

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 20555-0001, 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 the General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 10H, Knoxville, Tennessee 37902, 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 September 26, 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 Chattanooga-Hamilton County

Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Dated at Rockville, Maryland, this 26th day of June 1997.

For the Nuclear Regulatory Commission.

Ronald W. Hernan,

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

[FR Doc. 97-17295 Filed 7-1-97; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 070-00364; License No. SNM-414]

Finding of No Significant Impact Related to Amendment of Materials (Babcock and Wilcox, Nuclear Environmental Services, Inc.), Parks Township, PA

The U.S. Nuclear Regulatory Commission is considering issuing an amendment to Materials License No. SNM-414, held by Babcock and Wilcox, Nuclear Environmental Services, Inc. (B&W or the licensee), to authorize the decommissioning of B&W's operating facility in Parks Township, PA.

Summary of Environmental Assessment

Background

B&W is the current holder of NRC Radioactive Materials License No. SNM-414 for the operational facility located in Parks Township, PA (Parks Facilities). It authorizes B&W to use byproduct material and plutonium and uranium isotopes in decontamination, packaging, storage, and shipment activities for residual contamination and waste resulting from the former Special Nuclear Material processing operations at B&W's Parks Facilities and for use in service activities involving the receipt, storage, decontamination, refurbishment, and transfer of parts and equipment contaminated with byproduct material. By letter dated January 26, 1996, B&W informed the NRC staff that it intended to decommission the Parks Facilities. On October 10, 1996, the NRC published a notice in the **Federal Register** summarizing B&W's intention to decommission the Parks Facilities and offering interested individuals with an opportunity to request a hearing on the staff's action (61 FR 53240). The staff did not receive any requests for a hearing from interested members of the public in response to the **Federal Register** Notice.

On October 24, 1995, activities associated with the adjacent Shallow

Land Disposal Area were incorporated into NRC License No. SNM-2001. Activities and property at the adjacent Shallow Land Disposal Area were not included in the NRC staff's review of the decommissioning plan for the Parks Facilities.

Proposed Action

The objective of the decommissioning project is to decontaminate and decommission the Parks Facilities to permit release for unrestricted use and termination of NRC License No. SNM-414.

To accomplish this goal B&W will perform the following decommissioning activities:

- Remove building slabs, basements, and sub-surface utilities and structures;
- Excavate soil from under buildings and other locations on the site;
- Ship excavated soil which exceeds unrestricted use limits to a licensed low-level radioactive waste disposal facility;
- Survey and backfill excavations;
- Perform a radiological survey of the site; and
- Conduct a post-remediation groundwater monitoring program.

Need for Proposed Action

The proposed action is necessary to allow B&W to remove radioactive material, attributable to licensed operations at the site, to levels that permit unrestricted use of the site and termination of NRC License No. SNM-414.

Alternatives to the Proposed Action and Impacts

Allowing the licensee to leave the facility in its current radiological condition (i.e., "No action") would constitute a violation of NRC's regulations at 10 CFR 70.38(d)1-4, which require that licensees begin decommissioning of their facility at the cessation of licensed operations. Further, the no action alternative would result in: (1) Perpetual care of the site in its current condition to prevent public access and exposure to the radiological contamination, thereby foreclosing productive uses of the site; and (2) possible off site exposure resulting from migration of the radiological contamination. In addition, allowing the licensee to leave the facility in its current radiological condition would require that NRC grant a request to extend the time period for decommissioning in NRC's regulations pursuant to 10 CFR 70.38(e), if NRC determines that the extension is not detrimental to the public health and safety and is otherwise in the public

interest. In order for a licensee's request for an extension to be considered, the licensee must submit the request to NRC not later than 30 days before notification is required (i.e., not later than 30 days after the facility reverts from "active" to "decommissioning" status). A request for an extension or alternative schedule for decommissioning may be approved, if warranted, after considering the following:

1. Whether it is technically feasible to complete the decommissioning within the 24-month period;
2. Whether sufficient waste disposal capacity is available to allow the completion of the decommissioning within the 24-month period;
3. Whether a significant volume reduction in waste requiring disposal will be achieved by allowing short-lived radionuclides to decay;
4. Whether a significant reduction in radiation exposure to workers can be achieved by allowing short-lived radionuclides to decay; and
5. Other site-specific factors, such as the regulatory requirements of other agencies, lawsuits, groundwater-water treatment activities, monitored natural groundwater restoration, actions that could result in more environmental harm than deferred cleanup, and other factors beyond the control of the licensee.

The NRC staff has reviewed the decommissioning plan for the facility and has determined that none of these factors is applicable to the decommissioning of the licensee's facility.

In addition, approval of the request must also be in the "public interest." NRC has determined that it is normally in the public's interest to have radiologically contaminated areas remediated shortly following permanent cessation of operations. NRC has stated, "When decommissioning is delayed for long periods following cessation of operations, there is a risk that safety practices may become lax as key personnel relocate and management interest wanes. In addition, bankruptcy, corporate takeover, or other unforeseen changes in company's financial status may complicate and perhaps further delay decommissioning." (59 FR 36027). In addition, waste disposal costs have, in the past, increased at rates significantly exceeding the rate of inflation and, as such, delaying remediation will result in higher costs to the public, if the government eventually assumes responsibility for the decommissioning. Therefore, in evaluating a licensee's request for an extension, NRC staff should consider whether the licensee has adequately

addressed how postponing decommissioning would be in the public's interest. For the reasons summarized above the NRC staff has determined that postponing the decommissioning of the Parks Facilities is not in the public's interest.

An alternative considered by the licensee was to install a crushing plant on site, demolish the building and process the building rubble through the crushing plant. According to the licensee, this alternative was similar to an operation successfully performed during the decommissioning of its Apollo, PA site under NRC License No. SNM-145. The crushed rubble would be sampled as it came out of the plant. Any material that exceeded the current release criteria would be shipped to a licensed low-level radioactive waste disposal facility. Material below the release criteria would remain on site and be used as fill material after soil exceeding the release criteria had been removed and shipped for disposal. The licensee abandoned this alternative for several reasons. The crushed rubble remaining on the site may have increased the radiological dose to members of the public, the cost of this alternative far exceeds the cost of the proposed action, and the overall decommissioning schedule would have been impacted. Given these considerations, NRC staff has not further evaluated this alternative.

Finding of No Significant Impact

The NRC staff has prepared an Environmental Assessment summarizing the results of the NRC staff's review of the licensee's final decommissioning plan. Based on the NRC staff's evaluation of B&W's final decommissioning plan, it was determined that the proposed decommissioning can be carried out in a manner that is in compliance with NRC's public and occupational dose limits, effluent release limits, and residual radioactive material limits. As a result, the approval of the proposed action (i.e., decommissioning of the Parks Facilities in accordance with the commitments in NRC License No. SNM-414 and the final decommissioning plan) will not have a significant effect on the quality of the human environment. Based on this assessment, the Commission has determined not to prepare an environmental impact statement for the proposed action.

Further Information

The Environmental Assessment and other documents related to this proposed action are available for public

inspection and copying at the Commission's Public Document Room, located at 2120 L Street NW., Washington DC. 20555 and NRC's Local Public Document Room located at the Apollo Memorial Library, 219 North Pennsylvania Avenue, Apollo, PA 15613.

For further information, contact Dominick Orlando, US NRC, Mailstop T-8F37, Washington, DC 20555-001, telephone (301) 415-6947.

Dated at Rockville, Maryland, this 24th day of June, 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.

[FR Doc. 97-17296 Filed 7-1-97; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Monday, June 30, 1997.

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

STATUS: Public.

MATTERS TO BE CONSIDERED:

Monday, June 30

9:00 a.m. Affirmation Session (Public Meeting) A: Louisiana Energy Services Petitions for Review of LBP-97-8 (May 1, 1997)

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.

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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 or dkw@nrc.gov.

Dated: June 27, 1997.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 97-17461 Filed 6-30-97; 10:49 am]

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NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97-415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from June 9, 1997, through June 20, 1997. The last biweekly notice was published on June 18, 1997 (62 FR 33117).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this

proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By August 1, 1997, 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