[Docket No. 72–10]

Northern States Power Co.; Independent Spent Fuel Storage Installation; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an exemption from certain requirements of its regulations, to Northern States Power Company (NSP), located in Minneapolis, Minnesota. The requested exemption would allow NSP to submit the report of preoperational test acceptance criteria and test results at least three days (instead of 30 days) prior to the receipt of fuel at its independent spent fuel storage installation (ISFSI) at the Prairie Island plant (Docket Nos. 50–282/306) located near Red Wing, Minnesota.

Environmental Assessment

Identification of Proposed Action: The request, proposed by NSP letter dated January 4, 1995, would exempt NSP from the requirements of 10 CFR 72.82(e), which states that ''A report of the preoperational test acceptance criteria and test results must be submitted * * * at least 30 days prior to the receipt of spent fuel or high-level radioactive waste.'' NSP proposed to submit this report three days prior to the receipt of spent fuel at its ISFSI. Granting the exemption at this time would enable NSP to proceed with activities to support its scheduled Unit 2 refueling outage.

The Need for the Proposed Action: NSP request for exemption is to ensure the availability of adequate storage space in the spent fuel pool in order to support NSP's scheduled Unit 2 refueling outage. A fuller discussion of the need for the exemption follows.

In July 1993, NSP suspended cask fabrication and site construction activities until the Minnesota State Legislature authorized the Prairie Island ISFSI on May 10, 1994. After authorization, the ISFSI construction resumed and the facility was completed in November 1994, and the first cask was received on January 26, 1995.

NSP plans to receive new fuel, in March 1995, for the refueling outage which is scheduled to begin May 13, 1995. Subsequent to receipt, new fuel is transferred from the new fuel storage racks into the spent fuel pool in preparation for refueling activities. Because the Prairie Island spent fuel pool is nearly full, and because there is limited space in the spent fuel pool area, the multiple activities, associated with storage cask loading and the refueling outage, cannot be conducted at the same time. Therefore, the first storage cask must be loaded and transported to the ISFSI prior to receipt of new fuel.

NSP estimates that approximately 30 days will be required for the preoperational testing of the first cask and the associated equipment, and about two weeks will be required to load the cask and transport it to the ISFSI. Including the 30-day waiting period required in 10 CFR 72.82(e), it will take about two and one-half months from cask receipt until it is placed on the storage pad. Even if cask loading started before the end of the waiting period (which is allowed under 10 CFR 72.82(e)— there would not be enough time to complete the activities prior to receipt of new fuel, assuming the full 30-day waiting period.

The purpose of the 30-day period, for the licensee to submit a report of the preoperational test acceptance criteria and test results, is to establish a sufficient hold point so as to ensure that the NRC has enough time to inspect a new licensee's preparations and, if necessary, exercise its regulatory authority before fuel is received at an ISFSI. For example, an ISFSI located at an away-from-reactor site may not have a resident inspector; therefore, the full 30-day period might be necessary to provide enough time for the NRC to review the licensee's records and preoperational test results and, if needed, send inspectors to the site. The Prairie Island ISFSI is located on a reactor site that has resident inspectors, and the resident and other NRC inspectors will both be present at the ISFSI to observe portions of the preoperational testing activities while they are being conducted. The NRC inspectors will also have ongoing access to the licensee's test procedures and test results in order to be able to conduct the appropriate review. Thus, in view of the NRC's oversight presence during the preoperational testing phase at Prairie Island, as well as the NRC's immediate access to the licensee's procedures and test results, the Commission concludes that the full 30 days, provided for in the rule, will not be needed in order for NRC to complete its inspection activities and determine whether any further regulatory action is needed before spent fuel is received at the Prairie Island ISFSI. Therefore, the licensee's submission of the required report in less time than the required 30-day period, before fuel receipt at the ISFSI, is acceptable. However, based on the ongoing observations of preoperational tests by inspectors, NRC may determine that more time than the three-day period, requested by the licensee, is needed to review additional licensee records and preoperational test results. Therefore, in granting the requested exemption, NRC reserves the right to require additional time, if necessary, to complete its activities.

Environmental Impacts of the Proposed Action: The Commission has evaluated the environmental impacts of the proposed action. The NRC reviewed the Prairie Island Safety Analysis Report (SAR), and in July 1933, issued a Safety Evaluation Report (SER) approving the SAR. On July 28, 1992, the NRC issued an Environmental Assessment and Finding of no Significant Impact for the ISFSI (57 FR 34319, dated August 4, 1992). On the basis of these reviews NRC concluded that spent fuel could be stored in the ISFSI at Prairie Island without significant environmental impact.

The proposed exemption will not alter or affect the impacts of operation of the ISFSI previously evaluated by NRC. Rather, it merely allows NSP to submit the report of preoperational test acceptance criteria and test results three days prior to receipt of fuel at the ISFSI instead of the required 30-day period. As previously noted the 30-day period is to provide the NRC sufficient opportunity to review the licensee's submittals. With inspectors of site, a shorter period will, in this case, provide the same, sufficient opportunity. In addition, the proposed exemption does not involve any change that increases the probability or consequences of accidents, that changes the types of any effluents that may be released offsite, or that would significantly increase the allowable individual or cumulative occupational radiation exposure. The Commission accordingly concludes that this proposed exemption will have no significant radiological or nonradiological environmental impacts.

Alternative 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. The staff considered the alternative of denying the requested exemption. Denial could result in the delay of the plant refueling outage planned for May 13, 1995, and would not reduce or change the environmental impacts that currently exist.

Agencies and Persons Consulted: The Commission's staff reviewed NSP's request and did not consult other agencies or persons.

Finding of No Significant Impact: Based upon the foregoing environmental

assessment, the Commission concludes that the proposed action would 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 exemption.

For further details with respect to this action, the request for exemption dated January 4, 1995, and other documents 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 located in the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, MN 55401.

Dated at Rockville, Maryland, this 6th day of March, 1995.

For the Nuclear Regulatory Commission.

Donald A. Cool,

Director, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 95–6062 Filed 3–10–95; 8:45 am]

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[Docket 70–364]

Babcock and Wilcox Co., Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by Petition dated January 5, 1994, Citizens' Action for a Safe Environment (CASE) and the Kiski Valley Coalition to Save Our Children (The Coalition) (together referred to as Intervenors) filed a joint request for an informal hearing pursuant to 10 C.F.R. Part 2, Subpart L, with regard to Babcock & Wilcox Company's (Licensee) application for renewal of Special Nuclear Materials License SNM–414 issued to the Licensee by the Nuclear Regulatory Commission (Commission) for the Pennsylvania Nuclear Service Operation facility located in Parks Township, Armstrong County, Pennsylvania (Parks Township facility). In its Initial Decision, dated January 3, 1995, authorizing the renewal of the materials license, the Atomic Safety and Licensing Board, consistent with 10 C.F.R. 2.1205(k)(2), referred to the Commission's Executive Director for Operations for consideration as requests for action under 10 CFR 2.206, twelve areas of concern (see Sections B, H, I, M, P, Q, S, T, U, W, X, and Y, Initial Decision at pages 63 to 70) raised in that proceeding by the Intervenors. These concerns were referred to the Director of the Office of Nuclear Material Safety and Safeguards. Each of these concerns has been reviewed with respect to the requirements of 10 CFR 2.206. Sections B, H, I, M, P, S, T, U, W and Y have failed to satisfy the requirement of Section 2.206 that a request pursuant to section 2.206 must ''specify the action requested and set forth the facts that constitute the basis for the request.'' However, Section B, H, M, P, S, T, U, W, and Y were addressed by the Commission staff in Michael A. Lamastra's affidavit dated September 22, 1994, and Section I was addressed by the Commission staff in Heather M. Astwood's affidavit dated September 22, 1994, filed in the Parks Township proceeding.

Section Q has been interpreted as a request for the Commission to test for radioactive contamination in the general vicinity of Kepple Hill and Riverview in Parks Township. The apparent concern is that this area is downwind of the Apollo facility which the Intervenors assert had been releasing radioactivity at a rate above regulatory limits. The Intervenors rely on letters dated April 20, 1966, and May 26, 1969, concerning the need for experimental data for an air surveillance program at the Apollo plant and authorization by the Commission's predecessor, the Atomic Energy Commission, for the discharge of radioactive materials in concentrations exceeding 10 CFR Part 20 limits.

Section X has been interpreted as a request for the Commission to investigate radiological contamination on the Farmers Delight Dairy Farm (apparently located in Parks Township). The apparent concern is that past operations of the Parks Townships facility caused radioactive contamination of the farm. As basis for this request, Intervenors assert that there is information in a 1966 U.S. Department of Agriculture (USDA) study that indicates that the cattle on the farm were having thyroid problems and that radionuclides were show-up in the cow's milk.

As provided by Section 2.206, appropriate action will be taken on these two requests within a reasonable period of time.

A copy of the Petition and Initial Decision is available for inspection in the Commission's Public Document Room, 2120 L Street, NW, Washington, DC 20555.

Dated at Rockville, Maryland this 3rd day of March 1995.

For the Nuclear Regulatory Commission.

Robert M. Bernero,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 95–6065 Filed 3–10–95; 8:45 am]

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[Docket No. 50–498]

Houston Lighting and Power Co., City Public Service Board of San Antonio, Central Power and Light Co., City of Austin, TX; 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 No. NPF–6, issued to Houston Lighting & Power Company, et al., (the licensee) for operation of the South Texas Project (STP), Unit 1, located in Matagorda County, Texas.

The proposed amendment would modify the steam generator tube plugging criteria in Technical Specification 3/4.4.5, Steam Generators, and the allowable leakage for Unit 1 in Technical Specification 3/4.4.6.2, Operational Leakage, and the associated Bases.

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. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Structural Considerations

Industry testing of model boiler and operating plant tube specimens for free span tubing at room temperature conditions shows typical burst pressures in excess of 5000 psi for indications of outer diameter stress corrosion cracking with voltage measurements at or below the structural limit of 4.0 volts. One model boiler specimen with a voltage amplitude of 19 volts also exhibited a burst pressure greater than 5000 psi. Burst testing performed on one intersection pulled