with the air surrounding the storage casks; the only discharge of waste to the environment is heated air from the cask's passive heat dissipation system. Climatological effects will be insignificant.

Alternatives to the Proposed Action: The ''Final Generic Environmental Impact Statement (FGEIS) on Handling and Storage of Spent Light-Water Power Reactor Fuel,'' NUREG–0575, found that the ISFSIs represent a major means of interim storage at a reactor site. While the environmental impacts of the dry storage ISFSI option were not specifically addressed in the FGEIS, the use of alternative dry passive storage techniques for aged fuel appeared to be as feasible as wet storage and environmentally acceptable. However, environmental impacts need to be considered on a site-specific basis. Several alternatives were discussed in the EA, but none were more protective of the environment nor was any alternative sufficient to meet the spent fuel storage requirements for TNP. Because the Commission has concluded there are no significant environmental impacts associated with the proposed action, any alternative of equal or greater environmental impacts need not be evaluated.

Alternative Use of Resources: The only resources committed irretrievably and not previously considered in environmental documents relating to the TNP are the steel, concrete, and other construction materials used in the ISFSI.

Agencies and Persons Contacted: A representative of the Oregon Department of Energy was contacted for supporting documentation in connection with the preparation of the EA.

Finding of No Significant Impact

In summary, the TNP ISFSI is located in a small area within the confines of the TNP owner-controlled area and will require only a minor commitment of land resources. The proposed action is not expected to cause any significant release of effluents, and there will be no significant increases in individual and collective radiation doses to either the public or on-site workers. Potential off-site impacts from a postulated worst-case credible accident are a small fraction of the regulatory limits of 10 CFR 72.106 and well below the U.S. Environmental Protection Agency's Protective Action Guides. Therefore, the proposed action will not significantly affect the quality of the human environment. Accordingly, pursuant to the requirements of 10 CFR 51.31 and 51.32, the Commission has determined that a finding of no significant impact is appropriate and that an environmental impact statement need not be prepared for the issuance of a materials license for the Trojan ISFSI.

The EA for the proposed action, on which this finding of no significant impact is based, relied upon several environmental documents, with independent assessment of data, analyses, and results. The following documents were utilized: (1) ''Trojan Independent Spent Fuel Storage Installation Environmental Report'' (PGE–1070), March 26, 1996, as supplemented by letter dated May 22, 1996; (2) ''Final Environmental Statement Related to the Operation of the Trojan Nuclear Plant,'' August 1973; (3) Trojan ISFSI License Application (PGE–1068), Safety Analysis Report (PGE–1069), Decommissioning Plan (PGE–1061), and related documentation; (4) ''Environmental Assessment by the U.S. Nuclear Regulatory Commission Related to the Request to Authorize Facility Decommissioning—Trojan Nuclear Plant,'' December 1995; (5) ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions, 10 CFR Part 51; (6) ''Final Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Power Reactor Fuel,'' NUREG–0575, August 1979.

The EA and other documents related to this proposed action are available for public inspection and for copying for a fee at the NRC Public Document Room, 2120 L Street, NW, Washington, DC 20555, and at the Local Public Document Room for TNP located at the Branford Price Miller Library, Portland State University, Portland, Oregon 97207.

Dated at Rockville, MD, this 22nd day of November 1996.

For the Nuclear Regulatory Commission.

Charles J. Haughney,

Acting Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96–30901 Filed 12–3–96; 8:45 am]

BILLING CODE 7590–01–P

Final Memorandum of Understanding Between the U.S. Nuclear Regulatory Commission and the State of Louisiana

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice.

SUMMARY: This notice is to advise the public of the issuance of a Final Memorandum of Understanding (MOU) between the U.S. Nuclear Regulatory Commission (NRC) and the State of Louisiana. The MOU provides the basis for mutually agreeable procedures whereby the State of Louisiana may utilize the NRC Emergency Response Data System (ERDS) to receive data during an emergency at a commercial nuclear power plant in Louisiana. Public comments were addressed in conjunction with the MOU with the State of Michigan published in the Federal Register Vol. 57, No. 28, February 11, 1992.

EFFECTIVE DATE: This MOU is effective October 31, 1996.

ADDRESSES: Copies of all NRC documents are available for public inspection and copying for a fee in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: John R. Jolicoeur or Eric Weinstein, Office for Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415–6383 or (301) 415–7559.

This attached MOU is intended to formalize and define the manner in which the NRC will cooperate with the State of Louisiana to provide data related to plant conditions during emergencies at commercial nuclear power plants in Louisiana.

Dated at Rockville, Maryland, this 27th day of November 1996.

For the Nuclear Regulatory Commission.

Edward L. Jordan,

Director, Office for Analysis and Evaluation of Operational Data.

Agreement Pertaining to the Emergency Response Data System Between the State of Louisiana and the U.S. Nuclear Regulatory Commission

I. Authority

The U.S. Nuclear Regulatory Commission (NRC) and the State of Louisiana enter into this Agreement under the authority of Section 274i of the Atomic Energy Act of 1954, as amended.

Louisiana recognizes the Federal Government, primarily the NRC, as having the exclusive authority and responsibility to regulate the radiological and national security aspects of the construction and operation of nuclear production or utilization facilities, except for certain authority over air emissions to states by the Clean Air Act.

II. Background

A. The Atomic Energy Act of 1954, as amended, and the Energy

Reorganization Act of 1974, as amended, authorize the Nuclear Regulatory Commission (NRC) to license and regulate, among other activities, the manufacture, construction, and operation of utilization facilities (nuclear power plants) in order to assure common defense and security and to protect the public health and safety. Under these statutes, the NRC is the responsible agency regulating nuclear power plant safety.

B. NRC believes that its mission to protect the public health and safety can be served by a policy of cooperation with State governments and has formally adopted a policy statement on ''Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities'' (54 FR 7530, February 22, 1989). The policy statement provides that NRC will consider state proposals to enter into instruments of cooperation for certain programs when these programs have provisions to ensure close cooperation with NRC. This agreement is intended to be consistent with, and implement, the provisions of the NRC's policy statement.

C. NRC fulfills its statutory mandate to regulate power plant safety by, among other things, responding to emergencies at licensee's facilities and monitoring the status and adequacy of the licensee's responses to emergency situations.

D. Louisiana fulfills its statutory mandate for preparedness, response, mitigation, and recovery in the event of an accident at a nuclear power plant through the Louisiana Revised Statutes, Subtitle II of Title 30, Chapter 6.

III. Scope

A. This Agreement defines the way in which NRC and Louisiana will cooperate in planning and maintaining the capability to transfer reactor plant data via the Emergency Response Data System (ERDS) during emergencies at nuclear power plants in the State of Louisiana.

B. It is understood by the NRC and the State of Louisiana that ERDS data will only be transmitted by a licensee during emergencies classified at the Alert level or above, during scheduled tests, or during exercises when available.

C. Nothing in this Agreement is intended to restrict or expand the statutory authority of NRC, the State of Louisiana, or to affect or otherwise alter the terms of any agreement in effect under the authority of Section 274b of the Atomic Energy Act of 1954, as amended; nor is anything in this Agreement intended to restrict or expand the authority of the State of Louisiana on matters not within the scope of this Agreement.

D. Nothing in this Agreement confers upon the State of Louisiana authority to (1) interpret or modify NRC regulations and NRC requirements imposed on the licensee; (2) take enforcement actions; (3) issue confirmatory letters; (4) amend, modify, or revoke a license issued by NRC; or (5) direct or recommend nuclear power plant employees to take or not to take any action. Authority for all such actions is reserved exclusively to the NRC.

IV. NRC's General Responsibilities

Under this agreement, NRC is responsible for maintaining the ERDS. ERDS is a system designed to receive, store, and retransmit data from in-plant data systems at nuclear power plants during emergencies. The NRC will provide user access to ERDS data to one user terminal for the State of Louisiana during emergencies at nuclear power plants which have implemented an ERDS interface and for which any portion of the plant's 10-mile Emergency Planning Zone (EPZ) lies within the State of Louisiana. The NRC agrees to provide unique software already available to NRC (not commercially available) that was developed under NRC contract for configuring an ERDS workstation.

V. State of Louisiana General Responsibilities

A. Louisiana (through its lead radiological agency) will, in cooperation with the NRC, establish a capability to receive ERDS data. To this end, Louisiana will provide the necessary computer hardware and commercially licensed software required for ERDS data transfer to users.

B. Louisiana agrees not to use ERDS to access data from nuclear power plants for which a portion of the 10 mile Emergency Planning Zone does not fall within its State boundary.

C. For the purpose of minimizing the impact on plant operators, clarification of ERDS data will be pursued through the NRC.

VI. Implementation—Louisiana and the NRC agree to work in concert to assure that the following communications and information exchange protocol regarding the NRC ERDS are followed:

A. Louisiana and the NRC agree in good faith to make available to each other information within the intent and scope of this Agreement.

B. NRC and Louisiana agree to meet, as necessary, to exchange information on matters of common concern pertinent to this Agreement. Unless otherwise agreed, such meetings will be held in the NRC Operations Center. The affected utilities will be kept informed of pertinent information covered by this Agreement.

C. To preclude the premature public release of sensitive information, NRC and Louisiana will protect sensitive information to the extent permitted by the Federal Freedom of Information Act, the State of Louisiana Public Record Act (Louisiana Revised Statute 44), 10 CFR 2.790, and other applicable authority.

D. NRC will conduct periodic tests of licensee ERDS data links. A copy of the test schedule will be provided to the Louisiana Radiation Protection Division (State of Louisiana's lead radiological agency) by the NRC. The Louisiana Radiation Protection Division may test its ability to access ERDS data during these scheduled tests, or may schedule independent tests of the State link with the NRC.

E. NRC will provide access to ERDS for emergency exercises with reactor units capable of transmitting exercise data to ERDS. For exercises in which the NRC is not participating, the Louisiana Radiation Protection Division will coordinate with NRC in advance to ensure ERDS availability. NRC reserves the right to preempt ERDS use for any exercise in progress in the event of an actual event at any licensed nuclear power plant.

VII. Contacts

A. The principal senior management contacts for this Agreement will be the Director, Incident Response Division, Office for Analysis and Evaluation of Operational Data, and the Administrator, Louisiana Radiation Protection Division. These individuals may designate appropriate staff representatives for the purpose of administering this Agreement.

B. Identification of these contacts is not intended to restrict communication between NRC and the Louisiana Radiation Division staff members on technical and other day-to-day activities.

VIII. Resolution of Disagreements

A. If disagreements arise about matters within the scope of this Agreement, NRC and Louisiana will work together to resolve these differences.

B. Resolution of differences between the State and NRC staff over issues arising out of this Agreement will be the initial responsibility of the NRC Incident Response Division management.

C. Differences which cannot be resolved in accordance with Sections

VIII.A and VIII.B will be reviewed and resolved by the Director, Office for Analysis and Evaluation of Operational Data.

D. The NRC's General Counsel has the final authority to provide legal interpretation of the Commission's regulations.

IX. Effective Date

This Agreement will take effect after it has been signed by both parties.

X. Duration

A formal review, not less than 1 year after the effective date, will be performed by the NRC to evaluate implementation of the Agreement and resolve any problems identified. This Agreement will be subject to periodic reviews and may be amended or modified upon written agreement by both parties, and may be terminated upon 30 days written notice by either party.

XI. Separability

If any provision(s) of this Agreement, or the application of any provision(s) to any person or circumstances is held invalid, the remainder of this Agreement and the application of such provisions to other persons or circumstances will not be affected.

For the U.S. Nuclear Regulatory Commission,

James M. Taylor,

Executive Director for Operations.

For the State of Louisiana.

Dated: October 31, 1996.

Gus Von Bodungen,

Assistant Secretary, Office of Air Quality and Radiation Protection, Department of Environmental Quality.

[FR Doc. 96–30902 Filed 12–3–96; 8:45 am]

BILLING CODE 7590–01–M

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 November 8, 1996, through November 21, 1996. The last biweekly notice was published on November 19, 1996.

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 January 3, 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 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 for the particular facility involved. 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 a 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