Summary of the Environmental Assessment

Identification of the Proposed Action

By letter dated May 25, 1995, ARCO requested NRC approval of the disposal of mill waste containing PCBs at the Bluewater Mill site. ARCO characterized the waste as being composed primarily of spillage of ore residues from the mill ore crushing and milling circuit, and PCBs from electrical transformers in or adjacent to the mill. The waste is in 145 drums (less than 1200 cubic feet or 100 tons), and would be disposed of in a special disposal cell, backfilled with soil cement, with a clay cap and liner each a minimum of 3 feet thick and designed for 1000 year containment, within Disposal Area No. 1. Disposal Area No. 1 has an additional 1 foot of compacted engineered fill as a bottom liner and 2 feet as a top cover. There are no free liquids in the drums. The Ra-226 content of the waste material varies up to about 200 pCi/gram, with an average of about 10 pCi/gram. Based on samples taken during cleanup of the waste, the PCB concentration within the drums is estimated by ARCO to be greater than 50 ppm but less than 500 ppm.

Need for the Proposed Action

There are presently no commercial waste disposal sites in the United States licensed to accept radioactive waste contaminated with PCBs. The only current alternatives to permanent onsite disposal are relocation to a separate disposal area (which would have to be licensed by the NRC and permitted by the EPA), or temporary storage onsite or in another location (again requiring licensing and permitting) until a permanent disposal site is available.

Environmental Impacts of the Proposed Action

The ARCO Bluewater Mill site is licensed by the NRC under Materials License SUA–1470 to possess byproduct material in the form of uranium waste tailings as well as other radioactive wastes generated by past milling operations. Except for the PCBs, the waste could have been disposed of in the tailings piles as was done with other mill debris and windblown cleanup material, or with other drummed waste which was disposed of in a similar cell in Disposal Area No. 1 (ARCO Letter to NRC, February 3, 1995; NRC letter to ARCO, July 8, 1996). The PCB-contaminated waste is in drums, and would make a negligible contribution to the radon releases or groundwater contamination from the tailings impoundments even in the event of failure of the drums.

Disposal of PCB-contaminated material at the Bluewater site was evaluated by EPA Region 6. ARCO submitted documentation concerning its disposal plans to the EPA in letters dated October 9, 1995; January 26, 1996; and July 8, 1996. The EPA published a copy of its proposed approval to permit land dispose of PCBs at ARCO's Bluewater Mill site for a 45-day public comment period on April 30, 1996 in the Albuquerque (New Mexico) Journal newspaper. By letter dated June 24, 1996, the EPA notified ARCO that no comments were received during the public comments period and the EPA was issuing final approval of the disposal. DOE notified ARCO that it would accept the site, subject to certain conditions including EPA approval, in a letter dated February 23, 1996.

Alternatives to the Proposed Action

Based on its review of the request, the NRC staff has concluded that from the radiological standpoint there are no significant environmental impacts associated with the proposed action. The principal alternative to the proposed action would be to deny the requested action. The NRC staff has determined that the environmental impacts of the proposed action are less than the alternative actions. Therefore, there is no need to further evaluate alternatives to the proposed action.

Agencies and Persons Consulted

In preparing this Environmental Assessment, the NRC staff held discussions with personnel of EPA Region 6 and the New Mexico Environment Department, which has discharge permits pertaining to the Bluewater site. The staff also attended meetings between ARCO and EPA Region 6 on November 1, 1995 and December 7, 1995.

Finding of No Significant Impact

The NRC staff has prepared an Environmental Assessment for the proposed amendment of NRC Source Material License SUA–1470. On the basis of this assessment, the NRC staff has concluded that the environmental impacts that may result from the proposed action would not be significant, and therefore, preparation of an Environmental Impact Statement is not warranted.

The Environmental Assessment and other documents related to this proposed action are available for public inspection and copying at the NRC Public Document Room, in the Gelman Building, 2120 L Street NW., Washington, DC 20555.

Dated at Rockville, Maryland, this day of September 1996.

For the Nuclear Regulatory Commission.

Daniel M. Gillen,

Acting Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material, Safety and Safeguards

[FR Doc. 96–23193 Filed 9–10–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–295 and 50–304]

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

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR–39 and DPR–48 issued to Commonwealth Edison Company (ComEd, the licensee) for operation of the Zion Nuclear Power Station, Units 1 and 2, located in Lake County, Illinois.

The proposed amendments would modify Technical Specification Section 4.3.1.B.4.A.10.a which provides the acceptance criteria for steam generator tube repairs by adding a footnote which references the cleanliness and nondestructive examination requirements as described in CEN–629–P, Revision 00, ''Repair of Westinghouse Series 44 and 51 Steam Generator Tubes Using Leak Tight Sleeves.''

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.

The Commission has made a proposed determination that the amendments requested 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. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment continues to allow the ABB/CE Tungsten Inert Gas (TIG) welded tubesheet sleeves to be used as an alternate tube repair method for Zion Units 1 and 2 Steam Generators along with the process improvements which are proposed to be footnoted within the Technical Specifications. The sleeve configuration was designed and analyzed in accordance with the criteria of Regulatory Guide (RG) 1.121 and Section III of the ASME Code and is unaffected by the enhancements that will be implemented. Fatigue and stress analyses of the sleeved tube assemblies as described in the currently approved Topical Report, CEN–331–P are unaffected by the enhancements being proposed.

Mechanical testing which has shown that the structural strength of the sleeves under normal, faulted, and upset conditions is within the acceptable limits is unaffected by the enhancements being proposed. Leakage rate testing for the tube sleeves which has demonstrated that primary to secondary leakage is not expected during any plant condition is unaffected by the enhancements being proposed. The consequences of leakage through the sleeved region of the tube, including the proposed enhancements, is bounded by the existing steam generator tube rupture (SGTR) analysis included in the Zion Updated Final Safety Analysis Report.

The proposed TS change reflects enhancements to the installation/inspection process which is identified in the currently licensed Topical Report CEN–331–P, Revision 1–P. These enhancements do not increase the probability or consequences of an accident previously evaluated. The new Topical Report specifies that proper cleaning and inspection of the weld zone be performed prior to sleeve installation and eddy current testing has been added as part of the sleeve acceptance criteria to ensure the structural integrity of the tube sleeve weld joint.

The proposed TS change which supports the installation and NDE enhancements of the ABB/CE TIG welded sleeves does not adversely impact any previously evaluated design basis accident. Installation of the sleeves, with the proposed enhancements, can be used to repair degraded tubes by returning the condition of the tubes to their original design basis condition for tube integrity and leak tightness during all plant conditions. Therefore the currently approved sleeving process with the proposed enhancements will not increase the probability of occurrence of an accident previously evaluated.

Therefore, these proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

The implementation of the proposed sleeving process will not introduce significant or adverse changes to the plant design basis. The current stress and fatigue analyses of the repair identified in Topical Report CEN–331–P have shown the ASME Code and RG 1.121 allowable values are met and are unaffected by the proposed enhancements. The current TIG welded sleeving design with the proposed enhancements will continue to maintain overall tube bundle structural and leakage integrity at a level consistent with that of the originally supplied tubing. Leak and mechanical testing of the sleeves, are unaffected by the proposed enhancements and continue to support the conclusions that the sleeve retains both structural and leakage integrity during all operating and accident conditions. Repair of a tube with a sleeve, utilizing the proposed enhancements, does not provide a mechanism that results in an accident outside of the area affected by the sleeve.

The proposed change to implement specific sections from Topical Report CEN–629–P will not create a new or different type of accident. The change only reflects enhancements to the currently licensed installation/inspection process and would not change or impact any hypothetical accident previously discussed.

Any hypothetical accident as a result of potential tube or sleeve degradation in the repaired portion of the tube is bounded by the existing SGTR analysis. The sleeve design does not affect any other component or location of the tube outside of the immediate area repaired.

Therefore, the proposed changes do not create the possibility of a new or different type of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The currently licensed TIG welded sleeving repair of degraded steam generator tubes has been shown by analysis to restore the integrity of the tube bundle to its original design basis condition. By implementing the proposed enhancement the consistent quality of the upper sleeve weld has increased reducing the potential for rework and reducing the potential for leaving a weld indication in service.

The proposed change does not involve a reduction to the margin of safety. These enhancements which are identified from specific sections of the Topical Report CEN–629–P reflect enhancements to the installation/inspection process which is currently licensed by the staff. These enhancements would not have any adverse effects on the previously evaluated design transient or accident analysis. The enhancements simply specify cleaning and inspection methods of the sleeve-tube upper weld zone which will ensure the integrity of the pressure boundary.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

Based on the preceding analysis it is concluded that operation of Zion Units 1 and 2, in accordance with the proposed amendment, does not increase the probability of an accident previously evaluated, does not create the possibility of a new or different kind of accident from any accident previously evaluated, nor reduce any margins to plant safety. Therefore, this proposed amendment does not involve a significant hazards consideration as defined in 10 CFR 50.92.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments requested involve no significant hazards consideration.

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 amendments 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 amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. 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 hearing and petitions for leave to intervene is discussed below.

By October 11, 1996, the licensee may file a request for a hearing with respect to issuance of the amendments 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 Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085. 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 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.

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 amendments requested involve no significant hazards consideration, the Commission may issue the amendments and make them 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 amendments requested involve a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

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).

For further details with respect to this action, see the application for amendments dated September 3, 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 Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Dated at Rockville, Maryland, this 5th day of September 1996.

For the Nuclear Regulatory Commission.

Donna M. Skay,

Acting Project Manager Project Directorate III–2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

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[Docket Nos. 50–295 AND 50–304]

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

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The proposed amendments would remove the uncertainty term from the specified distance and remove the footnote which specifies the time frame it is applicable.

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