

Allen Hansen, a Commission employee in the Office of Nuclear Reactor Regulation, have been appointed as Commission adjudicatory employees within the meaning of section 2.4, to advise the Commission on issues related to the pending appeal of LBP-95-17, 42 NRC 137 (1995). Messrs. Serpan and Hansen have not previously performed any investigative or litigating function connected with this or any factually-related proceeding.

Until such time as a final decision is issued in this matter, parties to the proceeding shall not communicate with Messrs. Serpan or Hansen with regard to the merits of this case.

It is so ordered.

Dated at Rockville, Maryland, this 26th day of June, 1996.

For the Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 96-16875 Filed 7-1-96; 8:45 am]

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#### [Docket No. 40-8943]

#### Crow Butte Resources Inc.

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final finding of no significant impact, notice of opportunity for hearing.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) proposes to amend NRC Source Material License SUA-1534 to allow the licensee, Crow Butte Resources, Inc., to increase the maximum concentrations of radium, uranium, and sulfate in process waste fluids to be disposed by deep well injection at its in-situ leach uranium mining facility in Dawes County, Nebraska. 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 (FONSI) for the proposed licensing action.

**FOR FURTHER INFORMATION CONTACT:** Mr. James R. Park, 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, DC 20555. Telephone 301/415-6699.

#### SUPPLEMENTARY INFORMATION:

##### Background

During April 1991, Crow Butte Resources, Inc. (Crow Butte) commenced uranium recovery

operations at its Crow Butte in-situ leach (ISL) uranium mining facility in Dawes County, Nebraska. These activities are authorized by NRC Source Material License SUA-1534. The NRC staff prepared an Environmental Assessment (EA) based on its review of Crow Butte's license application and environmental report (ER); a Final Finding of No Significant Impact (FONSI) concerning the issuance of SUA-1534 was issued on December 27, 1989 (54 FR 53200). Supplemental EAs were prepared based on the NRC staff's review of Crow Butte's amendment requests to increase its maximum processing flow rate from 2500 gallons per minute (gpm) to 3500 gpm, and separately, from 3500 gpm to the currently approved level of 5000 gpm. The NRC staff issued Final FONSI on March 12, 1993 (58 FR 13561), and February 28, 1996 (61 FR 7541), respectively, concerning these licensing actions.

#### Summary of the Environmental Assessment

##### Identification of the Proposed Action

The proposed action is an amendment to SUA-1534 to allow Crow Butte to increase the maximum concentration limits for radium, uranium, and sulfate in process waste fluids to be disposed by deep well injection at its ISL facility. The concentration limits for these constituents would be increased as follows: (1) For radium, from 1000 picocuries per liter (pCi/l) to 5000 pCi/l; (2) for uranium, from 10 milligrams per liter (mg/l) to 25 mg/l; and (3) for sulfate, from 5000 mg/l to 10,000 mg/l. The NRC staff's review was conducted in accordance with the requirements of 10 CFR 40.32 and 10 CFR 40.45.

##### Need for the Proposed Action

Crow Butte requested NRC approval of this increase in the concentration limits because the concentrations of radium, uranium, and sulfate in its typical facility waste water may approach or exceed the currently approved limits.

##### Environmental Impacts of the Proposed Action

The NRC staff approved deep well injection as an alternate method of waste disposal for the Crow Butte ISL facility by amendment to SUA-1534 on October 4, 1994. The NRC staff's approval was conditional on the State of Nebraska issuing the necessary underground injection permit for the deep well disposal process, and finding that the potential for contamination of other usable aquifers by deep well

injection was minimal. If the State determined in the affirmative on both of these issues, the NRC staff considered the potential impacts to a member of the public to be minimal. In addition, the NRC staff considered that worker exposure could be adequately managed under Crow Butte's radiation safety program. Finally, the NRC staff determined that the radiological constituent concentration limits requested by Crow Butte were comparable to levels allowed by the NRC at other ISL uranium recovery operations which employ deep well injection as a waste disposal option.

State of Nebraska Department of Environmental Quality (NDEQ) Permit No. NE0206369 was issued to Crow Butte on June 20, 1995. Under this permit, Crow Butte is authorized to operate a Class I non-hazardous waste injection well to inject waste fluids into the Morrison and Sundance Formations, which are located below the lowermost underground source of drinking water (USDW), at approximately 3500 to 3800 feet below ground surface. Due to elevated concentrations of total dissolved solids, water quality in these formations is not considered under Federal or State of Nebraska regulations to be a USDW.

Among other provisions, NDEQ Permit No. NE0206369 requires Crow Butte to continuously monitor the injection pressure to ensure that, coupled with the hydrostatic pressure, the fracture pressure of the injection zones is not exceeded, and to conduct regular mechanical integrity testing of the well to assure that process waste fluids are not injected into an unauthorized injection zone and thus pose a threat to fresh and/or usable waters of the State.

Based on its review of Crow Butte's proposed amendment request, the NRC staff considers that the requested concentration limits for uranium and radium continue to be comparable to levels approved for other ISL operations. The NRC staff defers to the NDEQ on a determination regarding the requested concentration limit for the non-radiological constituent, sulfate. The NRC staff notes that a revised NDEQ Permit No. NE0206369, issued on April 18, 1996, incorporates the increased sulfate concentration level. Finally, the monitoring and testing provisions required under NDEQ Permit No. NE0206369 are not impacted by the proposed amendment.

##### Conclusion

The NRC staff concludes that approval of Crow Butte's amendment request to increase the maximum

concentration limits for radium, uranium, and sulfate to be disposed by deep well injection will not cause significant environmental impacts.

#### 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. Since 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.

#### Agencies and Persons Consulted

The NRC staff consulted with the State of Nebraska, Department of Environmental Quality (NDEQ), in the development of the Environmental Assessment. A facsimile copy of the final Environmental Assessment was transmitted to Mr. Frank Mills of the NDEQ on June 11, 1996. In a telephone conversation on June 11, 1996, Mr. Mills indicated that the NDEQ had no comments on the Environmental Assessment.

#### Finding of No Significant Impact

The NRC staff has prepared an Environmental Assessment for the proposed amendment of NRC Source Material License SUA-1534. 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, MD., this 25th day of June 1996.

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. 96-16876 Filed 7-1-96; 8:45 am]

BILLING CODE 7590-01-P

#### [Docket Nos. 50-361 and 50-362]

#### **Southern California Edison Co.; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF-10 and NPF-15 issued to Southern California Edison Company (the licensee) for operation of the San Onofre Nuclear Generating Station, Unit Nos. 2 and 3 located in San Diego County, California.

The proposed amendment would revise Technical Specifications 3.3.11, "Post Accident Monitoring Instrumentation (PAMI)," and 5.5.2.13, "Diesel Fuel Oil Testing Program." Specifically, the number of instruments required to measure reactor coolant inlet temperature ( $T_{cold}$ ), and reactor coolant outlet temperature ( $T_{hot}$ ), will be revised from two per loop to two (with one per steam generator). The proposed change would also revise criteria for diesel fuel oil testing. The changes described above would reinstate provisions of the current San Onofre Nuclear Generating Station (SONGS), Unit Nos. 2 and 3 technical specifications that were revised as part of Amendment Nos. 127 and 116. These amendments adopted the recommendations of NUREG-1432, "Standard Technical Specifications Combustion Engineering Plants."

Before issuance of the proposed license amendment, 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 amendment request involves 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.

Proposed Technical Specification Change Number NPF-10/15-466 (PCN-466), Supplement 1 addresses modifications to the Technical Specifications for San Onofre Nuclear Generating Station (SONGS) Units 2 and 3 approved by NRC Amendment Nos. 127 and 116. NRC Amendment Nos. 127 and 116 approved changes to adopt the recommendations of NUREG-1432, "Standard Technical Specifications Combustion Engineering Plants," requested through Proposed Technical Specification Change Number NPF-10/15-299 (PCN-299). The proposed changes were identified during drafting of the procedure changes required to implement NRC Amendment Nos. 127 and 116.

PCN-466 Supplement 1 is required to restore certain provisions of the current Technical Specifications that were not properly incorporated in Amendment Nos. 127 and 116. Changes are proposed that would revise Technical Specification (TS) TS 3.3.11, "Post Accident Monitoring Instrumentation (PAMI)," and TS 5.5.2.13, "Diesel Fuel Oil Testing Program."

Specifically, the proposed change corrects the number of instruments required to measure  $T_{cold}$  and  $T_{hot}$  from two per loop to two (with one cold leg RDT [RTD] and one hot leg RTD per steam generator) in TS 3.3.11. Also, the proposed change revises diesel fuel oil testing requirements specified in TS 5.5.2.13. In particular, the viscosity limit specified in the Administrative Controls is revised to the correct range per ASTM-D975-81, which is consistent with the Bases to SR 3.8.3.3. Also, a typographical error in paragraph b is corrected. The ASTM standard for sampling fuel oil is restored to ASTM-D4057-81.

These provisions are contained in the current Technical Specifications, TS 3/4.3.3.6, "Accident Monitoring Instrumentation," and in SR 4.8.1.1.2.c of TS 3/4.8.1.1, "A.C. Sources."

Operation of the facility would remain unchanged as a result of the proposed changes. Therefore, the proposed change will not involve a significant increase in the probability or consequences of any accident previously evaluated.

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

The proposed change will restore provisions of the current Technical Specifications for SONGS Units 2 and 3. The proposed change would correct the number of instruments required to be operable to measure  $T_{cold}$  and  $T_{hot}$  from two per loop to two (with one cold leg RDT [RTD] and one hot leg RTD per steam generator), and revise diesel fuel oil testing requirements.

Operation of the facility would remain unchanged as a result of the proposed change. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

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

The proposed change will restore provisions of the current Technical