

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to William D. Beckner, Director, Project Directorate IV-1: Petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mr. Nicholas S. Reynolds, Winston & Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502, attorney for the licensee.

Non-timely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated November 24, 1996, which is 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, Arkansas 72801.

Dated at Rockville, Maryland, this 29th day of November 1996.

For the Nuclear Regulatory Commission,
Kombiz Salehi,

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

[FR Doc. 96-30900 Filed 12-3-96; 8:45 am]

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[Docket No. 72-17 (50-344)]

Portland General Electric Company, et al.; Notice of Issuance of Environmental Assessment and Finding of No Significant Impact for the Independent Spent Fuel Storage Installation at Trojan Nuclear Plant

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a materials license under the requirements of Title 10, Code of Federal Regulations (10 CFR), Part 72, to Portland General Electric Company, et al. (PGE or the applicant), authorizing receipt and storage of spent fuel in an independent spent fuel storage installation (ISFSI) located at its Trojan Nuclear Plant (TNP) in Columbia County, Oregon. The Commission's Office of Nuclear Material Safety and Safeguards, Spent Fuel Project Office, has completed its environmental review in support of the issuance of a materials license. The "Environmental Assessment (EA) Related to the Construction and Operation of the Trojan Independent Spent Fuel Storage Installation" has been issued in accordance with 10 CFR Part 51.

Summary of Environmental Assessment

Description of the Proposed Action: The proposed licensing action would authorize the applicant to construct and operate a dry storage ISFSI at the Trojan site. The primary function of the ISFSI is to provide interim storage of spent fuel assemblies, fuel debris, and greater than Class C (GTCC) waste, which were generated at the Trojan Nuclear Plant during its operation.¹

Currently, the spent fuel and fuel debris are stored in the Trojan spent fuel pool.

PGE has selected a dry storage system using Sierra Nuclear Corporation's TranStor Storage System design. The TranStor Storage System is a vertical, dry storage system which utilizes a ventilated concrete storage cask and a seal-welded steel basket to store spent nuclear fuel assemblies, fuel debris and GTCC waste.

¹ At present, licenses issued under the Commission's regulations at 10 CFR Part 72 are limited to the storage of spent fuel and other radioactive materials associated with spent fuel storage in an ISFSI. Storage of GTCC waste is not within the scope of a Part 72 license. However, on November 2, 1995, PGE submitted a petition for rulemaking requesting that the Commission amend its Part 72 regulations to specifically provide for the storage of GTCC waste in an ISFSI. See 61 FR 3619 (1996). Consideration of the inclusion of this type of waste in the EA for the Trojan ISFSI should obviate the necessity for revisiting the environmental impacts of storage of GTCC waste at Trojan if the Commission grants PGE's petition and amends its regulations as requested.

The license for an ISFSI under 10 CFR Part 72 is issued for 20 years. However, the licensee may apply to the Commission to renew the license, if necessary, prior to its expiration.

Need for the Proposed Action: TNP was shutdown in November 1992, and on January 27, 1993, PGE notified the NRC of its decision to permanently cease power operation and subsequently defueled the reactor, storing the spent fuel in the TNP spent fuel pool. Currently, PGE has a possession-only license under 10 CFR Part 50 and applied to terminate its license on January 25, 1995, by submitting a decommissioning plan. The licensee proposed to decommission the facility using a dismantlement or DECON approach as defined in the "Final Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities," NUREG-0586, dated August 1988.

PGE's plans for decommissioning the TNP include decontamination and dismantlement of contaminated structures, systems, and components. To facilitate decommissioning, the spent fuel and other contents of the spent fuel pool must be relocated. The licensee determined that an ISFSI would be the most economical method for the temporary storage of the spent fuel until acceptance of the spent fuel by the U.S. Department of Energy, which is responsible for the permanent disposal of spent fuel. Relocating the spent fuel to an ISFSI would allow TNP to proceed with decontamination and dismantlement of the structures, systems, and components without impacting the safe storage of spent fuel.

Environmental Impacts of the Proposed Action: As discussed in the EA, no significant construction impacts are anticipated. Trojan ISFSI construction activities will affect only a small fraction of the land area of TNP. With good construction practices, the potential for fugitive dust, erosion, and noise, typical of the planned construction activities, can be controlled to insignificant levels. The only resources irretrievably committed are the steel, concrete, and other construction materials used in the ISFSI pad, storage casks, and any operating equipment.

As discussed in the EA, there will be no radiological liquid or gaseous effluents during normal operation of the ISFSI. The estimated doses to both occupational workers and members of the public are below regulatory limits.

As discussed in the EA, no significant radiological impacts are expected during operation of the ISFSI. The only environmental interface of the ISFSI is

with the air surrounding the storage casks; the only discharge of waste to the environment is heated air from the cask's passive heat dissipation system. Climatological effects will be insignificant.

Alternatives to the Proposed Action: The "Final Generic Environmental Impact Statement (FGEIS) on Handling and Storage of Spent Light-Water Power Reactor Fuel," NUREG-0575, found that the ISFSIs represent a major means of interim storage at a reactor site. While the environmental impacts of the dry storage ISFSI option were not specifically addressed in the FGEIS, the use of alternative dry passive storage techniques for aged fuel appeared to be as feasible as wet storage and environmentally acceptable. However, environmental impacts need to be considered on a site-specific basis. Several alternatives were discussed in the EA, but none were more protective of the environment nor was any alternative sufficient to meet the spent fuel storage requirements for TNP. Because the Commission has concluded there are no significant environmental impacts associated with the proposed action, any alternative of equal or greater environmental impacts need not be evaluated.

Alternative Use of Resources: The only resources committed irretrievably and not previously considered in environmental documents relating to the TNP are the steel, concrete, and other construction materials used in the ISFSI.

Agencies and Persons Contacted: A representative of the Oregon Department of Energy was contacted for supporting documentation in connection with the preparation of the EA.

Finding of No Significant Impact

In summary, the TNP ISFSI is located in a small area within the confines of the TNP owner-controlled area and will require only a minor commitment of land resources. The proposed action is not expected to cause any significant release of effluents, and there will be no significant increases in individual and collective radiation doses to either the public or on-site workers. Potential off-site impacts from a postulated worst-case credible accident are a small fraction of the regulatory limits of 10 CFR 72.106 and well below the U.S. Environmental Protection Agency's Protective Action Guides. Therefore, the proposed action will not significantly affect the quality of the human environment. Accordingly, pursuant to the requirements of 10 CFR 51.31 and 51.32, the Commission has determined that a finding of no significant impact is

appropriate and that an environmental impact statement need not be prepared for the issuance of a materials license for the Trojan ISFSI.

The EA for the proposed action, on which this finding of no significant impact is based, relied upon several environmental documents, with independent assessment of data, analyses, and results. The following documents were utilized: (1) "Trojan Independent Spent Fuel Storage Installation Environmental Report" (PGE-1070), March 26, 1996, as supplemented by letter dated May 22, 1996; (2) "Final Environmental Statement Related to the Operation of the Trojan Nuclear Plant," August 1973; (3) Trojan ISFSI License Application (PGE-1068), Safety Analysis Report (PGE-1069), Decommissioning Plan (PGE-1061), and related documentation; (4) "Environmental Assessment by the U.S. Nuclear Regulatory Commission Related to the Request to Authorize Facility Decommissioning—Trojan Nuclear Plant," December 1995; (5) "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions, 10 CFR Part 51; (6) "Final Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Power Reactor Fuel," NUREG-0575, August 1979.

The EA and other documents related to this proposed action are available for public inspection and for copying for a fee at the NRC Public Document Room, 2120 L Street, NW, Washington, DC 20555, and at the Local Public Document Room for TNP located at the Branford Price Miller Library, Portland State University, Portland, Oregon 97207.

Dated at Rockville, MD, this 22nd day of November 1996.

For the Nuclear Regulatory Commission.
Charles J. Haughney,
*Acting Director, Spent Fuel Project Office,
Office of Nuclear Material Safety and
Safeguards.*

[FR Doc. 96-30901 Filed 12-3-96; 8:45 am]

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Final Memorandum of Understanding Between the U.S. Nuclear Regulatory Commission and the State of Louisiana

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice.

SUMMARY: This notice is to advise the public of the issuance of a Final Memorandum of Understanding (MOU) between the U.S. Nuclear Regulatory

Commission (NRC) and the State of Louisiana. The MOU provides the basis for mutually agreeable procedures whereby the State of Louisiana may utilize the NRC Emergency Response Data System (ERDS) to receive data during an emergency at a commercial nuclear power plant in Louisiana. Public comments were addressed in conjunction with the MOU with the State of Michigan published in the Federal Register Vol. 57, No. 28, February 11, 1992.

EFFECTIVE DATE: This MOU is effective October 31, 1996.

ADDRESSES: Copies of all NRC documents are available for public inspection and copying for a fee in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: John R. Jolicoeur or Eric Weinstein, Office for Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415-6383 or (301) 415-7559.

This attached MOU is intended to formalize and define the manner in which the NRC will cooperate with the State of Louisiana to provide data related to plant conditions during emergencies at commercial nuclear power plants in Louisiana.

Dated at Rockville, Maryland, this 27th day of November 1996.

For the Nuclear Regulatory Commission.
Edward L. Jordan,
*Director, Office for Analysis and Evaluation
of Operational Data.*

Agreement Pertaining to the Emergency Response Data System Between the State of Louisiana and the U.S. Nuclear Regulatory Commission

I. Authority

The U.S. Nuclear Regulatory Commission (NRC) and the State of Louisiana enter into this Agreement under the authority of Section 274i of the Atomic Energy Act of 1954, as amended.

Louisiana recognizes the Federal Government, primarily the NRC, as having the exclusive authority and responsibility to regulate the radiological and national security aspects of the construction and operation of nuclear production or utilization facilities, except for certain authority over air emissions to states by the Clean Air Act.

II. Background

A. The Atomic Energy Act of 1954, as amended, and the Energy