

10. *Abstract:* 10 CFR part 150 provides certain exemptions from NRC regulations for persons in Agreement States. Part 150 also defines activities in Agreement States and in offshore waters over which NRC regulatory authority continues, including certain information collection requirements. The information is needed to permit NRC to make reports to other governments and the International Atomic Energy Agency in accordance with international agreements. The information is also used to carry out NRC's safeguards and inspection programs.

A copy of the submittal may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC. Members of the public who are in the Washington, DC, area can access the submittal via modem on the Public Document Room Bulletin Board (NRC's Advance Copy Document Library) NRC subsystem at FedWorld, 703-321-3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1-800-303-9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703-487-4608. Additional assistance in locating the document is available from the NRC Public Document Room, nationally at 1-800-397-4209, or within the Washington, DC, area at 202-634-3273.

Comments and questions should be directed to the OMB reviewer by August 11, 1997. Edward Michlovich, Office of Information and Regulatory Affairs (3150-0032), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 415-7233.

Dated at Rockville, Maryland, this 1st day of July 1997.

For the Nuclear Regulatory Commission.

Arnold E. Levin,

Acting Designated Senior Official for Information Resources Management.

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NUCLEAR REGULATORY COMMISSION

[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, 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. STN 50-454, STN 50-455, STN 50-456 and STN 50-457, issued to Commonwealth Edison Company (ComEd, the licensee) for operation of the Byron Nuclear Power Station, Units 1 and 2, located in Ogle County, Illinois, and Braidwood Nuclear Power Station, Units 1 and 2, located in Will County, Illinois, respectively.

The proposed amendments would authorize a revision to the realistic dose values for the process gas system rupture in Section 15.0 of the Byron/Braidwood (B/B) Updated Final Safety Analysis Report (UFSAR). During preparation of a UFSAR change package, ComEd discovered that the Final Safety Analysis Report (FSAR) had not been updated to correct an error from the previous revision of the dose calculation. Since the correct dose value is greater than that previously reported, the consequences of the accident had increased, and an unreviewed safety question resulted.

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 amendments 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. Does the change involve a significant increase in the probability or

consequences of an accident previously evaluated?

The proposed changes involve a slight increase to the consequences of the waste gas decay tank rupture event as shown in UFSAR Tables 15.0-11 and 15.0-12. However, the values continue to be less than a small fraction of the 10 CFR 100 limits, i.e., 10 percent or 2.5 rem for whole-body dose. Standard Review Plan 11.3, Branch Technical Position (BTP) ETSB 11-5, "Postulated Radioactive Releases Due to a Waste Gas System Leak or Failure," in NUREG-0800, July 1981 imposes lower dose limits than 10 CFR 100 because the probability of an accidental release from the waste gas system is relatively high. The BTP establishes a limit of 0.5 rem to an individual at the nearest exclusion area boundary. The recalculated doses also meet this criterion.

All other aspects of the original accident event and analysis, as presented in UFSAR Subsection 15.7.1, are unchanged. The proposed changes do not impact any accident initiators or assumed mitigation of accident or transient events. They do not involve the addition or removal of any equipment, or any design changes to the facility. There is no change to the types of effluents released offsite. The source terms in UFSAR Table 15.7-2 are unaffected. The change affects only the post-accident dose; there is no impact on individual or cumulative occupational radiation exposure. Therefore, this request does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes do not involve a modification to the physical configuration of the plant (i.e., no new equipment will be installed) or change in the methods governing normal plant operation. The proposed changes will not impose any new or different requirements or introduce a new accident or malfunction mechanism. The proposed change affects only a calculation to determine dose following an event that has been previously analyzed. It has no impact on any event in the accident sequence, and no new failures are created. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed changes do not result in any reduction in the margin of safety

because they have no impact on safety analysis assumptions. Technical Specification 3.11.2.6 restricts the quantity of radioactivity contained in each gas storage tank to provide assurance that, in the event of an uncontrolled release of the tank's contents, the resulting whole body exposure will not exceed 0.5 rem, as established in BTP ETSB 11-5. The gas decay tank activity is limited to 50,000 curies of noble gas as Xe-133 equivalent. Since this activity limit is not affected and the calculated dose is less than 0.5 rem, the margin of safety remains the same.

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 amendment request involves 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 August 7, 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 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: 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 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 amendments.

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: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. 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 June 9, 1997, 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: 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 27th day of June 1997.

For the Nuclear Regulatory Commission.

George F. Dick, Jr.,

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

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NUCLEAR REGULATORY COMMISSION

[Docket No. 040-0017]

Notice of Environmental Assessment, Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of environmental assessment, finding of no significant impact, and opportunity for hearing related to amendment of materials license no. STB-527 for the Dow Chemical Company, Midland, Michigan.

The U.S. Nuclear Regulatory Commission is considering a license

amendment request submitted by the Dow Chemical Company (Dow). The proposed action is the approval of Dow's unrestricted release criteria for the thorium-contaminated slag storage piles at Dow's Midland and Bay City, Michigan, plant sites.

Summary of the Environmental Assessment

Dow submitted its proposed release criteria by letter dated March 11, 1996. The proposed action is the approval of the release criteria so that Dow can complete remediation of the storage areas, release them for unrestricted use, and terminate the license. The proposed action is necessary so that Dow can release the current storage areas for unrestricted use and terminate Dow's license.

Dow is currently decommissioning the Midland and Bay City, Michigan, sites, by excavating and transporting the contaminated material, by truck, from the Midland, to the Bay City, facility. The thorium-contaminated material from both facilities is then transported by rail for burial at the Envirocare low-level radioactive waste facility in Clive, Utah. NRC issued the license amendment authorizing the current decommissioning activities on July 19, 1996.

Based on staff's evaluation of Dow's unrestricted release criteria, it was determined that the proposed criteria complies with NRC's guidance on criteria for release for unrestricted use, and that authorizing the license amendment would not be a major Federal action significantly affecting the quality of the human environment. The staff concludes that a finding of no significant impact is justified and appropriate and that an environmental impact statement is not required.

The staff-identified alternatives for approving Dow's proposed release criteria are: (1) No action; or (2) adherence to the remediation criteria in the "Action Plan to Ensure Timely Cleanup of Site Decommissioning Management Plan Sites" (SDMP Action Plan) (57 FR 13389, April 16, 1992). NRC's soil remediation criteria for thorium and uranium wastes, referenced in the SDMP Action Plan, are from the Branch Technical Position (BTP) entitled "Disposal or Onsite Storage of Thorium or Uranium Wastes from Past Operations" (46 FR 52601, October 23, 1981).

The no-action alternative runs counter to the goals of 10 CFR part 40 and protecting public health safety and environment. The dose modeling results for Dow's proposed remediation criteria gave a maximum dose at or below the

dose modeling results for the BTP Option 1 thorium remediation criteria (maximum modeled dose of 0.03 mSv (30 mrem)/year predominantly from the direct radiation and inhalation pathways). Based on these results, Dow's proposed isotope specific concentration limits for soil comply with NRC's guidance for unrestricted release and are acceptable for unrestricted release.

Finding of No Significant Impact:

Based on the findings in the environmental assessment, the staff has determined that, under the National Environmental Policy Act of 1969, as amended, and NRC's regulations in 10 CFR part 51, authorizing this license amendment would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The staff concludes that a finding of no significant impact is justified and appropriate.

The staff believes that approval of Dow's release criteria will not cause any significant impacts on the human environment and is acceptable. Dow's preferred alternative provides the most complete and optimum level of protection of human health and safety and the environment among the various alternatives for release of this site.

Further Information

For additional information regarding the proposed action, see the licensee's proposed release criteria submitted by letter dated March 11, 1996, and supplementary information, the safety evaluation report, and the environmental assessment, which are available for inspection at NRC's Public Document Room, 2120 L Street NW, Washington, DC.

For further information contact Jack D. Parrott, Division of Waste Management, USNRC, Mailstop T-8F37, Washington, DC 20555-0001, Telephone: (301) 415-6700.

Opportunity for a Hearing

NRC hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of Subpart L, "Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings," of NRC's rules of practice, for domestic licensing proceedings, in 10 CFR Part 2. Pursuant to 10 CFR 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with 10 CFR 2.1205(c). A request for a hearing must be filed within thirty (30) days of the