

Mr. John Gordon (Code 1160), Puget Sound Naval Shipyard, 1400 Farragut Avenue, Bremerton, Washington 98314-5001, telephone (360) 476-7111, or, Mr. Paul Dunigan, National Environmental Policy Act Compliance Officer, Department of Energy, Richland Operations Office, P.O. Box 550, Richland, Washington 99352, telephone (509) 376-6667.

SUPPLEMENTARY INFORMATION: The Final Environmental Impact Statement analyzes the alternative ways for disposing of decommissioned, defueled, reactor compartments from U.S. Navy nuclear-powered cruisers (BAINBRIDGE, TRUXTUN, LONG BEACH, CALIFORNIA Class and VIRGINIA Class) and submarines (LOS ANGELES and OHIO Class). A disposal method for the defueled reactor compartments is needed when the cost of continued operation is not justified by the ship's military capability, or when the ships are no longer needed. Navy reactor plants constructed prior to the USS LOS ANGELES (SSN 688) (referred to as pre-LOS ANGELES Class submarines) share many common design characteristics with reactor plants from nuclear-powered cruisers, OHIO Class submarines and LOS ANGELES Class submarines. Defueled reactor plants from pre-LOS ANGELES Class submarines are currently being disposed of at the Department of Energy Hanford Site in Eastern Washington by the Navy, consistent with its 1984 Record of Decision.

The alternatives examined in detail in the Final Environmental Impact Statement were the preferred alternative—shipment of the prepared compartments from the Puget Sound Naval Shipyard in Bremerton, Washington for land burial of the entire reactor compartment at the Department of Energy Low-Level Waste Burial Grounds at Hanford, Washington; the no action alternative—protective waterborne storage for an indefinite period; disposal and reuse of subdivided portions of the reactor compartments; and indefinite storage above ground at Hanford.

Among these four alternatives, the subdivision alternative had the highest impacts, primarily due to the high occupational radiation exposure that would be received by workers dismantling the reactor compartments. The other three alternatives had very small environment impacts. Of these three, only the reactor compartment land burial alternative provided for permanent disposal of the defueled reactor plants. Thus, the alternative of land burial of the defueled reactor

compartments at Hanford is the environmentally preferable alternative.

Under this alternative, the Department of the Navy will prepare the defueled reactor compartments for shipment at the Puget Sound Naval Shipyard. These preparations involve draining the piping systems, tanks, vessels and other components to the maximum extent practical, sealing the radioactive systems, removing the reactor compartment and enclosing it in a high integrity all-welded steel package. The reactor compartment packages will meet the type B requirements of the Department of Transportation, the Nuclear Regulatory Commission, and the Department of Energy. Non-radioactive metal, such as submarine hulls, could be recycled. The reactor compartment packages will be transported by barge out of Puget Sound through the Strait of Juan de Fuca, down the Washington coast, and up the Columbia River to the Port of Benton where they will be loaded onto an overland transporter and hauled to the Department of Energy's Hanford Site near Richland, Washington.

The Department of Energy will accept the approximately 100 cruiser, OHIO Class and LOS ANGELES Class submarine reactor compartments for disposal at the 218-E-12B Low-Level Burial Ground, a 173-acre waste disposal facility in the 200 East area of the Hanford Site. To date, 55 pre-LOS ANGELES Class submarine reactor compartments have been transported safely and disposed of in one area of this facility. The Department of Energy will oversee the future placement of reactor compartments into this area of the disposal facility and manage subsequent disposal operations in accordance with all applicable requirements. The Washington State Department of Ecology will regulate the reactor compartment disposal packages as a dangerous waste under Washington Administrative Code 173-303, Dangerous Waste Regulations, due to the over 100 tons of permanent lead shielding in each reactor compartment. Treatment before disposal is not required because the solid elemental lead shielding is encapsulated by thick metal sheathing plates that meet Resource Conservation and Recovery Act treatment standards for disposal of radioactive lead solids.

The Draft Environmental Impact Statement was made available for public review, and little public input was received. Review comments from state regulatory agencies in Washington and Oregon were positive. The U.S. Environmental Protection Agency (EPA) assigned a rating of LO-1 to the Draft

Environmental Impact Statement, which indicates that EPA review did not identify any potential environmental impacts requiring substantive changes to the preferred alternative. The Final Environmental Impact Statement, which includes responses to public comments, has been issued and distributed to interested parties.

The Navy, with the concurrence of the Department of Energy, has decided to proceed with the preferred alternative of land burial of the defueled reactor compartments at Hanford because this alternative is the environmentally preferable alternative, it supports the Navy's mission by providing for responsible, permanent disposal of the defueled reactor plants from the Navy's nuclear-powered ships, and it can be accomplished safely and at reasonable cost.

As discussed in the Environmental Impact Statement, the Navy's current method of disposing of pre-LOS ANGELES Class submarine reactor plants consists of conservative engineering practices, which serve to assure that environmental impacts will be very small. These conservative engineering practices have been incorporated in the Navy's preferred alternative for nuclear-powered cruisers, OHIO Class submarines and LOS ANGELES Class submarines. No additional mitigative measures have been identified which are needed to further reduce the small impacts which were described in the Environmental Impact Statement. Accordingly, all practicable means to avoid or minimize environmental harm from the preferred alternative have been adopted.

Dated: July 3, 1996.

Robert B. Pirie, Jr.,

Assistant Secretary of the Navy (Installations and Environment).

Alvin Alm,

Assistant Secretary for Environmental Management, Department of Energy.

[FR Doc. 96-20237 Filed 8-8-96; 8:45 am]

BILLING CODE 3810-FF-P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Board Policy on Board Oversight of Department of Energy Decommissioning Activities at Defense Nuclear Facilities

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice of Board adoption of policy guidance.

SUMMARY: The Defense Nuclear Facilities Safety Board has unanimously

adopted a policy statement which establishes procedures that the Board will use in carrying out its oversight responsibilities for decommissioning activities at Department of Energy defense nuclear facilities.

FOR FURTHER INFORMATION CONTACT: Robert M. Andersen, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004-2901, (202) 208-6387.

SUPPLEMENTARY INFORMATION: This policy statement describes the decommissioning phase of a Department of Energy defense nuclear facility and identifies the Board's safety oversight responsibilities for decommissioning activities.

Policy Statement (PS-3)

Congress directed the Defense Nuclear Facilities Safety Board (Board) to oversee Department of Energy (DOE) practices at defense nuclear facilities that could adversely affect public health and safety during any stage in the life cycle of those facilities, from design, construction, and operation through decommissioning. The Board's objective during decommissioning is identical to its objective during any other phase of a facility's life cycle: to ensure that DOE provides adequate protection of worker and public health and safety at defense nuclear facilities. Congress specifically tasked the Board with reviewing and evaluating:

The content and implementation of the standards relating to the design, construction, operation, and decommissioning of defense nuclear facilities of the Department of Energy (including all applicable Department of Energy orders, regulations, and requirements) at each Department of Energy defense nuclear facility. The Board shall recommend to the Secretary of Energy those specific measures that should be adopted to ensure that public health and safety are adequately protected. 42 U.S.C. 2286a(a)(1) (emphasis added).

Thus, the Board's principal oversight function during the decommissioning phase of a facility is to ensure that appropriate nuclear safety rules, orders, and procedures are developed by DOE and then put in practice while the facility is being taken out of service.

An unambiguous definition of "decommissioning" is essential to understanding the Board's responsibilities for safety oversight during this phase, and to establishing effective cooperation and/or processes for transition to external regulation by other federal and state agencies having statutory responsibilities for final cleanup and site restoration activities that the term decommissioning also encompasses. As used in the Board's

enabling statute, decommissioning is a broad term that encompasses activities leading up to environmental restoration, including deactivation, decontamination, final process runs, removal of special nuclear material, residues, and wastes, and other activities necessary to ensure adequate protection of public health and safety. Under the Atomic Energy Act (AEA), decommissioning begins when operation ceases, and ends when source material, byproduct material, and special nuclear material ("AEA materials"), as well as radioactive materials related to the defense mission, such as tritium, have been adequately removed from a facility. When completed properly, these actions taken to remove radioactive materials obviate the need for continued Board oversight to ensure adequate protection of worker or public health and safety from radiological hazards.

This definition of decommissioning is broader than that currently used administratively by DOE. DOE segments the period following operation into a deactivation phase and a decommissioning phase. The DOE Office of Environmental Management separates the deactivation phase from other functions commonly associated with operations, and defines it as:

The process of placing a facility in a safe and stable condition to minimize the long-term cost of a surveillance and maintenance program that is protective of workers, the public, and the environment until decommissioning is complete. Actions include the removal of fuel, draining and/or de-energizing of nonessential systems, removal of stored radioactive and hazardous materials and related actions. As the bridge between operations and decommissioning, based upon facility-specific considerations and final disposition plans, deactivation can accomplish operations-like activities such as final process runs, and also decontamination activities aimed at placing the facility in a safe and stable condition. Decommissioning Resource Manual, DOE/EM-0246, § 3.3.

DOE distinguishes deactivation from decommissioning activities for administrative purposes including budget determinations and delineation of various responsibilities within DOE. The Board believes that DOE's functional description of what takes place during deactivation is useful, but also recognizes that deactivation is a continuation and completion of the operations which are necessary to accomplish decommissioning. The Board's inclusion of deactivation as a part of decommissioning is consistent with Nuclear Regulatory Commission and International Atomic Energy Agency policies on decommissioning.

DOE defines decommissioning more narrowly as only those activities which take place:

After deactivation and includes surveillance and maintenance, decontamination and/or dismantlement. These actions are taken at the end of life of the facility to retire it from service with adequate regard for the health and safety of workers and the public and protection of the environment. The ultimate goal of decommissioning is unrestricted release or restricted use of the site.

* * * * *

Surveillance and Maintenance is a program established during deactivation and continuing until phased out during decommissioning to provide in a cost effective manner for satisfactory containment of contamination; physical safety and security controls; and maintenance of the facility in a manner that is protective of workers, the public, and the environment. *Id.* § 3.3.

To avoid confusion, the Board refers to surveillance and maintenance which occurs during decommissioning as "decommissioning surveillance and maintenance" to distinguish between the routine surveillance and maintenance activities that occur during normal operations. Nuclear safety organizations generally consider operations to be ended and decommissioning initiated once reactor fuel has been removed from a nuclear reactor, for nonreactor facilities, decommissioning begins with the removal of radioactive process materials.

The Board's interest in decommissioning activities follows the risk to worker or public health and safety from exposure to radioactive materials at or near defense nuclear facilities. DOE's separation of activities into such categories as decontamination, surveillance and maintenance, and demolition may be descriptive and useful to DOE. However, labels or designation applied to the different activities within the decommissioning phase of a facility do not determine the scope of the Board's duties. The Board retains oversight responsibility and interest so long as residual quantities and states of radioactive materials are sufficient to require continued Board oversight in the interests of public and worker safety. Given this condition, the Board will continue to exercise its oversight jurisdiction to ensure that standards applicable to the DOE activity, including DOE safety orders, rules, and other requirements, are sufficient to provide adequate protection to the worker or public health and safety, and are implemented by DOE and its contractors in accordance with a safety management

plan that does, in fact, provide such adequate protection.

The Board's concern for safety at a facility diminishes as radioactive materials are withdrawn and the facility is removed from service. The Board is ready to work with the federal and state regulatory agencies also involved in these decommissioning activities to effect a coordinated, integrated decommissioning effort. Together with this policy statement, the Board is endorsing and issuing Board technical report, DNFSB/TECH-12, prepared by senior staff entitled, "Regulation and Oversight of Decommissioning Activities at Department of Energy Defense Nuclear Facilities." That document elaborates upon the issues discussed in this policy statement and fully describes the type of cooperative arrangement the Board envisions with other federal and state regulators.

The Board's oversight responsibility for decommissioning activities focuses primarily on the health and safety aspects of the facility and materials within the facility. To a lesser extent, the Board involves itself with protection of the environment surrounding the facility which is subject to substantial regulation by other agencies. Specifically, the Board is concerned if the immediate environment contains or can be contaminated with radioactive materials from a facility under the Board's jurisdiction, and can possess a sufficient concentration of radionuclides to pose a potential threat to worker and public health and safety. Similarly, the Board is concerned if the environment poses a nonradiological hazard which can cause an undue risk to worker and public health and safety as a result of its proximity to a defense nuclear facility. The Board's environmental interest is greatest if the materials originated with DOE defense nuclear facility activities and exposure to the materials could result in undue harm to workers or the public. The Board's interest is shared with other regulatory agencies where the contaminants result (1) from a release, bringing Comprehensive Emergency Response, Compensation, and Liability Act (CERCLA) or Resource Conservation and Recovery Act (RCRA) requirements into play, along with United States Environmental Protection Agency (EPA) or state regulation of removal and remediation activities, or (2) from activities under a RCRA permit. In such cases, the Board is prepared to work in an advisory or assist role with federal or state agencies having statutory responsibility for forcing corrective or remedial measures.

The Board shares oversight responsibility with other regulatory agencies for other facilities containing or contaminated with radioactive materials mixed with RCRA hazardous waste. RCRA mixed waste has two components: a RCRA hazardous waste (which excludes AEA materials) and a radioactive waste. Such facilities are subject to regulation by EPA and state agencies with environmental responsibilities. Treatment, storage, and disposal of the hazardous waste component must meet RCRA requirements and is regulated by the EPA, or the state when authorized by EPA. Treatment, storage, and disposal of the radioactive component must meet AEA requirements and is regulated by DEO subject to Board oversight. Thus, the Board has a primary interest in the radioactive component, but must share its responsibility for oversight of the mixed waste with the regulator of the hazardous component. If the mixed waste is scheduled for treatment and disposal without separating the two components, the treatment and disposal facilities must meet both the hazardous waste laws and those pertaining to radioactive waste.

Board oversight of public health and safety practices at a defense nuclear facility does not end until decommissioning has been completed. However, it does diminish as the inventory of radioactive materials is reduced. This policy statement is designed to provide guidance pertaining to the Board's interpretation of its statutory role in decommissioning activities. The Board will be structuring future Board reviews and oversight of the decommissioning process at defense nuclear facilities accordingly. The policy statement recognizes that the Board shares responsibility for public health, safety, and environmental issues with state agencies and EPA during decommissioning at defense nuclear facilities. In the delineation of the Board's responsibilities and interest, the Board's objective is to facilitate a smooth transition of Board oversight to state and federal regulation as a defense nuclear facility passes through operational and decommissioning phases to state and EPA-regulated final

cleanup, demolition, and environmental restoration activities.

John T. Conway,
Chairman.

Dated: August 5, 1996.

Robert M. Andersen,
General Counsel.

Appendix—Transmittal Letter to the Secretary of Energy

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

625 Indiana Avenue, NW, Suite 700,
Washington, D.C. 20004, (202) 208-6400

August 1, 1996.

The Honorable Hazel R. O'Leary,
Secretary of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-1000

Dear Secretary O'Leary: Enclosed for your consideration are two documents just issued by the Defense Nuclear Facilities Safety Board (Board) related to safety oversight of decommissioning activities at Department of Energy (DOE) defense nuclear facilities: Board Policy Statement No. 3, entitled "Policy Statement on Board Oversight of Department of Energy Decommissioning Activities at Defense Nuclear Facilities" and a Board technical report, DNFSB/TECH-12, "Regulation and Oversight of Decommissioning Activities at Department of Energy Defense Nuclear Facilities." Together these documents examine the various definitions of decommissioning in use by nuclear organizations, delineate the Board's oversight responsibilities for decommissioning activities at defense nuclear facilities, and review the roles of federal and state regulators for aspects of decommissioning, including environmental cleanup and final restoration.

The Board believes these documents are important because they provide structure and guidance for continuing Board safety oversight of the decommissioning phase, which encompasses an expanding number of activities throughout the defense nuclear complex. As DOE's mission continues to evolve, and an emphasis is placed on decommissioning, waste processing, and environmental restoration, it becomes increasingly important that the Board and other federal and state regulators cooperate to provide a smooth transition from oversight of Atomic Energy Act nuclear materials to regulation of environmental restoration and cleanup. DNFSB/TECH-12 outlines the principles for cooperation and efficient, nonduplicative, oversight and regulation of decommissioning activities. These principles were incorporated in the 1996 Memorandum of Understanding entered into by DOE, the Board, the United States Environmental Protection Agency, and the State of Colorado for decommissioning activities at the Rocky Flats Environmental Technology Site, near Denver, Colorado. As recently acknowledged by the Senate Armed Services Committee, similar arrangements could result in efficient and effective oversight and regulation of the decommissioning phase at other defense nuclear facilities throughout the complex.

Sincerely,
John T. Conway,
Chairman.
Enclosures
c: Mr. Mark B. Whitaker, Jr.
[FR Doc. 96-20313 Filed 8-8-96; 8:45 am]
BILLING CODE 3670-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER96-2516-000; EC96-28-000
and EL96-69-000]

PJM Companies/Atlantic City, et al.; Notice of Filing

August 5, 1996.

Take notice that on July 24, 1996, Atlantic City Electric Company, Baltimore Gas and Electric Company, Delmarva Power & Light Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power & Light Company, Potomac Electric Power Company, and Public Service Electric and Gas Company filed the following documents pursuant to 18 CFR 35.12 or 35.13 as part of the restructuring of the Pennsylvania-New Jersey-Maryland Interconnection (PJM Pool):

1. Transmission Owners Agreement to which is attached the PJM Control Area Open Access Transmission Tariff;
2. Reserve Sharing Agreement;
3. Mid-Atlantic Market Operations Agreement;
4. PJM Dispute Resolution Agreement;

Copies have been served on the regulatory commissions of Delaware, the District of Columbia, Maryland, New Jersey, Pennsylvania and Virginia.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before August 19, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.
Lois D. Cashell,
Secretary.
[FR Doc. 96-20296 Filed 8-8-96; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. QF88-218-004; QF88-218-006]

Burney Forest Products, a Joint Venture; Notice of Application for Commission Recertification of Qualifying Status of a Small Power Production Facility and Certification of Qualifying Status of a Cogeneration Facility

July 23, 1996.

On April 30, 1996, as completed on July 11, 1996, Burney Forest Products, a Joint Venture of 35586-B, Highway 299 East, Burney, California 96013, submitted for filing an application for recertification of a facility as a qualifying small power production facility and certification as a qualifying cogeneration facility pursuant to Section 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the biomass-fueled facility is located in Shasta County, California. The Commission previously certified the facility as a 24.0 MW small power production facility. The facility consists of two wood-fired boilers and a condensing/extraction steam turbine generator. Thermal energy recovered from the facility will be used by Big Valley Lumber in its sawmill for lumber drying. Power from the facility is sold to Pacific Gas & Electric Company. According to the applicant, the recertification is requested to report a change in the ownership and an increase in the maximum net capacity of the facility to 31.5 MW.

Any person who wishes to be heard or to object to granting qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. A motion or protest must be filed within 15 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. A person who wishes to become a party must file a motion to intervene. Copies

of these filings are on file with the Commission and are available for public inspection.
Lois D. Cashell,
Secretary.
[FR Doc. 96-20440 Filed 8-8-96; 8:45 am]
BILLING CODE 6717-01-MS

[Docket No. RP96-212-003]

CNG Transmission Corporation; Notice of Section 4 Filing

August 5, 1996.

Take notice that on July 31, 1996, CNG Transmission Corporation (CNGT), tendered for filing to become part of its FERC Gas Tariff, First Revised Volume 1A, the following sheets:

Second Substitute Original Sheet No. 11
Second Substitute Original Sheet No. 12
Substitute Original Sheet No. 13
Substitute Original Sheet No. 63
Substitute Original Sheet No. 82
Second Substitute Original Sheet No. 103
Second Substitute Original Sheet No. 104

CNGT further states that the filing is made to correct line classifications previously approved by the Commission.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.
[FR Doc. 96-20300 Filed 8-8-96; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER96-2381-000]

Florida Power & Light Company; Notice of Filing

August 5, 1996.

Take notice that on July 9, 1996, Florida Power & Light Company (FPL) tendered for filing an open access transmission tariff. FPL states that the open access tariff will supersede FPL's existing T-1, T-2, T-3, and T-4 tariffs. FPL proposes to place customers presently receiving transmission service pursuant to those tariffs under the open access transmission tariff. Through its