for an intermittent type of train stop system at Swissvale would have taken between 18 and 24 months and, given the time-frame of the contract, that would have been impossible. US&S's only produced the continuous system of train stop kits. Finally, by using the Italian train stop kits, Union Switch was able to obtain the Pittsburgh Transit Contract which created more production and continued employment for Swissvale.

Midtex relays were first brought up in this investigation on May 23, 1990 in petitioner's additional affidavits and in other prepared questions for the company officials. This is the first time the matter surfaced and there is not adequate data in the case file for the Department to determine whether midtex relays were imported and, if they were, whether increased imports of midtex relays contributed importantly to declines in sales, production or employment on the LP–100 relays produced at Swissvale, during the relevant time period. Further, given the court order of February 27, 1990, the Department has no authority for further investigation. According to Mr. Poremba the substitution of the midtex relays for other relays occurred over a period of 10 years from through 1985.

Investigation findings show that the need for the restructuring of the Swissvale plant came from an inefficient Swissvale plant, the need for a more favorable labor climate, and from flat domestic and export markets, resulting, in part, from lower federal spending for transit programs. The Swissvale shutdown was the result of outscourcing to domestic vendors and the transfer of assembly and test to domestic corporate facilities in Georgia and South Carolina and the establishment of a new product service and distribution center in Georgia. Throughout the history of this investigation, it has become readily apparent that worker separations were more the result of declining export sales and the transfer of production to domestic vendors and domestic corporate facilities rather than increased imports of components. Neither declines in the export market nor a domestic transfer of production would provide a basis for a worker group certification.

The Department in certifying the three departments at Swissvale on evidence of the company's very limited imports of components covered the workers it could under the law. However, the Department is persuaded that there is no substantial evidence to certify the rest of the workers at Swissvale.

Finally, all of the decline in production at Swissvale in 1985 was accounted for by declines in the export market. Declines in the export market would not provide a basis for certification.

Conclusion

After reconsideration, I affirm the orginal notice of revised notice of determination on remand to apply for adjustment assistance to former workers of American Standard, Inc., Union Switch & Signal Division, Swissvale, Pennsylvania.

Signed at Washington, DC., this 11th day of June 1990.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Service, UIS.

[FR Doc. 90–14175 Filed 6–18–90; 8:45 am]

BILLING CODE 4510–30–M

Mine Safety and Health Administration

[Docket No. M–90–6–M]

Homestake Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Homestake Mining Company, P.O. Box 875, Lead, South Dakota 57754 has filed a petition to modify the application of 30 CFR 57.11002 (handrails and toeboards) to its Lead Mine (I.D. No. 39–00055) located in Lawrence County, South Dakota. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that crossovers, elevated walkways, elevated ramps and stairways be of substantial construction, provided with handrails, and maintained in good condition. Where necessary, toeboards are to be provided.

2. The treatment plant contains approximately 1500 feet of aqueducts that extend alongside and between the rotating biological concentrators (RBC) and intersect cement walkways and a gravel driveway that provide access to the aqueducts and RBC's.

3. The aqueducts have aluminum gripstrut covers but are not regularly used as travelways nor designated as travelways for persons to go from one place to another.

4. As an alternate method to providing handrails along the aqueducts, petitioner proposes that when employees occasionally stand or walk on the covered, buried aqueducts, the following protection would be put in place:

(a) Signs would be posted stating "Elevated Covered Waterways—Caution—No one allowed on top without permission from the RBC technician"; and

(b) No person would be allowed on the waterway covers without permission from the RBC technician.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 19, 1990. Copies of the petition are available for inspection at that address.

Dated: June 12, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90–14176 Filed 6–18–90; 8:45 am]

BILLING CODE 4510–43–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–237]

Commonwealth Edison Co. Dresden Nuclear Power Station; Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR–19 issued to Commonwealth Edison Company (the licensee or CECo), for operation of the Dresden Nuclear Power Station, Unit 2, located in Grundy County, Illinois.

Identification of Proposed Action

The amendment would consist of a conversion of the Provisional Operating License (POL) No. DPR–19 to a Full-Term Operating License (FTOL) with an expiration date for the FTOL to be 40 years from the date of issuance of the construction permit which would be January 10, 2006.

The amendment to the license is in response to the licensee's application dated March 16, 1973 for the conversion. The NRC staff has prepared an Environmental Assessment of the Proposed Action, "Environmental Assessment by the Office of Nuclear Regulation Relating to the Conversion of the Provisional Operating License to a

Full-Term Operating License," Commonwealth Edison Company, Dresden Nuclear Power Station, Unit 2, Docket No. 50–237 dated June 7, 1990.

Summary of Environmental Assessment

The NRC staff has reviewed the potential environmental impact of the proposed conversion of the POL to an FTOL for Dresden Nuclear Power Station, Unit 2. This evaluation considered the previous environmental studies, including the "Final Environmental Statement Relating to Operation of Dresden Nuclear Power Station, Units 2 and 3," dated November 1973, and more recent NRC policy.

Radiological Impacts

The staff concludes that the exclusion area, the low population zone and the nearest population center distances will likely be unchanged from those described in the November 1973 Final Environmental Statement. Dresden Station is located in a relatively low populated area. The low population zone (LPZ) is approximately the area enclosed by an 8000 meter (5-mile) radius from the plant. The population in the area surrounding the site has grown at a somewhat faster rate than projected in the FES for the year 1990 (10,415 compared to 8,048 projected). Current projections of population within the 50-mile radius of the station are lower than the projection in the FES. The FES population projection within the 50-mile radius for 1980 was 8,070,978 which is 28 percent greater than the 1980 census figures for the area which total 6,301,641. The FES population within the 50-mile radius for the year 2000 was 12,900,000. The current population prediction (based on projections from the Northeast Illinois Planning Commission, State of Illinois Bureau of the Budget, and Northeast Indiana Planning Commission) to the year 2010 is 7,366,584 which is less than the FES 50-mile projections for both 1980 and 2000. This small increase in the number of people living within the 5-mile zone, the lower than projected population increase within the 50-mile radius and the continuing rural nature of the area indicate that the number of people living around and within the vicinity of the plant should pose no problem to the issuance of a FTOL and the proposed extension of the operating license.

The issuance of the FTOL for 40 years from issuance of the construction permit would not significantly affect the probability or consequences of any reactor accident. Station radiological effluents to unrestricted areas during normal operation have been well within Commission regulations regarding as-low-as-is-reasonably-achievable (ALARA) limits, and are indicative of future releases. The proposed license would not increase the annual public risk from reactor operation.

With regard to normal plant operation, the occupational exposures for the Dresden Nuclear Station have closely followed the national average for boiling water reactors. The licensee is striving for dose reductions in accordance with ALARA principles and the staff expects further reductions to be achieved using advanced technologies and equipment that will likely be available.

Accordingly, annual radiological impacts on man, both offsite and onsite, are not more severe than previously estimated in the FES, and our previous cost-benefit conclusions remain valid.

With regard to normal plant operation, the license complies with the NRC guidance and requirements for keeping radiation exposures "as low as is reasonable achievable" (ALARA) for occupational exposures and for radioactivity in effluents. Technical Specifications are in place to ensure continued compliance with these requirements.

The staff also assessed the radiological impacts from potential severe accidents, the radiological aspects related to site features and the effects of external hazards. The staff did not calculate the risks of severe accidents at Dresden Unit 2. However, the risk from severe accidents at a plant with some design features in common and from a plant nearby have been calculated and may be taken as indications of the general magnitude of risk that exists at Dresden and that these risks are within an acceptable level.

Non-Radiological Impacts

The staff re-evaluated the non-radiological aspects of operation of the plant and transmission facilities. The effects of cooling system operation, fish impingement, ichthyoplankton entrainment, thermal discharge effects, chemical discharge effects, endangered and threatened species, land use, terrestrial ecology, transmission lines and floodplain management were evaluated. Effluent limitations and water quality monitoring at power plants are imposed by the EPA through the National Pollutant Discharge Elimination System (NPDES) Permit issued for each facility. An NPDES Permit for Dresden Units 2 and 3 was issued by the State of Illinois and the staff's discussions on the environmental assessment include the findings made by the State in its impact review. Based upon the environmental assessment, the staff concluded that there are no significant radiological or non-radiological impacts associated with the proposed action and that the proposed license amendment will not have a significant effect on the quality of the human environment. Therefore, the Commission has determined, pursuant to 10 CFR 51.31, not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see (1) the application for amendment dated March 16, 1973, (2) the Final Environmental Statement relating to operation of the Dresden Nuclear Power Station, issued November 1973, and (3) the Environmental Assessment dated June 7, 1990. These documents are available for public inspection at the Commission's Public Document room, 2120 L Street, NW., Washington, DC 20555 and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60450.

Dated at Rockville, Maryland, this 7th day of June, 1990.

For the Nuclear Regulatory Commission.

Leonard N. Olshan,

Acting Director, Project Directorate III–2, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 90–14153 Filed 6–18–90; 8:45 am]

BILLING CODE 7590–01–M

Ten-Year License Term for Major Operating Fuel Cycle Licensees

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: That the license term for major operating fuel cycle licensees be extended from the current five-year period to a ten-year period.

SUMMARY: Notice is hereby given that the license term for major operating fuel cycle licensees (i.e., licensees authorized to possess and use special nuclear material for reactor and fuel fabrication and/or recovery, pursuant to 10 CFR part 70, and licensees authorized to possess and use source material for production of uranium hexafluoride pursuant to 10 CFR part 40) will be increased from the current five-year period to a ten-year period on the next renewal of the affected license. The five-year term has been a matter of policy and practice (see 32 FR 7172, May 12, 1967); it is not in the codified regulations. In the past ten years, operations by major fuel cycle licensees have become stable, with few significant changes to their licenses and their

operations. As part of NRC's overall program to make licensing more efficient and effective, NRC has concluded that the term for major operating fuel cycle licenses can be increased from five years to ten years with no adverse effect on public health, safety, or the environment. The change should have a positive effect on safety, because it will allow agency resources to be shifted to enhance oversight of these facilities through increased plant operational assessments, periodic safety demonstration reviews, and increased interactions with licensees through management meetings and periodic workshops.

In order to ensure that NRC has a more timely update of the safety demonstration section than the ten-year period for license renewal, the NRC has obtained OMB clearance to require an update every two years. Currently, the safety demonstration sections of the licenses of major fuel cycle facilities are updated every five years during license renewal.

FOR FURTHER INFORMATION CONTACT: Charles J. Haughney, Chief, Fuel Cycle Safety Branch, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, telephone (301) 492–3328.

Dated at Rockville, Maryland, this 11th day of June, 1990.

For the Nuclear Regulatory Commission.

Charles J. Haughney,

Chief, Fuel Cycle Safety Branch, Division of Industrial and Medical Nuclear Safety, NMSS.

[FR Doc. 90–14154 Filed 6–18–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 30–12319, License No. 35–17178–01, EA No. 89–223]

In the Matter of Tulsa Gamma Ray, Inc., Tulsa, OK; Order Imposing Civil Monetary Penalty

I

Tulsa Gamma Ray, Inc. (licensee) is the holder of NRC Materials License No. 35–17178–01 issued by the Nuclear Regulatory Commission (NRC/Commission) on January 26, 1977. The license authorizes the licensee to possess sealed radioactive sources for use in various exposure devices in the conduct of industrial radiography and to possess sealed sources for use in calibrating radiation survey instruments. The license was scheduled to expire on March 31, 1987, but remains valid while a renewal application is being processed by NRC.

II

An inspection of the licensee's activities was conducted October 2–4, 1989. The results of this inspection indicated that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and proposed Imposition of Civil Penalty was served upon the licensee by letter dated December 29, 1989. The Notice stated the nature of the violations, the provisions of the NRC's requirements that the licensee had violated, and the amount of the civil penalty proposed for the violations. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty by letter dated February 22, 1990.

III

After consideration of the licensee's response and the statements of fact, explanation, and arguments for mitigation contained therein, the Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support has determined as set forth in the Appendix to this Order that 9 of the 10 violations occurred as stated, that 1 violation should be withdrawn, and that the $7,500 penalty proposed for the violations in the Notice of Violation and Proposed Imposition of Civil Penalty should be reduced by $750 to $6,750.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *It is hereby ordered that:* The licensee pay a civil penalty in the amount of $6,750 within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

The licensee may request a hearing within 30 days of the date of this Order. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issue to be considered at such hearing shall be whether, on the basis of the violations admitted by the licensee, consisting of the violations set forth in the Notice of Violation as modified by the withdrawal of Violation 3, this Order should be sustained.

Dated at Rockville, Maryland, this 6th day of June 1990.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support.

Evaluations and Conclusions—Appendix to Order Imposing Civil Monetary Penalty

On December 29, 1989, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for the violations identified during an October 2–4, 1989, routine, unannounced inspection of Tulsa Gamma Ray, Inc., of Tulsa, Oklahoma. Tulsa Gamma Ray (the "licensee") responded to the Notice of Violation on February 22, 1990. The licensee admitted 9 of the 10 violations but requested reconsideration of the civil penalty for a variety of reasons. The NRC's evaluations and conclusions regarding the licensee's arguments follow:

Restatement of Violations

1. Conduct of Licensed Activities at Temporary Jobsites

a. 10 CFR 34.43(b) requires that a survey with a calibrated and operable radiation survey instrument be made after each radiography exposure to determine that the sealed source has been returned to its shielded position. If the radiographic exposure device has a source guide tube, the survey must include the guide tube.

Contrary to the above, on October 2, 1989, a licensee radiographer failed to conduct a survey of the exposure device and source guide tube after any of four exposures observed by an NRC inspector.

b. 10 CFR 34.42 requires that areas in which radiography is being performed shall be conspicuous posted as required by 10 CFR 20.203(b) and (c)(1). Section 20.203(c)(1) requires that each high radiation area shall be conspicuously posted with a sign bearing the radiation caution symbol and the words: "CAUTION HIGH RADIATION AREA." As defined in 10 CFR 20.202(b)(3), "high radiation area" means any area, accessible to personnel, in which there exists radiation originating in whole or in part within licensed material at such levels that a major portion of the body could receive in any 1 hour a dose in excess of 100 millirem.