

Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. 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 Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60603, attorney for the licensee.

Nontimely 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 amendments dated June 9, 1997, 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: for Byron, the Byron Public Library District, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Dated at Rockville, Maryland, this 27th day of June 1997.

For the Nuclear Regulatory Commission.

George F. Dick, Jr.,

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

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NUCLEAR REGULATORY COMMISSION

[Docket No. 040-0017]

Notice of Environmental Assessment, Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of environmental assessment, finding of no significant impact, and opportunity for hearing related to amendment of materials license no. STB-527 for the Dow Chemical Company, Midland, Michigan.

The U.S. Nuclear Regulatory Commission is considering a license

amendment request submitted by the Dow Chemical Company (Dow). The proposed action is the approval of Dow's unrestricted release criteria for the thorium-contaminated slag storage piles at Dow's Midland and Bay City, Michigan, plant sites.

Summary of the Environmental Assessment

Dow submitted its proposed release criteria by letter dated March 11, 1996. The proposed action is the approval of the release criteria so that Dow can complete remediation of the storage areas, release them for unrestricted use, and terminate the license. The proposed action is necessary so that Dow can release the current storage areas for unrestricted use and terminate Dow's license.

Dow is currently decommissioning the Midland and Bay City, Michigan, sites, by excavating and transporting the contaminated material, by truck, from the Midland, to the Bay City, facility. The thorium-contaminated material from both facilities is then transported by rail for burial at the Envirocare low-level radioactive waste facility in Clive, Utah. NRC issued the license amendment authorizing the current decommissioning activities on July 19, 1996.

Based on staff's evaluation of Dow's unrestricted release criteria, it was determined that the proposed criteria complies with NRC's guidance on criteria for release for unrestricted use, and that authorizing the license amendment would not be a major Federal action significantly affecting the quality of the human environment. The staff concludes that a finding of no significant impact is justified and appropriate and that an environmental impact statement is not required.

The staff-identified alternatives for approving Dow's proposed release criteria are: (1) No action; or (2) adherence to the remediation criteria in the "Action Plan to Ensure Timely Cleanup of Site Decommissioning Management Plan Sites" (SDMP Action Plan) (57 FR 13389, April 16, 1992). NRC's soil remediation criteria for thorium and uranium wastes, referenced in the SDMP Action Plan, are from the Branch Technical Position (BTP) entitled "Disposal or Onsite Storage of Thorium or Uranium Wastes from Past Operations" (46 FR 52601, October 23, 1981).

The no-action alternative runs counter to the goals of 10 CFR part 40 and protecting public health safety and environment. The dose modeling results for Dow's proposed remediation criteria gave a maximum dose at or below the

dose modeling results for the BTP Option 1 thorium remediation criteria (maximum modeled dose of 0.03 mSv (30 mrem)/year predominantly from the direct radiation and inhalation pathways). Based on these results, Dow's proposed isotope specific concentration limits for soil comply with NRC's guidance for unrestricted release and are acceptable for unrestricted release.

Finding of No Significant Impact:

Based on the findings in the environmental assessment, the staff has determined that, under the National Environmental Policy Act of 1969, as amended, and NRC's regulations in 10 CFR part 51, authorizing this license amendment would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The staff concludes that a finding of no significant impact is justified and appropriate.

The staff believes that approval of Dow's release criteria will not cause any significant impacts on the human environment and is acceptable. Dow's preferred alternative provides the most complete and optimum level of protection of human health and safety and the environment among the various alternatives for release of this site.

Further Information

For additional information regarding the proposed action, see the licensee's proposed release criteria submitted by letter dated March 11, 1996, and supplementary information, the safety evaluation report, and the environmental assessment, which are available for inspection at NRC's Public Document Room, 2120 L Street NW, Washington, DC.

For further information contact Jack D. Parrott, Division of Waste Management, USNRC, Mailstop T-8F37, Washington, DC 20555-0001, Telephone: (301) 415-6700.

Opportunity for a Hearing

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 of practice, for domestic licensing proceedings, in 10 CFR Part 2. Pursuant to 10 CFR 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with 10 CFR 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 hand delivery to: Docketing and Service Branch, Office of the Secretary, 11555 Rockville Pike, Rockville, MD 20852, between 7:45 a.m. and 4:15 p.m., Federal workdays; or

2. By mail or telegram to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Docketing and Services Branch.

In addition to meeting other applicable requirements of 10 CFR Part 2 of 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 10 CFR 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 10 CFR 2.1205(c).

Each request for a hearing must also be served, by delivering it personally or by mail to:

1. The applicant, The Dow Chemical Company, Attention: Mr. Larry Giebelhaus, Project Manager, 1261 Building, Midland, MI 48667; and
2. 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 20555-0001.

Dated at Rockville, Maryland, this 1st day of July, 1997.

For the Nuclear Regulatory Commission.

John W. N. Hickey,

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

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-289]

GPU Nuclear Corporation; Three Mile Island Nuclear Station, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR part 50, Appendix R to GPU Nuclear Corporation (the licensee), for operation of the Three Mile Island Nuclear Station, Unit 1 (TMI-1), located in Dauphin County, Pennsylvania.

Environmental Assessment

Identification of the Proposed Action

The proposed action would grant an exemption from the requirements of 10 CFR part 50, Appendix R to the extent that it requires the installation of automatic fire suppression systems in certain fire areas. The licensee is seeking an exemption from Appendix R, Section III.2.G.c, which requires the installation of automatic fire suppression systems in fire areas where redundant circuits required for safe shutdown are separated by fire barriers having a 1-hour rating and have fire detectors installed. The licensee requested exemptions for the following fire areas/zones: CB-FA-2b, CB-FA-2c, CB-FA-2d, CB-FA-2e, CB-FA-2f, CB-FA-2g, CB-FA-3a, CB-FA-3b, and FH-FZ-5.

The proposed action is in accordance with the licensee's application for exemption dated August 16, 1996, as supplemented by letters dated August 28, 1996, and January 3, 1997.

The Need for the Proposed Action

Installation of automatic fire suppression systems in the affected fire areas is not a viable alternative. The affected fire areas contain high voltage plant electrical equipment where automatic water suppression systems are not desirable. Halon gas suppression systems are no longer a viable option due to the environmental concerns. The affected fire areas and adjoining spaces are frequently occupied by plant personnel, therefore carbon dioxide suppression systems are not desirable due to the personnel hazard. Modification of the fire barrier envelopes within the affected fire areas to achieve a 3-hour rating, and therefore eliminating the need for fire suppression systems, would represent a substantial cost hardship.

Environmental Impacts of the Proposed Action

In lieu of an automatic sprinkler system, the licensee will install an area-wide automatic detection system in the affected fire areas and will establish that all the fire barrier envelopes within the affected fire areas have a minimum 1-hour fire endurance rating. Manual firefighting equipment is available either inside, or in close proximity to, all of the affected fire areas. Fire brigade response to these fire areas is expected to be rapid. Also, administrative controls limit the amount of combustibles in the affected fire areas.

The Commission has completed its evaluation of the proposed action and has concluded that the degree of fire protection afforded by the area-wide detectors, the minimum 1-hour rated fire barriers, the close proximity and rapid response of firefighting equipment, and certain administrative controls provide reasonable assurance that the ability to perform safe shutdown functions in the event of a fire will be maintained. This evaluation is applicable to the following fire areas identified in the licensee's submittal: CB-FA-2b, CB-FA-2c, CB-FA-2d, CB-FA-2e, CB-FA-2f, CB-FA-2g, CB-FA-3a, and CB-FA-3b.

Granting an exemption from the regulation for these fire areas will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action involves features located entirely within the restricted area as defined in 10 CFR part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the exemption, the Commission considered denial of the proposed action, thus requiring the licensee to upgrade the existing fire barrier envelopes to a 3-hour rating, or install automatic fire suppression systems. For fire areas CB-FA-2b, CB-FA-2c, CB-FA-2d, CB-FA-2e, CB-FA-2f, CB-FA-2g, CB-FA-3a, and CB-FA-