use only respiratory protection equipment that is tested and certified or had certification extended by NIOSH/MSHA;'

2. 10 CFR 20.1703(c) which requires that ''the licensee shall use as emergency devices only respiratory protection equipment that has been specifically certified or had certification extended for emergency use by NIOSH/MSHA;'' and

3. 10 CFR Part 20 Appendix A, Protection Factors for Respirators, Footnote d.2.(d), which states, in part, that ''* * * the protection factors apply for atmosphere-supplying respirators only when supplied with adequate respirable air. Respirable air shall be provided of the quality and quantity required in accordance with NIOSH/MSHA certification (described in 30 CFR Part 11). Oxygen and air shall not be used in the same apparatus.''

The Need for the Proposed Action

Subpart H to 10 CFR Part 20, ''Respiratory Protection and Controls to Restrict Internal Exposure in Restricted Areas' states in 10 CFR 20.1702, ''When it is not practical * * * to control the concentrations of radioactive material in air to values below those that define an airborne radioactivity area, the licensee shall, consistent with maintaining the total effective dose equivalent ALARA, increase monitoring and limit intakes by * * * (c) Use of respiratory protection equipment* * *.''

It is necessary for station personnel to periodically enter containments while the units are operating in order to perform inspection or maintenance. The NAPS1&2 containments are designed to be maintained at subatmospheric pressure during power operations. The containment pressure can range from 9.0 to 11.0 pounds per square inch, absolute (psia). This containment environment could potentially impact the safety of personnel donning respiratory protection equipment, due to reduced pressure and resulting oxygen deficiency. Under these circumstances, the use of a self-contained breathing apparatus (SCBA) with enriched oxygen breathing gas is required. The licensee initially purchased Mine Safety Appliances, Inc. (MSA) Model 401 open-circuit, dual-purpose, pressure-demand SCBAs constructed of brass components which were originally intended for use with compressed air. The licensee qualified the Model 401 cylinders for use with 35% oxygen/65% nitrogen following the recommendations of the Compressed Gas Association's Pamphlet C–10, ''Recommended Procedures for Changes of Gas Service for Compressed Gas Cylinders,'' established procedures to utilize these devices with an enriched oxygen mixture, and is currently using these SCBAs with a 35% oxygen/65% nitrogen mixture instead of compressed air. The MSA Model 401 SCBA has received the NIOSH/MSHA certification for use with compressed air, but has not been tested for 35% enriched oxygen applications. Using these SCBAs without the NIOSH/MSHA certification requires an exemption from 10 CFR 20.1703(a)(1), 10 CFR 20.1703(c), and 10 CFR Part 20 Appendix A, Protection Factors for Respirators, Footnote d.2.(d).

Environmental Impacts of the Proposed Action

The proposed action will not alter plant operations, result in an increase in the probability or consequences of accidents, or result in a change in occupational or offsite dose. Therefore, there are no significant radiological impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action will not result in a change in nonradiological plant effluents and will have no other nonradiological environmental impact.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Because the Commission's staff has concluded that there is no significant environmental impact associated with the proposed exemption, any alternative to the proposed exemption will have either no significantly different environmental impact or greater environmental impact. The principal alternative would be to deny the requested exemption. Denial would result in no change in current environmental impact.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the Final Environmental Statement related to the operation of North Anna Power Station, Units 1 and 2, issued by the Commission in April 1973.

Agencies and Persons Consulted

In accordance with its stated policy, the NRC staff consulted with Mr. Foldesi of the Virginia Department of Health on June 23, 1998, regarding the environmental impact of the proposed action. Mr. Foldesi had no comments on behalf of the Commonwealth of Virginia.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the request for exemption dated March 3, 1998, as supplemented May 5, 1998, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903–2498.

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

For The Nuclear Regulatory Commission.

P.T. Kuo,

Acting Director, Project Directorate II–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–20106 Filed 7–27–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of July 27, August 3, 10, and 17, 1998.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of July 27

Wednesday, July 29

2:00 p.m.—Briefing on Operating Reactors and Fuel Facilities (Public Meeting), (Contact: Glenn Tracy, 301–415–1725).

4:00 p.m.—Affirmation Session (Public Meeting). *(Please note: This item will be affirmed immediately following the conclusion of the preceding meeting.) a: Private Fuel Storage, L.L.C.; Atomic Safety and Licensing Board Memorandum and Order, LBP–98–7 (April 22, 1998), (Tentative).

Week of August 3—Tentative

Thursday, August 6

10:00 a.m.—Briefing on Recent Research Program Results and Core Capabilities (Public Meeting), (Contact: Lloyd Donnelly, 301–415–5828).

11:30 a.m.—Affirmation Session (Public Meeting), (if needed).

Week of August 10—Tentative

Tuesday, August 11

2:00 p.m.—Briefing on 10 CFR Part 70—Proposed Rulemaking, ''Revised Requirements for the Domestic Licensing of Special Nuclear Material (Public Meeting), (Contact: Elizabeth Ten Eyck, 301–415–7212).

Wednesday, August 12

2:00 p.m.—Briefing on PRA Implementation Plan (Public Meeting), (Contact: Tom King, 301–415–5790).

3:30 p.m.—Affirmation Session (Public Meeting), (if needed).

Week of August 17—Tentative

Wednesday, August 19

11:30 a.m.—Affirmation Session (Public Meeting), (if needed).

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Bill Hill (301) 415–1661.

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm.

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This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

* * * * *

Dated: July 24, 1998.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 98–20261 Filed 7–24–98; 2:28 pm]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Agreement State Compatibility Designation for NRC Employee Protection Regulations

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Request for public comment.

SUMMARY: The Nuclear Regulatory Commission is requesting public comment as to whether Agreement States should adopt the equivalent of 10 CFR Parts 30.7, 40.7, 61.9, and 70.7 (NRC's Employee Protection requirements) in accordance with NRC's Policy Statement on Adequacy and Compatibility of Agreement State Programs, and if so, under which compatibility category.

Background

Section 274 of the Atomic Energy Act of 1954 (AEA), as amended, provides for a special Federal-State regulatory framework for the control of radioactive materials under which the NRC, by agreement with a State, discontinues regulatory authority in certain areas. Under such an agreement, the State government exercises that authority as long as the State program is adequate to protect public health and safety and compatible with the Commission's program. As defined by the Commission's Policy Statement on Adequacy and Compatibility of Agreement State Programs (62FR46517, September 3, 1997), an Agreement State's radiation control program is adequate to protect public health and safety if administration of the program provides reasonable assurance of protection of public health and safety in regulating the use of source, byproduct, and small quantities of special nuclear material as identified by Section 274b. of the AEA. An Agreement State radiation control program is compatible with the Commission's regulatory program when its program does not create conflicts, duplications, gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on a nationwide basis.

Discussion

In implementing the Commission's Policy Statement on Adequacy and Compatibility of Agreement State Programs, the NRC staff has developed the following guidance to determine the appropriate compatibility category for NRC regulations:

Keys to categories:

A Basic radiation protection standard or related definitions, signs, labels or terms necessary for a common understanding of radiation protection principles. The State program element should be essentially identical to that of NRC.

B Program element with significant direct transboundary implications. The State program element should be essentially identical to that of NRC.

C Program element, the essential objectives of which should be adopted by the State to avoid conflicts, duplications or gaps. The manner in which the essential objectives are addressed need not be the same as NRC provided the essential objectives are met.

D Not required for purposes of compatibility.

In addition, certain rules are designated as Health and Safety (H&S) due to their health and safety significance. Agreement States should adopt the essential objectives of these rules.

In a 10 CFR 2.206 petition dated December 12, 1997, Thomas B. Cochran, Ph.D., Director of the Nuclear Program of the Natural Resources Defense Council, identified the question of whether NRC's employee protection regulations should be made a matter of Agreement State compatibility. These regulations concern the protection of employees who provide information to the NRC or their employers concerning safety issues and conform to the nuclear employee protection provisions of the Energy Policy Act of 1992, which was enacted on October 24, 1992. Under the current designation, these regulations are compatibility category D—not required for purposes of compatibility. Neither are these regulations currently required for the single purpose of assuring public health and safety. The Commission has directed the NRC staff to survey and discuss this issue with the Agreement States and appropriate organizations and to provide an opportunity for public comment. The public is requested to provide comments on whether NRC's employee protection requirements should be made a matter of Agreement State compatibility, and if so, under what compatibility category designation as described above. Public comment is also requested on whether NRC's employee protection requirements should be adopted by Agreement States to assure public health and safety, even though these regulations may not be necessary to assure compatibility of regulatory programs.