

action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Georgia Tech Research Reactor.

Agencies and Persons Consulted

In accordance with its stated policy, on November 25, 1998, the NRC staff has consulted with Mr. Thomas Hill of the State of Georgia, Radioactive Materials Program, Department of Natural Resources, regarding the environmental impacts of the proposed action. The State official had no comment regarding environmental impacts of the proposed action.

Finding of No Significant Impact

On the basis of 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 this action, see the licensee letter dated August 20, 1998, which is available for public review at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC.

Dated at Rockville, Maryland, this 3rd day of December 1998.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

*Director, Non-Power Reactors and
Decommissioning Project Directorate,
Division of Reactor Program Management,
Office of Nuclear Reactor Regulation.*

[FR Doc. 98-32638 Filed 12-8-98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-309]

Maine Yankee Atomic Power Company, Maine Yankee Atomic Power Station; 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 50.54(w) and 10 CFR 140.11(a)(4) regarding financial protection requirements to Facility Operating License No. DPR-36, a license held by the Maine Yankee Atomic Power Company (MYAPCo or the licensee).

The exemption would apply to the Maine Yankee Atomic Power Station, a permanently shutdown plant located at the MYAPC site in Lincoln County, Maine.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant an exemption from the requirements of 10 CFR 50.54(w) regarding the amount of onsite property insurance required for the licensee and from the requirements of 140.11(a)(4) regarding the amount of offsite property insurance required for the licensee. The proposed action is in accordance with the licensee's application dated January 20, 1998. The requested action would allow MYAPCo to reduce onsite insurance coverage to \$50 million and offsite coverage to \$100 million. In addition, MYAPCo would be allowed to withdraw from the secondary liability coverage of requirements of 10 CFR 140.11(a)(4).

Need for the Proposed Action

Maine Yankee was shut down in December 1996. By letter dated August 7, 1997, the licensee informed the Commission that it had decided to permanently cease operations at Maine Yankee Atomic Power Station and that all fuel had been permanently removed from the reactor. In accordance with 10 CFR 50.82(a)(2), upon docketing of the certifications in the letter of August 7, 1997, the facility operating license no longer authorizes MYAPCo to operate the reactor and to load fuel in the reactor vessel. In this permanently shutdown condition, the facility poses a reduced risk to public health and safety.

The proposed exemption is needed because the licensee's required insurance coverage significantly exceeds the potential cost consequences of radiological incidents possible at a permanently shutdown and defueled nuclear power plant that has cooled more than 21 months. Since Maine Yankee no longer contributes as great a risk as does an operating plant, this reduction in risk should be reflected in the indemnification requirements to which the licensee is subject. Approval of this request would allow a more equitable allocation of financial risk.

Environmental Impact of the Proposed Action

The NRC's evaluation of the proposed exemption from 10 CFR 50.54(w) and 10 CFR 140.11(a)(4) indicates that issuance of the proposed exemption is an administrative action that will not have any environmental impact. The licensee maintains and operates the plant in a

configuration necessary to support the safe storage of spent fuel and to comply with the facility operating license and NRC's rules and regulations.

No changes are being made in the types or amounts of any radiological effluents that may be released off site. There is no significant increase in occupational or public 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 exemption does not affect nonradiological plant effluents and has no other nonradiological environmental impact.

Therefore, the Commission concludes that there are no significant environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Since the Commission has concluded that there is no significant environmental impact associated with the proposed exemption, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the action would be to deny the request, thereby requiring the licensee to maintain insurance coverage required of an operating plant (no-action alternative); such an action would not enhance the protection of the environment. Denial of the application would result in no change in current environmental impacts. The impacts of the proposed action and the alternative are similar.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the Final Environmental Statement related to operation of Maine Yankee Atomic Power Station, (July 1972).

Agencies and Persons Consulted

In accordance with its stated policy, on October 1, 1998, the NRC staff consulted with Mr. Patrick Dostie of the State of Maine, Department of Human Services, regarding the environmental impact of the proposed action. He did not object to issuance of the exemption.

Finding of No Significant Impact

On the basis of the environmental assessment, the staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

Accordingly, the Commission will not prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the licensee's letters, dated January 20 and May 15, 1998, which are available for public inspection at the Commission Public Document Room, Gelman Building, 2120 L Street, NW., Washington, DC, and at the Local Public Document Room at the Wiscasset Public Library, High Street, Post Office Box 367, Wiscasset, Maine, 04578.

Dated at Rockville, Maryland, this 2nd day of December 1998.

For The Nuclear Regulatory Commission

Seymour H. Weiss,

Director, Non-Power Reactors and Decommissioning Project Directorate, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-220]

Niagara Mohawk Power Corporation; Nine Mile Point Nuclear Station, Unit No. 1 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations to Facility Operating License No. DPR-63, issued to Niagara Mohawk Power Corporation (the licensee), for operation of the Nine Mile Point Nuclear Station, Unit No. 1, located in the town of Scriba, Oswego County, New York.

Environmental Assessment

Identification of the Proposed Action:

The proposed action would exempt the licensee from the requirement of 10 CFR 70.24, that requires that the licensee maintain, in each area in which special nuclear material is handled, used, or stored, a monitoring system that will energize clearly by audible alarms if accidental criticality occurs. The proposed action would also exempt the licensee from the requirements to maintain emergency procedures for each area in which this special nuclear material is handled, used, or stored to ensure that all personnel withdraw to an area of safety upon sounding of the alarm, to familiarize personnel with the evacuation plan, to designate responsible individuals for safety upon sounding of the alarm, and to place radiation survey instruments in accessible locations for use in such an emergency. The proposed action is in

accordance with the licensee's application for an exemption dated November 6, 1998.

The Need for the Proposed Action

The purpose of 10 CFR 70.24 is to ensure, if a criticality were to occur during the handling of special nuclear material, personnel would be alert to the fact and would take appropriate action. At a commercial nuclear power plant, the inadvertent criticality with which 10 CFR 70.24 is concerned could occur during fuel handling operations. The special nuclear material that could be assembled in a critical mass at a commercial nuclear power plant is in the form of nuclear fuel; the quantity of other forms of special nuclear material that is stored onsite at a given location is small enough to preclude achieving a critical mass. Because the fuel is not enriched beyond 5.0 weight percent uranium-235, and because commercial nuclear plant licensees have procedures and features that are designed to prevent inadvertent criticality, the staff has determined that an inadvertent criticality would not likely occur due to the handling of special nuclear material at a commercial power reactor. Therefore, the requirements of 10 CFR 70.24 are not necessary to ensure the safety of personnel during the handling of special nuclear materials at commercial power reactors.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that inadvertent or accidental criticality will be precluded through compliance with Nine Mile Point Nuclear Station, Unit No. 1 Technical Specifications, the design of the fuel storage racks providing geometric spacing of the fuel assemblies in their storage locations, and administrative controls imposed on fuel handling procedures. The proposed action 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 occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological

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

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action, (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statements related to the operation of Nine Mile Point Nuclear Station, Unit No. 1, dated January 1974 (39 **Federal Register** 3309, dated January 25, 1974).

Agencies and Persons Consulted

In accordance with its stated policy, on November 19, 1998, the staff consulted with the New York State official, Jack Spath of the New York State Research and Development Authority, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of 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 licensee's letter dated November 6, 1998, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, D.C., and at the local public document room located at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Dated at Rockville, Maryland, this 3rd day of December 1998.

For the Nuclear Regulatory Commission.

S. Singh Bajwa,

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

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