

Washington, DC 20555, telephone (301) 415-1606.

Dated at Rockville, MD, this 30th day of August, 1995.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Acting Secretary of the Commission.

[FR Doc. 95-22035 Filed 9-5-95; 8:45 am]

BILLING CODE 7590-01-P

[Docket No.: 070-3073]

Consideration of Amendment Request for Decommissioning the Kerr-McGee Corp. Cushing Facility in Cushing, Okla., and Opportunity for Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Consideration of Amendment Request for Decommissioning the Kerr-McGee Corporation Cushing Facility in Cushing, Oklahoma, and Opportunity for Hearing.

The U.S. Nuclear Regulatory Commission is considering issuance of an amendment to Special Nuclear Material License No. SNM-1999, issued to the Kerr-McGee Corporation (the Licensee), for the decommissioning of its former enriched uranium and thorium processing facility in Cushing, Oklahoma.

The Licensee requested the amendment in a letter dated May 9, 1995, requesting that License No. SNM-1999 be amended to incorporate the decommissioning plan (DP) for the Cushing facility submitted to NRC in April 1994. Radioactive contamination at the Cushing facility resulted from operations to convert uranium hexafluoride or other compounds and/or scrap to nuclear fuel materials, and operations to process thorium to produce thorium pellets. These operations were conducted from 1962 through mid-1966. The license amendment would authorize the Licensee to decommission the Cushing facility in accordance with the DP.

The NRC will require the Licensee to remediate the Cushing facility to meet NRC's criteria, and, during the decommissioning activities, to maintain effluents and doses as low as reasonably achievable.

Prior to the issuance of the proposed amendment, NRC will have made findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment.

The NRC hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of Subpart L, Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings, of NRC's rules and practice for domestic licensing proceedings in 10 CFR part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(c). A request for a hearing must be filed within thirty (30) days of the date of publication of this **Federal Register** notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738; or

2. By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requestor in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

3. The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

In accordance with 10 CFR 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, Kerr-McGee Corporation, Kerr-McGee Center, Oklahoma City, OK, 73125, Attention: Mr. Jess Larsen, and

2. The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

For further details with respect to this action, the application for amendment request is available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555.

Dated at Rockville, Md., this 23rd day of August, 1995.

For the Nuclear Regulatory Commission,

Michael F. Weber,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 95-22038 Filed 9-5-95; 8:45 am]

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[Docket No. 50-271]

In the Matter of: Vermont Yankee Nuclear Power Corporation (Vermont Yankee Nuclear Power Station); Exemption

I

The Vermont Yankee Nuclear Power Corporation (VYNPC, the licensee) is the holder of Facility Operating License No. DPR-28 which authorizes operation of the Vermont Yankee Nuclear Power Station (the facility) at power levels no greater than 1593 megawatts thermal. The facility is a single-unit boiling water reactor (BWR) located at the licensee's site in Windham County, Vermont.

The License provides, among other things, that the Vermont Yankee Nuclear Power Station is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II

On November 19, 1980, the Commission published a revised 10 CFR 50.48 and a new Appendix R to 10 CFR part 50 regarding fire protection features of nuclear power plants. The revised Section 50.48 and Appendix R became effective on February 17, 1981. Section III of Appendix R contains 15 subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. Subsection III.J is the subject of the licensee's exemption request.

Section III.J of Appendix R requires that emergency lighting units with at least an 8-hour battery power supply shall be provided in all areas needed for operation of safe shutdown equipment and in access and egress routes thereto.

III

By letter dated June 29, 1995, the licensee requested an exemption from Section III.J of Appendix R. In particular, the licensee stated that it cannot meet the requirements for emergency lighting units with at least an 8-hour battery power supply in the following areas:

(1) A portion of general yard areas for access and egress to the Intake

Structure, the Northwest Cooling Tower valve pit, and the fuel oil transfer pump building, and

(2) In those areas needed for manual hookup of a portable fuel oil transfer pump.

The licensee proposes to utilize the security perimeter lighting for outdoor egress routes and one outdoor task. Based on the staff's review of the information provided by the licensee, the staff has concluded that, given that the security lighting is powered from a separate power source, the security lighting is not vulnerable to fire loss. The security lighting is inspected and maintained as part of the plant security requirements. The licensee has confirmed that the illumination levels in the affected areas of the plant are adequate to enable operators to implement the actions required for safe shutdown.

Therefore, the staff considers the licensee's alternative lighting configuration to be equivalent to that achieved by literal conformance with Appendix R to 10 CFR part 50 and, therefore, meets the underlying purpose of Section III.J of Appendix R. Therefore, the licensee's request for exemption from the requirements of Section III.J in the subject locations should be granted.

IV

Pursuant to 10 CFR 50.12(a)(2), the Commission will not consider granting an exemption unless special circumstances are present. Item (ii) of the subject regulation includes special circumstances where application of the subject regulation would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of Section III.J of Appendix R is to provide adequate illumination to assure the capability of performing all necessary safe shutdown functions as well as provide illumination for required movements into and out of the plant. In lieu of the 8-hour battery powered units specified by Appendix R, the licensee has proposed using existing security lighting. The staff has reviewed the proposed alternative and has concluded, as described above, that the security lighting system would be a reliable alternative and would provide an adequate level of illumination to assure that all required safe shutdown functions and required personnel movements can be performed. Therefore, the staff concludes that special circumstances exist for the licensee's requested exemption in that imposition of the literal requirements of

the regulation in these particular circumstances is not necessary to achieve the underlying purpose of Appendix R to 10 CFR part 50.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a)(2)(ii), special circumstances exist in that existing levels of emergency lighting satisfy the underlying purpose of Appendix R to 10 CFR part 50. Further, the staff has concluded that the requested exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Therefore, the Commission hereby grants the exemption request from the requirements of Section III.J of Appendix R to 10 CFR part 50 described in Section III above.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will have no significant impact on the quality of the human environment (60 FR 44088).

This Exemption is effective upon issuance.

Dated at Rockville, Md., this 30th day of August 1995.

For the Nuclear Regulatory Commission,
Steven A. Varga,
*Director, Division of Reactor Projects—I/II,
Office of Nuclear Reactor Regulation.*
[FR Doc. 95-22036 Filed 9-5-95; 8:45 am]
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[Docket No. 50-271]

In the Matter of: Vermont Yankee Nuclear Power Corporation (Vermont Yankee Nuclear Power Station); Revocation of Exemption

I

The Vermont Yankee Nuclear Power Corporation (VYNPC, the licensee) is the holder of Facility Operating License No. DPR-28 which authorizes operation of the Vermont Yankee Nuclear Power Station (the facility) at power levels no greater than 1593 megawatts thermal. The facility is a single-unit boiling water reactor (BWR) located at the licensee's site in Windham County, Vermont.

The License provides, among other things, that the Vermont Yankee Nuclear Power Station is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II

On November 19, 1980, the Commission published a revised 10 CFR 50.48 and a new Appendix R to 10 CFR part 50 regarding fire protection features of nuclear power plants. The revised § 50.48 and Appendix R became

effective on February 17, 1981. Section III of Appendix R contains 15 subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. Subsection III.J is the subject of the licensee's request.

Section III.J of Appendix R requires that emergency lighting units with at least an 8-hour battery power supply shall be provided in all areas needed for operation of safe shutdown equipment and in access and egress routes thereto. On June 26, 1989, the NRC granted an exemption from these requirements for specified areas of the Reactor Building.

By letter dated June 29, 1995, the licensee requested revocation of that exemption.

III

Since the issuance of the exemption from the emergency lighting requirements of Appendix R, the licensee has installed conforming 8-hour battery powered lighting in the affected areas. As a result, these areas conform to the lighting requirements of the regulation and the exemption is no longer needed by the licensee. The licensee has therefore requested revocation of the exemption.

The NRC staff has reviewed the information submitted by the licensee and concludes that the conditions for which the exemption for emergency lighting was granted no longer exist because the licensee has installed 8-hour battery powered lighting which conform to Section III.J of Appendix R to 10 CFR part 50.

IV

Accordingly, the Commission has determined that the specific exemption from 10 CFR part 50, Appendix R, granted on June 26, 1989, for emergency lighting is hereby revoked in that it is no longer needed.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this Revocation of Exemption will have no significant impact on the quality of the human environment (60 FR 44088).

This Revocation of Exemption is effective upon issuance.

Dated at Rockville, MD., this 30th day of August 1995.

For the Nuclear Regulatory Commission,
Steven A. Varga,
*Director, Division of Reactor Projects—I/
II, Office of Nuclear Reactor Regulation.*
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