

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 3, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the

proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

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, 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 Susan F. Shankman: 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, and to Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019, 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 amendment dated March 14, 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Dated at Rockville, Maryland, this 28th day of March 1996.

For the Nuclear Regulatory Commission.

George F. Wunder,

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

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[Docket Nos. 50-373 and 50-374]

**Commonwealth Edison Company;
Lasalle County Station, Units 1 and 2
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 Appendix J to 10 CFR Part 50 for Facility Operating License Nos. NPF-11 and NPF-18, issued to Commonwealth Edison Company (ComEd, the licensee), for

operation of the LaSalle County Station, Units 1 and 2, located in LaSalle County, Illinois.

Environmental Assessment

Identification of Proposed Action

Section III.A.5(b) of Appendix J to 10 CFR Part 50 contains acceptance criteria for the maximum allowable measured leakage rates from a plant's primary reactor containment structure for Type A leakage tests at both a reduced pressure and at a peak pressure.

Section III.C.3 of 10 CFR Part 50, Appendix J, contains acceptance criteria for the combined leakage rate for: (1) all primary reactor containment penetrations as defined in Section II.G which are subject to Type B tests; and (2) all containment isolation valves as defined in Section II.H which are subject to Type C tests.

The exemption request will replace a portion of a prior exemption granted in NUREG-0519, "Safety Evaluation Report Related to the Operation of LaSalle County Station Units 1 and 2," (SER) dated March 1981, as modified by Supplement No. 6 to that SER, dated November 1983. The exemption request will raise the maximum allowable TS value of the main steamline isolation valve (MSIV) leakage rate through all four of the main steamlines to 400 standard cubic feet per hour (scfh) from the present value of 100 scfh. This exemption request was submitted by ComEd in its letter dated August 28, 1995, in conjunction with its request for license amendments for Units 1 and 2. These amendment requests propose to delete the present MSIV leakage control system (LCS) and replace this system with an alternate leakage treatment (ALT) path for leakage past the MSIVs in the event of a design basis accident loss-of-coolant (DBA-LOCA).

The Need for the Proposed Action

The proposed exemption would allow the licensee to continue to perform the Type A, B and C tests in the same manner required by 10 CFR Part 50, Appendix J, without penalizing the performance of these primary reactor containment leakage tests by including the proposed increase in the TS allowable leakage past the MSIVs. Specifically, the exemption granted in NUREG-0519 and its supplement cited above, excluded the MSIV leakage from the Type A, B and C tests and the present exemption will also continue to do so but at a higher allowable MSIV leakage rate.

Environmental Impacts of the Proposed Action

The radiological consequences of a potential release of fission products through the ALT path would be still subject to the radiation exposure guidelines at the site boundary as contained in 10 CFR Part 100 and also subject to the control room dose guidelines in General Design Criteria (GDC) 19 of Appendix A to 10 CFR Part 50. In addition, the licensee has demonstrated that the ALT path would remain structurally sound in the event of the design basis earthquake. Accordingly, granting of the requested exemption will still satisfy the requirement of limiting radiation exposures to acceptable limits in the event of a DBA-LOCA.

Specifically, both the MSIV leakage and the primary containment leakage, is used to calculate the maximum radiological consequences of a postulated DBA-LOCA as shown in Table 15.2 of NUREG-0519. (Table 15.1 of Supplement No. 6 to NUREG-0519 replaced this earlier table.) Conservative assumptions were used in the staff's reevaluation of the offsite and control room doses, including the doses due to the increased TS allowable MSIV leakage, which could result from a postulated DBA-LOCA. The staff's analyses demonstrate that the proposed leakage rate of 400 scfh past all the MSIVs results in potential dose exposures to the public which remain within the guideline exposure limits in 10 CFR Part 100. These analyses also demonstrate that the potential doses to the control room personnel meet the requirements in GDC 19 of Appendix A to 10 CFR Part 50.

With respect to the proposed deletion of the MSIV-LCS, this action will reduce the overall occupational radiation dose exposures and reduce the generation of low level radioactive waste due to the elimination of maintenance and surveillance activities associated with the present LCS. The dose exposure associated with deleting the LCS will satisfy the as low as reasonably achievable (ALARA) requirements in 10 CFR Part 20 and will be less than the radiation doses which would result from maintenance and surveillance activities associated with the present leakage control system if it were continued to be used for the remainder of the station's life. Accordingly, the potential releases will not differ significantly from those determined previously, and the proposed amendments do not otherwise affect facility radiological effluent or occupational exposures.

Therefore, there will not be a significant increase in the types and amounts of any effluent that may be released offsite and, as such, the proposed amendments do not alter any initial conditions assumed for the DBAs previously evaluated. Finally, the proposed ALT path is capable of mitigating the radiological consequences of these postulated DBAs.

Furthermore, the proposed exemption will not result in a significant increase to the LOCA doses previously evaluated against the offsite dose guideline values contained in 10 CFR Part 100 and in the limits in GDC 19 of Appendix A to 10 CFR Part 50.

With regard to potential nonradiological impacts, the proposed actions involve features located entirely within the restricted area as defined in 10 CFR Part 20. They do not affect nonradiological plant effluents and have no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological impacts associated with the proposed actions.

The Commission concludes that: (1) the proposed actions will not increase the probability or consequences of accidents; (2) no changes are being made in the types of effluents which may be released offsite; and (3) there is no significant increase in the allowable individual cumulative occupational radiation exposure nor in radiation exposure of the public.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed actions, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed actions, the Commission considered denial of the proposed actions. Denial of the application would result in no change in current environmental impacts.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the LaSalle County Station dated November 1978.

Accordingly, the impacts of the proposed action and the alternative action are similar.

Agencies and Persons Consulted

In accordance with its stated policy, on February 21, 1996, the NRC staff consulted with the Illinois State Official, Mr. Frank Niziolek, Head, Reactor Safety Section, Division of Engineering, Illinois Department of

Nuclear Safety; regarding the environmental impact of the proposed action. The State official 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 exemption.

For further details with respect to the proposed action, see the request for exemption dated August 28, 1995, 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 Jacobs Memorial Library, Illinois Valley Community College, Oglesby, Illinois 61348.

Dated at Rockville, Maryland, this 26th day of March 1996.

For the Nuclear Regulatory Commission
Robert A. Capra,
*Project Director, Project Directorate III-2,
Division of Reactor Projects III/IV, Office of
Nuclear Reactor Regulation.*

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[Docket Number 40-6622]

Pathfinder Mines Corporation

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final Finding of No Significant Impact of Mill Decommissioning; Notice of Opportunity for Hearing.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission has amended Pathfinder Mines Corporation's (PMC's) Source Material License SUA-442 for the Shirley Basin facility on finding of no significant impact due to mill decommissioning. The Mill Decommissioning Plan, its Supplemental Environmental Report, and a license amendment request were submitted by PMC's letters dated July 1, 1992, February 3, 1993, and November 30, 1994, respectively. An Environmental Assessment was performed by the NRC staff in accordance with the requirements of 10 CFR Part 51. The conclusion of the Environmental Assessment is a Finding of No Significant Impact (FONSI) for the proposed licensing action.

SUPPLEMENTARY INFORMATION:

Background

PMC's Shirley Basin Mill is wholly owned by Cogema, Inc. The mill is located at Shirley Basin in Carbon County, Wyoming. The mill started operation in early 1971, and the last ore feed to the plant occurred in May 1992.

An environmental statement for the uranium milling facility was prepared in December 1974, by the United States Atomic Energy Commission.

Subsequent to this statement, the mill was operated and the environment was monitored. In consideration of PMC's application dated August 19, 1982, for renewal of Source Material License SUA-442, the NRC staff issued a detailed Environmental Assessment (EA) on September 14, 1984.

The decommissioning plan discusses the processes involved in dismantling and disposing of the mill and associated buildings at the Shirley Basin mill. Details of the final disposal of the dismantled mill are included as part of the site reclamation plan. The decommissioning plan also includes PMC's plan to survey areas around the mill site for contamination by areal gamma scan and soil sampling.

Included in the plan's description of dismantling the site facilities is a discussion of the radiation safety program to be used during the decommissioning. In general, the in-place radiation program was to be relied on with minor changes focusing on the problems associated with decommissioning and dismantling. The plan maintains emphasis on occupational health physics, even though the problems related to daughter products of uranium during operation will be reduced. The plan indicates that the decommissioning will be completed such that personnel exposures are as low as reasonably achievable (ALARA) by including pre-decommissioning cleaning of the facility, use of standard operating procedures and radiation work permits, and establishment of administrative dose limits.

Review Scope

The environmental review of PMC's request for approval of its decommissioning at the Shirley Basin Mill site included evaluation of the Mill Decommissioning Plan dated June 1992, and the accompanying Mill Decommissioning Environmental Report Supplement dated February 1993. In addition, PMC submitted a letter dated May 19, 1994, clarifying that materials and spare equipment parts in the salvage yard, which were radioactively contaminated and could not be cleaned

to meet releasable limits, would be buried at the mill site or in the tailings ponds. This clarification is in agreement with the 1992 Decommissioning Plan which states on page 3-1 "Equipment and materials that can not be decontaminated for release for unrestricted use will be disposed of by burial at the mill site or within the tailings impoundment* * *"

Environmental Assessment

The staff evaluated the decommissioning plan submitted by PMC. The plan satisfies the needs of 10 CFR Part 20 and 10 CFR Part 40 and is similar to other decommissioning plans for mill facilities. The plan appropriately focuses on the implementation of the ALARA program during decommissioning and demolition of the mill buildings. Environmental monitoring plans for contamination on the property satisfy the requirements to identify areas that require clean-up. PMC intends to dispose of the concrete floor of the mill building in place, after survey for unrestricted release, and will fracture the floor before final cover placement. The fracturing of the concrete floor is intended to eliminate ponding in the two-foot cover. The contaminated equipment and buildings are to be disposed of in an interim burial pit; final disposal will occur during future reclamation activities.

The environmental impacts associated with this licensing action are within the scope of the detailed EA issued by the NRC staff, dated September 14, 1984. No further assessment of this decommissioning action is necessary.

Conclusion

The staff has no technical objections related to radiological safety for the submitted decommissioning plan for the Shirley Basin Mill. The plan provides for mill and site decommissioning that will be completed in accordance with the regulations of 10 CFR Part 20 and 10 CFR Part 40. Inspection staff should be cognizant that the submitted plan referenced old Part 20, while the actual decommissioning of the mill was to be done under the current 10 CFR Part 20.

Alternatives to the Proposed Action

Since the NRC staff has concluded that there are no significant environmental impacts associated with the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated. The principal alternative to the proposed action would be to deny the requested action. Since the environmental impacts of the proposed cleanup action are