processing of different enrichments of SNM; and \$110,000 for the Gaseous Diffusion Plants due to their greater nuclear material inventories and greater potential consequences to the public and workers. The civil penalty structure generally takes into account the gravity of the violation as a primary consideration and the ability to pay as a secondary consideration.

Generally, the safety risk is greater at the Category I and II facilities than at Category III facilities<sup>1</sup> because the enrichment levels normally handled at the Category I and II facilities require only minor changes in form and composition to achieve an inadvertent criticality. Thus, workers at Category I and II facilities are potentially exposed to a greater risk from radiological

<sup>1</sup> The category of a facility refers to the quantity and enrichment of special nuclear material that a licensee is authorized to possess. See 10 CFR 70.4.