

Alternative Use of Resources

The activities leading to the proposed action would result in the irreversible use of energy resources in the conduct of the proposed Bert Avenue remediation. There are no reasonable alternatives to these resource uses, and the proposed activities do not involve any unresolved conflicts concerning uses of available resources.

Agencies and Persons Consulted, and Sources Used

The environmental assessment on which the finding of no significant impact is based was prepared by NRC staff in the Office of Nuclear Material Safety and Safeguards, Rockville, MD, and Region III, Lisle, IL. During the review of Chemetron's Final Site Remediation Plan, NRC requested comments from the Ohio Department of Health (ODH), OEPA, and the Cuyahoga County Board of Health (CCBH).

NRC received formal comments from ODH and CCBH, and informal comments from OEPA. The principal comments received from ODH and OEPA were that NRC should require post-closure controls and monitoring, for the radiologic components in the waste, after completion of the onsite disposal cells. These controls would be consistent with the post-closure controls required by OEPA for solid waste landfills. NRC staff indicated that under the conditions of onsite disposal under the Option 2 limits of the 1981 BTP (Reference 4) the Bert Avenue site could be released for unrestricted use, and doses to hypothetical intruders who might construct homes and consume groundwater and foodstuffs grown in the wastes would be acceptable. Chemetron has agreed to perform analyses for gross alpha, gross beta, and total uranium in the groundwater sampling program to be conducted as part of OEPA post-closure monitoring program.

The principal comments made by CCBH were technical comments related to the design of the proposed Bert Avenue disposal cell.

A draft environmental assessment was provided to ODH, OEPA, CCBH, and the Mayor of Newburgh Heights for comment. Other than ODH, there were no comments received. The ODH staff indicated that the State of Ohio does not wish to have a number of small low-level waste sites across the site, and they suggested that environmental monitoring be required when the project is completed. Chemetron has agreed to perform analyses for gross alpha, gross beta, and total uranium in the groundwater sampling program to be

conducted as part of OEPA post-closure monitoring program.

No other sources of information were used beyond those which are referenced in the report.

Finding of No Significant Impact

The NRC staff has prepared an EA evaluating the environmental impacts related to the license amendment requested from Chemetron Corporation, Inc., to authorize the remediation of the Bert Avenue site in accordance with their remediation plan. The EA examines the radiological impacts associated with these proposed activities. As indicated above, the EA did not identify any significant environmental impact associated with these proposed licensed amendment actions. The NRC staff concluded that a Finding of No Significant Impact (FONSI) is justified and appropriate.

Opportunity for a Hearing

On April 11, 1994, the NRC published in the Federal Register a notice of Consideration of Amendment to Chemetron Corporation License and Opportunity for Hearing. In response to that notice, the Earth Day Coalition submitted a petition for hearing. On July 7, 1994, the Presiding Officer granted a three week period for Earth Day Coalition to supplement a deficient hearing request. The Coalition's petition failed to demonstrate the NRC's standing requirements were met and that its concerns were germane to the subject matter of the proceeding. Because the Coalition did not file the supplemental information, on September 1, 1994, the Presiding Officer dismissed the proceeding.

References

1. Chemetron Corporation, "Site Remediation Plan, Chemetron Remediation Project, Harvard Avenue and Bert Avenue Sites," Revision 1, February 28, 1995.
2. Nuclear Regulatory Commission, Environmental Assessment Finding of No Significant Impact Related to Amendment of Materials License No. SUB-1357, Chemetron Corporation, Inc., Cuyahoga Heights, OH, Federal Register, Vol. 59, No. 150, August 5, 1994, p. 40057.
3. Nuclear Regulatory Commission, Environmental Assessment Finding of No Significant Impact Related to Amendment of Materials License No. SUB-1357, Chemetron Corporation, Inc., Cuyahoga Heights, OH, Federal Register, Vol. 61, No. 110, June 6, 1996, p. 28906.
4. U.S. Nuclear Regulatory Commission, Branch Technical

Position, "Disposal or Onsite Storage of Thorium or Uranium Wastes from Past Operations," Federal Register, Vol 46, No. 205, October 23, 1981, p. 52061.

5. U.S. Nuclear Regulatory Commission, "Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of License for Byproduct, Source or Special Nuclear Material," August 1987.

6. Argonne National Laboratory, "Manual for Implementing Residual Radioactive Material Guidelines Using RESRAD, Version 5.0," ANL/EAD/LD-2, September 1993.

7. Olague, N.E., "User's Manual for the NEFTRAN II Computer Code," NUREG/CR-5618, Sandia National Laboratories, February 1991.

8. U.S. Environmental Protection Agency, "Manual of Protective Action Guides and Protective Actions for Nuclear Incidents," EPA 400-R-92-001, Revised 1991.

9. Chemetron Corporation, "Final Site Closure/Post-Closure Plan, Bert Avenue," December 5, 1994.

Dated at Rockville, Maryland, this 4th day of February 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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[Docket Nos. STN 50-454, STN 50-455, STN 50-456 and STN 50-457]

Commonwealth Edison Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating License Nos. NPF-37, NPF-66, NPF-72 and NPF-77, issued to Commonwealth Edison Company (ComEd, the licensee) for operation of Byron Station, Units 1 and 2, located in Ogle County, Illinois and Braidwood Station, Units 1 and 2, located in Will County, Illinois.

The proposed amendments would revise the technical specifications (TS) to allow ComEd to take credit, on a temporary basis, for soluble boron in the spent fuel storage water in maintaining an acceptable margin of subcriticality.

Before issuance of the proposed license amendments, the Commission will have made findings required by the

Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By March 12, 1997, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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 petitions 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 rooms 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. 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 a 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 amendments 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.

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: 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 Robert A. Capra: 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 20555-0001, 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).

If a request for a hearing is received, the Commission's staff may issue the amendments after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated November 5, 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 rooms 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 4th day of February 1997.

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

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Changes in the Operator Licensing Program; Issued

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued Generic Letter 95-06, Supplement 1 to (1) inform all licensees of nuclear power reactors (except those licensees of permanently shutdown reactors who are no longer required to utilize licensed operators) about the results of the pilot program described in Generic Letter 95-