

**NUCLEAR REGULATORY COMMISSION****Amendment to the Material License Issued to the Curators of the University of Missouri-Columbia Increasing the Limit of Uranium-238**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment.

**SUMMARY:** On June 30, 1997, the Nuclear Regulatory Commission amended Material License No. 24-00513-39, issued to the Curators of the University of Missouri-Columbia (the University), increasing the limit of uranium-238 (U-238) used in the Transuranic Management by Pyropartitioning Separation (TRUMP-S) Project experiments.

License Condition No. 29, imposed by the Commission as a result of 10 CFR Part 2, Subpart L proceedings in Memorandum and ORDER CLI-95-01 dated March 1, 1995, limited the amounts of the subject actinides (U-238; neptunium-237, plutonium-239/240, and americium-241) used in the TRUMP-S experiments to no more than one gram total at any one time as a means of ensuring that the University's emergency plan is effective and sufficient to protect the public from a release of TRUMP-S materials. In 1996, the University requested a license amendment to increase the limit on U-238 from one gram for the total actinides up to 80 grams ( $\approx 2.6 \times 10^{-5}$  Ci) of U-238, in addition to the one gram total for all other subject actinides. Staff analysis of the information submitted by the University concluded that an increase of U-238 from one to 80 grams ( $\approx 2.6 \times 10^{-5}$  Ci) with a one gram total for all other subject actinides would not result in a potential exposure to the public significantly greater than that for the limiting case used by the Commission in CLI-95-01 for a ground release of one gram of Am-241 ( $\approx 3.3$  Ci) and would not compromise the adequacy of the University's emergency plan.

**ADDRESSES:** A copy of Material License No. 24-00513-39 is available for inspection and/or copying in the NRC Public Document Room, 2120 L Street, NW., Washington, DC 20555-0001.

**OPPORTUNITY FOR A HEARING:** Any person whose interest may be affected by the licensee-initiated amendment of this license may file a request for a hearing. Any request for a hearing must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 30 days of the publication of this notice in the **Federal Register**; must be served on the

NRC staff (the Executive Director for Operations) and the Office of the General Counsel, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, and on the licensee (the Curators of the University of Missouri-Columbia, Research Reactor, Research Park Drive, Columbia, MO 65211); and must comply with the requirements for requesting a hearing set forth in 10 CFR 2.1205, Subpart L, "Informal Hearings Procedures for Adjudications in Materials Licensing Proceedings."

**FOR FURTHER INFORMATION CONTACT:**

Larry W. Camper, Mail Stop TWFN 8-F-5, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone (301) 415-7231.

Dated at Rockville, Maryland, this 14th day of July 1997.

For the Nuclear Regulatory Commission.

**Frederick C. Combs,**

*Acting Director, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 97-19198 Filed 7-21-97; 8:45 am]

BILLING CODE 7590-01-P

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-443]

**North Atlantic Energy Service Corporation, et al. (Seabrook Station, Unit No. 1); Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering modification of an exemption for Facility Operating License No. NPF-86 issued to North Atlantic Energy Service Corporation (the licensee or North Atlantic) for operation of the Seabrook Station, Unit No. 1 (Seabrook) located in Rockingham County, New Hampshire. North Atlantic is authorized to act as agent for the eleven owners of the facility.

**Environmental Assessment***Identification of the Proposed Action*

This Environmental Assessment addresses the potential environmental issues related to the proposed extension of the temporary exemption issued on January 22, 1997, from certain requirements of 10 CFR 50.75(e)(2). Specifically, the proposed extension would allow Great Bay Power Corporation (Great Bay) until July 22, 2002, subject to certain conditions to obtain a surety bond or other allowable

decommissioning funding assurance mechanism for non-electric utilities. Great Bay holds an undivided 12.1324 percent ownership interest in Seabrook.

*The Need for the Proposed Action*

On May 8, 1996, North Atlantic submitted to the NRC a request on behalf of Great Bay for Commission consent to the indirect transfer of control of Great Bay's interest in the Seabrook Operating License through formation of a holding company. Additional information relating to this request was submitted on October 18, 1996, and December 9, 1996. The request was approved on January 22, 1997, pursuant to 10 CFR 50.80, and Great Bay subsequently became a wholly owned subsidiary of BayCorp Holdings, Ltd.

During the review of the corporate restructuring, the staff noted that Great Bay markets most of its share of electricity from Seabrook on the spot wholesale market and concluded that Great Bay does not meet the NRC's definition of electric utility under 10 CFR 50.2. Notwithstanding the requirements of 10 CFR 50.75(e)(2), Great Bay does not have a funding or a guarantee mechanism in place to cover the unfunded balance of its projected share of Seabrook decommissioning costs.

On January 22, 1997, the staff approved Great Bay's proposed indirect transfer of control of Great Bay's interest in Seabrook, and in a related action, the staff issued a temporary exemption from compliance with the provisions 10 CFR 50.75(e)(2) pertaining to the additional surety arrangements for decommissioning funding assurance for non-electric utility licensees for 6 months. The exemption was intended to afford Great Bay a reasonable opportunity to implement a suitable decommissioning funding assurance method required of a non-electric utility.

On February 21, 1997, Great Bay requested reconsideration of the staff's finding that Great Bay does not meet the NRC definition of "electric utility," and on June 4 and 16, 1997, Great Bay submitted supplemental information related to Great Bay financial matters to support their request. Also included in the June 4, 1997, submittal, was a request that the NRC consider an extension to the temporary exemption as an alternative to completing reconsideration, at this time, the issue of whether Great Bay is an electric utility under the NRC definition.

The proposed action is needed in light of Great Bay's difficulty in obtaining a surety method to comply

with 10 CFR 50.75. Upon review of the circumstances surrounding the issue of Great Bay's electric utility status, its current and projected financial condition, the underlying purpose of the requirement for additional decommissioning funding assurance arrangements for non-electric utilities, and the availability of such arrangements, the staff is considering conditionally extending the temporary exemption issued on January 22, 1997, for an additional period of 5 years, until July 22, 2002.

#### *Environmental Impacts of the Proposed Action*

The Commission has evaluated the environmental impact of the proposed action and has determined that the probability or consequences of accidents would not be increased by the extension of the temporary exemption, and that post-accident radiological releases would not be greater than previously determined. Further, the Commission has determined that the extension would not affect routine radiological plant effluents and would not increase occupational radiological 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 extension of the temporary exemption would not affect nonradiological plant effluents and would have no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

#### *Alternative to the Proposed Action*

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternative with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to not extend the expiration date of the temporary exemption and, thereby, require that Great Bay provide the required additional assurance for decommissioning funding. Not extending the exemption would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are identical.

#### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the Final Environmental

Statement for the Seabrook Station, Unit No. 1, dated March 1983.

#### *Agencies and Persons Contacted*

In accordance with its stated policy, on July 14, 1997, the NRC staff consulted with the New Hampshire state official, Mr. George Iverson of the New Hampshire Emergency Management Agency regarding the environmental impact of the proposed action. On July 14, 1997, the NRC staff consulted with the Massachusetts state official, Mr. James Muckerheid of the Massachusetts Emergency Management Agency. The state officials had no comments.

#### *Finding of No Significant Impact*

Based upon the 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 action.

For further details with respect to the proposed action, see the letters submitted by Great Bay through its counsel, Shaw, Pittman, Potts & Trowbridge, dated February 21, 1997, June 4, 1997, and June 16, 1997, which are 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 Exeter Public Library, Founders Park, Exeter, New Hampshire 03833.

Dated at Rockville, Maryland, this 16th day of July 1997.

For the Nuclear Regulatory Commission.

**Albert W. De Agazio,**

*Senior Project Manager, Project Directorate I-3, Division of Reactor Projects—I/II Office of Nuclear Reactor Regulation.*

[FR Doc. 97-19199 Filed 7-21-97; 8:45 am]

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## **NUCLEAR REGULATORY COMMISSION**

### **Sunshine Act Meeting**

**AGENCY HOLDING THE MEETING:** Nuclear Regulatory Commission.

**DATES:** Weeks of July 21, 28, August 4, and 11, 1997.

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

**STATUS:** Public and Closed.

## **MATTERS TO BE CONSIDERED:**

### *Week of July 21*

There are no meetings scheduled for the week of July 21.

### *Week of July 28—Tentative*

There are no meetings scheduled for the week of July 28.

### *Week of August 4—Tentative*

Monday, August 4

2:00 p.m. Briefing by International Programs (Close—Ex. 1)

3:00 p.m. Briefings on Investigative Matters (Closed—Ex. 5 & 7)

Wednesday, August 6

9:30 a.m. Meeting with Northeast Nuclear on Millstone (Public Meeting) (Contact: Bill Travers, 301-415-1200)

2:00 p.m. Briefing on Shutdown Risk Proposed Rule for Nuclear Power Plants (Public Meeting) (Contact: Tim Collins, 301-415-2897)

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

Thursday, August 7

9:30 a.m. Meeting with NRC Executive Council (Public Meeting) (Contact: James L. Glaha, 301-415-1703)

### *Week of August 11—Tentative*

There are no meetings scheduled for the week of August 11.

**Note:** 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>.

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](mailto:wmh@nrc.gov) or [dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: July 18, 1997.

**William M. Hill, Jr.,**

*Secy Tracking Officer, Office of the Secretary.*

[FR Doc. 97-19401 Filed 7-18-97; 3:02 pm]

BILLING CODE 7590-01-M