

licensee also stated that it did not agree with the NRC's statement that resources were diverted for insertion of a value into the computer in order to clear the alarm.

It is the NRC's conclusion that the licensee failed to recognize the significance of the rod deviation alarm. The licensee stated that there were no indications that more than one contact was involved, however, two previous Westinghouse letters from 1979 and 1987, available to the licensee, identified that the reactor trip breaker P-4 circuitry contained potentially undetectable failures, and in fact several contacts were involved with this event and they were "undetectable" without the proper testing. Had appropriate actions in response to the Westinghouse letters been taken, this event potentially would have been avoided. With regard to the "dummied" computer input, during initial NRC interviews with the Shift Manager, Unit Shift Supervisor and other control room personnel, the inspector noted that it was the control room staff's belief that, if the computer point could have been readily fixed, no further action would be necessary. In addition, the control room staff expressed an opinion that they had performed above and beyond normal just to get the faulty breaker out of the cubicle. The inspector noted that the insertion of a dummied signal eliminated relatively minor surveillance activities which did not appear to be warranted until the cause for the alarm was positively identified.

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## NUCLEAR REGULATORY COMMISSION

[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 proposes to amend NRC Source Material License SUA-1534 to allow the licensee, Crow Butte Resources, Inc., to process the approved maximum production flow rate of 5000 gallons per minute using existing upflow ion exchange (IX) columns, rather than the previously-approved combination of upflow and pressurized downflow IX columns, 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 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, D.C. 20555. Telephone 301/415-6699.

### SUPPLEMENTARY INFORMATION:

#### Background

During April 1991, Crow Butte Resources, Inc. (CBR) 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 CBR's original license application and environmental report (ER); a final Finding of No Significant Impact (FONSI) concerning the issuance of SUA-1534 was published in the **Federal Register** on December 27, 1989 (54 FR 53200). Since the issuance of SUA-1534, the NRC staff has prepared supplemental EAs and published FONSIs based on its review of CBR's amendment requests to: (1) increase its maximum processing flow rate from 2500 gallons per minute (gpm) to 3500 gpm (58 FR 13561; March 12, 1993); (2) increase the processing flow rate from 3500 gpm to the currently approved level of 5000 gpm and the approved restoration flow rate from 1893 lpm (500 gpm) to 3785 lpm (1000 gpm) (61 FR 7541; February 28, 1996); and (3) increase the concentrations of radioactive and non-radioactive constituents in waste streams disposed of through deep well injection (61 FR 34451; July 2, 1996).

#### Summary of the Environmental Assessment

##### Identification of the Proposed Action

The proposed action is an amendment to SUA-1534 to allow Crow Butte to process at the approved maximum flow rate using existing upflow IX columns. The NRC staff's review was conducted in accordance with the requirements of 10 CFR 40.32 and 10 CFR 40.45.

##### Environmental Impacts of the Proposed Action

There will be no construction impacts or land disturbance associated with the proposed action, because CBR will be using existing IX columns, and no increase in the amounts or concentrations of liquid effluents beyond the levels previously assessed. Liquid effluents will be disposed of by any of three waste disposal options (in solar evaporation ponds, by deep disposal well, or by land application), all of which have been previously approved for use at the Crow Butte facility.

The proposed action will result in an increase in annual radon emissions to the environment. However, the NRC staff's review found that the results of modeling satisfactorily show that the potential impacts to offsite individuals remain well below the 1 millisievert per year (mSv/yr) (100 millirem per year (mrem/yr)) public dose limit of 10 CFR 20.1301. The largest dose estimate was 0.23 mSv/yr (23 mrem/yr) for the receptor located approximately 1.0 kilometer from the processing plant vent location.

##### Conclusion

The NRC staff concludes that approval of Crow Butte's amendment request to process its maximum production flow rate using existing upflow IX columns will not cause significant environmental impacts. The following statements summarize the conclusions resulting from the environmental assessment:

- (1) In-plant radiological impacts from the proposed amendment request will be negligible. Radiological impacts to the public will remain well below the applicable NRC regulatory limits;
- (2) The proposed amendment will not affect CBR's yellowcake possession limits at the facility.
- (3) No additional lands will be disturbed by the proposed action;
- (4) There will be no increase in the amounts or concentrations of liquid effluents; and

(5) 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. Consequently, further evaluation of 'Environmental Justice' concerns, as outlined in Executive Order 12898 and 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. 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.

### *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 May 1, 1997. In a telephone conversation on May 6, 1997, 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.

### **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, Crow Butte Resources, 216 Sixteenth Street Mall, Suite 810, Denver, Colorado 80202; 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 May 1997.

For the Nuclear Regulatory Commission.

#### **Joseph J. Holonich,**

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

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## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-271]

### **Vermont Yankee Nuclear Power Corporation; Vermont Yankee Nuclear Power Station; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation (the licensee), for operation of the Vermont Yankee Nuclear Power Station (the facility) located in Windham County, Vermont.

#### **Environmental Assessment**

##### *Identification of Proposed Action*

The proposed exemption would grant relief from the technical requirements of Section III.G and III.L of Appendix R to Title 10 of the *Code of Federal Regulations*, Part 50 (1) to use the automatic depressurization system (ADS) in conjunction with low pressure injection systems as an alternative post-fire safe shutdown capability for certain fire zones and (2) to use the Vernon tie-line as an alternative to the on-site emergency diesel generator for certain fire events.

The proposed exemption is in accordance with the licensee's application for exemption dated April 4, 1996, as supplemented by letters dated May 21, 1996, November 4, 1996, December 13, 1996, and January 8, 1996 (sic [1997]).

##### *The Need for the Proposed Action*

The need for this action arises because the licensee requested the use of the ADS in conjunction with low pressure injection systems as an alternative post-fire safe shutdown capability for certain fire zones and (2) to use the Vernon tie-line as an alternative to the on-site emergency diesel generator for certain fire events. This proposal required exemptions from the following sections of Appendix R: Section III.L.2.(b) (maintain the reactor coolant level above the top of the core), and Section III.G.3 (fire detection and fire suppression installed in the area, room or zone under consideration). Section III.L.3 (accommodation of post-fire conditions where offsite power is not available for 72 hours).

##### *Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the proposed exemption