Dated: June 24, 1997.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 97–16881 Filed 6–26–97; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–298]

Nebraska Public Power District, Cooper Nuclear Station; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of the Nebraska Public Power District, (the licensee) to withdraw its June 6, 1996, application for proposed amendment to Facility Operating License No. DPR–46 for the Cooper Nuclear Station, located in Nemaha County, Nebraska.

The proposed amendment would have modified the facility technical specifications to revise the Safety Limit Minimum Critical Power Ratio (SLMCPR) from 1.06 to 1.07 for dual loop operation, and from 1.07 to 1.08 for single loop operation for the remainder of cycle 17.

The Commission had previously published a Notice of Consideration of Issuance of Amendment in the **Federal Register** on July 3, 1996 (61 FR 34893). However, by letter dated May 2, 1997, the licensee withdrew the proposed changes.

For further details with respect to this action, see the application for amendment dated June 6, 1996, the supplemental letters dated June 7, June 9, 1996, and May 2, 1997, which withdrew the application for license amendment. The above documents are 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 Auburn Memorial Library, 1810 Courthouse Avenue, P. O. Box 324, Auburn, NE 68305.

Dated at Rockville, Maryland, this 20th day of June 1997.

For the Nuclear Regulatory Commission.

James R. Hall,

Senior Project Manager, Project Directorate IV–1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 97–16860 Filed 6–26–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 30–30266–EA; ASLBP No. 97–729–01–EA]

21st Century Technologies, Inc.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 F.R. 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721, and 2.772(j) of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to preside over the following proceeding.

21st Century Technologies, Inc.

Order Imposing Civil Monetary Penalty

This Board is being established pursuant to the request of 21st Century Technologies, Inc. for an enforcement hearing. 21st Century Technologies, Inc. is the successor licensee to Innovative Weaponry, Inc. The hearing request was in response to an Order issued by the Director, Office of Enforcement, dated April 10, 1997, entitled ''Order Imposing Civil Monetary Penalty'' (62 FR 19816, April 23, 1997).

The Board is comprised of the following administrative judges:

Thomas S. Moore, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Jerry R. Kline, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Lester S. Rubenstein, 4760 East Country Villa Drive, Tucson, AZ 85718

All correspondence, documents and other materials shall be filed with the Judges in accordance with 10 C.F.R. 2.701.

Issued at Rockville, Maryland, this 23rd day of June 1997.

James P. Gleason,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 97–16864 Filed 6–26–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8452]

Bear Creek Uranium Company; Final Finding of No Significant Impact Notice of Opportunity for Hearing

SUMMARY: The U.S. Nuclear Regulatory Commission proposes to amend NRC Source Material License SUA–1310 for the licensee, Bear Creek Uranium Company, to allow alternate concentration limits for groundwater hazardous constituents at the Bear Creek uranium facility in Converse County, Wyoming. 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 for the proposed licensing action.

FOR FURTHER INFORMATION CONTACT: Charlotte E. Abrams, Uranium Recovery Branch, Mail Stop TWFN 7–J9, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone 301/415–5808.

SUPPLEMENTARY INFORMATION:

Background

By letter of February 28, 1997, Bear Creek Uranium Company (BCUC) requested that Source Material License SUA–1310 be amended to allow alternate concentration limits (ACLs) for groundwater constituents, uranium, Ra-226, and nickel, at the Bear Creek Uranium site. The BCUC application for ACLs proposed discontinuing the site corrective action program (CAP) in order to complete placement of the final radon barrier over the tailings and reclamation of the site. In order to terminate the CAP, the licensee must meet 10 CFR Part 40, Appendix A, Criterion 5B(5), which requires that, at the point of compliance (POC), the concentration of a hazardous constituent must not exceed the established background concentration of that constituent, the maximum concentration limits (MCLs) given in Table 5C of Appendix A, or an alternate concentration limit established by the NRC.

Summary of the Environmental Assessment

Identification of the Proposed Action

The proposed action is an amendment to SUA–1310 to allow the application of ACLs for groundwater hazardous constituents, uranium, Ra–226, and nickel, for the Bear Creek facility, as provided in 10 CFR Part 40, Appendix A, Criterion 5B(5). The NRC staff's review was conducted in accordance with the ''Staff Technical Position, Alternate Concentration Limits for Title II Uranium Mills,'' dated January 1996.

Based on its evaluation of the BCUC amendment request, the NRC staff concludes that granting the licensee the

request for ACLs will not result in any significant impacts. The staff decision was based on information provided by the licensee that demonstrated that groundwater hazardous constituents would be attenuated and constituent values would pose a health risk similar to that of MCLs by the time the groundwater plume reaches the designated points of exposure (POEs, points at which a member of the public can gain access to the groundwater) for the site. A review of alternatives to the requested action indicates that implementation of alternate methods would result in little net reduction of groundwater constituent concentrations.

Conclusion

The NRC staff concludes that approval of BCUC's amendment request to allow ACLs for groundwater hazardous constituents, uranium, Ra-226, and nickel, will not cause significant health or environmental impacts. The following statements summarize the conclusions resulting from the environmental assessment (EA):

(1) Currently, all concentrations of hazardous constituents, with the exception of uranium, Ra-226, and nickel, will meet the established groundwater background values for the site at the POC wells.

(2) Due to the attenuation capability of the sediments through which the plume of hazardous constituents will move, uranium, Ra-226, and nickel will be reduced to levels at the POEs that will be consistent with pre-mining conditions and protective of human health and the environment.

(3) The POEs are located within or at the boundary of the restricted area; therefore, the risk from the hazardous constituents will not impact public health and safety. The restricted area is the area that will be maintained for long-term care by the Department of Energy.

(4) There is no known pre-milling use of groundwater associated with sediments in which the plume of hazardous constituents is located. Groundwater use from those sediments is unlikely due to its limited availability and poor quality.

(5) Groundwater use in the area is limited to stock watering from wells developed in the underlying ore sand, which is not affected by tailings seepage, nor is it expected to be.

(6) Additional corrective action will have little effect on dewatering of the sediments or removing contaminants and, therefore, will have little impact on groundwater quality.

(7) Present and potential health risks have been assessed, using conservative approaches, and risk factors for health and environmental hazards are the same order of magnitude as the background conditions at the site.

(8) Because the staff has determined that there will be no significant impacts associated with approval of the amendment request, there can be no disproportionately high and adverse effects or impacts on minority and low-income populations. Except in special cases, these impacts need not be addressed for EAs in which a Finding of No Significant Impact is made. Special cases may include regulatory actions that have substantial public interest, decommissioning cases involving onsite disposal in accordance with 10 CFR 20.2002, decommissioning/decontamination cases which allow residual radioactivity in excess of release criteria, or cases where environmental justice issues have been previously raised. Consequently, further evaluation of 'Environmental Justice' concerns, as outlined in NRC's Office of Nuclear Material Safety and Safeguards Policy and Procedures Letter 1–50, Rev.1, is not warranted.

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. The licensee evaluated various alternatives, including continuation of the CAP, and demonstrated that those alternatives would result in little net reduction of constituent concentrations. Because the environmental impacts of the proposed action and this no-action alternative are similar, there is no need to further evaluate alternatives to the proposed action.

Finding of No Significant Impact

The NRC staff has prepared an EA for the proposed amendment of NRC Source Material License SUA–1310. 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 EA 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.

Notice of Opportunity for Hearing

The Commission hereby provides notice that this is a proceeding on an application for a licensing action falling within the scope of Subpart L, ''Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings,'' of the Commission's Rules of Practice for Domestic Licensing Proceedings in 10 CFR Part 2 (54 FR 8269). Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(c), a request for a hearing must be filed within thirty (30) days from the date of publication of this **Federal Register** notice. The request for a hearing must be filed with the Office of the Secretary either:

(1) By delivery to the Rulemakings and Adjudications Staff of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemakings and Adjudications Staff.

Each request for a hearing must also be served, by delivering it personally or by mail to:

(1) The applicant, Bear Creek Uranium Company, P.O. Box 366, Casper, Wyoming 82602; and

(2) The NRC staff, by delivery to the Executive Director of Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the Commission's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

(3) the requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

Any hearing that is requested and granted will be held in accordance with the Commission's ''Informal Hearing

Procedures for Adjudications in Materials and Operator Licensing Proceedings'' in 10 CFR Part 2, Subpart L.

Dated at Rockville, Maryland, this 23rd day of June 1997.

For the Nuclear Regulatory Commission.

Joseph J. Holonich,

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

[FR Doc. 97–16861 Filed 6–26–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–255]

Consumers Power Company, Palisades Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of 10 CFR Part 50, Appendix J, for Facility Operating License No. DPR–20, issued to Consumers Power Company, (the licensee), for operation of the Palisades Plant located in Van Buren County, Michigan.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt the licensee from certain requirements of 10 CFR Part 50, Appendix J, Option A, section III.D.2.(b)(ii) and III.D.2.(b)(iii), for Type B testing of the emergency escape air lock. The proposed action would allow performance of alternative testing of the emergency escape air lock door seals following air lock leak rate testing.

The proposed action is in accordance with the licensee's application for exemption dated January 10, 1996, as supplemented February 20, 1997.

The Need for the Proposed Action

The proposed action is necessary to allow the licensee to use different testing requirements for the emergency escape air lock. During special testing in 1992, the licensee showed that the annulus between the door seals could not be successfully tested without the door strongback installed even at pressures as low as 2 psig. This testing, along with information from the vendor, confirms that between-the-seal pressure testing on the emergency escape air lock doors cannot be properly measured or evaluated if the door strongbacks are not installed. Similarly, the inner door does not fully seal with the reverse-direction pressure of a full air lock pressure test unless the strongback is installed.

Since the removal of the inner door strongback after pressure testing requires the outer door to be opened, a between-the-seals test of the outer door would be required by the regulation. This test would require the installation of a strongback on the outer door. Further, full pressure testing or the pressure induced by the strongback may cause the door seals to take a set. It is therefore necessary to open both doors (one at a time) after any pressure testing to ensure full seal contact, and there is a potential need to readjust the seals to restore seal contact. Option A of Appendix J requires a leak rate test after opening an air lock door, with the idea that the door opening is a relatively isolated event. In this case, requiring another test immediately after a valid test simply because the door was opened again to remove test equipment or to perform seal adjustment would require performance of another air lock leak rate test to comply with the regulation. In this case, compliance with the rule would lead to an infinite series of tests.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed exemption would not increase the probability or consequences of accidents previously analyzed and the proposed exemption would not affect facility radiation levels or facility radiological effluents. As an alternative to the final pressure test required by Appendix J for verification of door seal functionality, the licensee has proposed a final door seal contact verification. This seal performance verification is completed following the full pressure air lock test, after the removal of the inner door strongback, and just prior to final closure of the air lock doors. The requested exemption would not affect compliance with the present requirement to perform a full pressure emergency escape air lock test at 6-month intervals. It would also not affect the requirement to perform a full pressure emergency escape air lock test within 72 hours of opening either door during periods when containment integrity is required. The seal contact check replaces the pressure test required by Appendix J for the door opening(s) and/or seal adjustments associated with test restoration.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed exemption.

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

Alternatives to the Proposed Action

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

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for Palisades dated June 1972.

Agencies and Persons Consulted

In accordance with its stated policy, on June 23, 1997, the NRC staff consulted with the Michigan State official, Dennis Hahn, of the Michigan Department of Environmental Quality, Drinking Water and Radiological Protection Division, 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 action.

For further details with respect to the proposed action, see the licensee's letters dated January 10, 1996, and February 20, 1997, which are available for public inspection at the Commission's Public Document Room,