

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 amendment 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.

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 Mr. John O'Neill, Esq., Shaw, Pittman, Potts

& Trowbridge, 2300 N Street, N.W., Washington, D.C., 20037, 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).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated May 15, 1997, as supplemented by letters dated June 26, August 4, August 27, September 24, October 21, November 23, November 25, December 11 and December 22, 1998, and February 5, March 9, April 7, and April 21, 1999, which are 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 the Elmer Ellis Library, University of Missouri, Columbia, Missouri, 65201.

Dated at Rockville, Maryland, this 21st day of April 1999.

For the Nuclear Regulatory Commission.

**Mel Gray,**

*Project Manager, Section 2, Project Directorate IV & Decommissioning Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## U.S. NUCLEAR REGULATORY COMMISSION

[Dockets 72-1021 and 72-1027]

### Transnuclear, Inc.; Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Proposed Exemption From Certain Requirements of 10 CFR Part 72

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the provisions of 10 CFR 72.124(b) to

Transnuclear, Inc. (TN or applicant) for the TN-32 spent fuel storage cask. The requested exemption would allow TN to confirm the efficacy of the cask's fixed neutron poisons by analysis. TN, located in Hawthorne, New York, is seeking a Certificate of Compliance (CoC) for the TN-32 dry spent fuel storage cask. The cask is intended for use under the general license provisions of Subpart K of 10 CFR Part 72 by Duke Power Company (Duke) at the McGuire Nuclear Station (McGuire) located in Cornelius, North Carolina and Wisconsin Electric Power Company (WEPCo) at the Point Beach Nuclear Power Station (Point Beach) located in Two Rivers, Wisconsin. The TN-32 dry spent fuel storage cask is currently used at Surry and North Anna Power Stations under a site-specific license and an exemption to 10 CFR 72.124(b) was granted for these casks.

### Environmental Assessment (EA)

*Identification of Proposed Action:* The staff is considering issuance of an exemption from the requirements of 10 CFR 72.124(b) which states, in part, that: "Where solid neutron absorbing materials are used, the design shall provide for positive means to verify their continued efficacy." Specifically, the staff is considering granting an exemption from the requirement to use positive means to verify continued efficacy of neutron absorbing materials. The proposed action before the Commission is whether to grant this exemption under 10 CFR 72.7.

*Need for the Proposed Action:* The exemption to 10 CFR 72.124(b) is necessary because, while this requirement is appropriate for wet spent fuel systems, it is not appropriate for dry spent fuel storage systems such as the TN-32. Periodic verification of neutron poison effectiveness is neither necessary nor possible for these casks. It is also necessary to ensure that the certification process for the TN-32 cask takes into account previous staff conclusions that fixed neutron poisons in these storage casks will remain effective over the 20-year period of the license. On June 9, 1998, the Commission issued a proposed rule (63 FR 31364) to revise 10 CFR 72.124(b). The Commission proposed that for dry spent fuel storage systems, the continued efficacy of neutron absorbing material may be confirmed by a demonstration and analysis before use, showing that significant degradation of the material cannot occur over the life of the facility. A final rule to revise this regulation has not yet been issued by the Commission.

*Environmental Impacts of the Proposed Action:* The TN-32 cask design includes fixed neutron absorbers but does not provide for periodic verification of neutron absorber efficacy. The staff previously evaluated the efficacy of the TN-32 cask fixed neutron absorbers and an exemption to 10 CFR 72.124(b) was granted for the casks currently in use at the North Anna Power Station. In NRC's March 19, 1999, safety evaluation of the TN-32 cask Safety Analysis Report, the staff concluded that fixed neutron poisons in the TN-32 cask will remain effective for the 20-year storage period and that the criticality design for the cask is based on favorable geometry and fixed neutron poisons. In addition, the staff deduced that there is no credible way to lose the fixed neutron poisons; therefore, there is no need to provide a positive means to verify their continued efficacy as required by 10 CFR 72.124(b). The TN-32 CoC application dated September 24, 1997, as amended, is under consideration by the Commission. It is anticipated, if approved, the TN-32 CoC may be issued in early 2000.

The Commission has completed its evaluation on the proposed action and concludes that granting an exemption from the requirements of 10 CFR 72.124(b) will have no environmental impact because the staff has determined that periodic verification of the neutron absorber efficacy is not needed to assure that the fixed neutron poisons casks will remain effective during the storage period. The proposed action will not increase the probability or consequences of accidents. There are no non-radiological environmental impacts associated with the proposed action.

*Alternative to the Proposed Action:* Since there is no environmental impact associated with the proposed action, alternatives are not evaluated other than the no action alternative. The alternative to the proposed action would be to deny approval of the exemption (i.e., the "no-action" alternative). Denial of the proposed action would result in greater exposures to plant workers due to the fact that the only means to verify the continued efficacy of neutron absorbing materials would require workers to periodically reopen the casks and remove at least one fuel assembly. The environmental impacts of the alternative action are greater than the proposed action.

Given that there are greater environmental impacts associated with the alternative action of denying the approval for exemption, the Commission concludes that the preferred alternative is to grant this exemption.

*Agencies and Persons Consulted:* On March 8, 1999, Mr. Johny James of the North Carolina Division of Radiation Protection and Ms. Sally Jenkins of the Wisconsin Public Utility Commission were consulted about the EA for the proposed action and had no concerns.

#### **Finding of No Significant Impact**

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR Part 51. Based upon the foregoing EA, the Commission finds that the proposed action of granting an exemption from 10 CFR 72.124(b) so that TN need not use positive means to verify the continued efficacy of the neutron absorbing material in these casks will not significantly impact 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, see the application for CoC for the TN-32 cask system dated September 24, 1997, as supplemented. These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555; Local Public Document Room at the J. Murrey Atkins Library, University of North Carolina at Charlotte, UNCC Station, Charlotte, NC 28223; Local Public Document Room at the Joseph Mann Library, 1516 16th Street, Two Rivers, WI 54241; and Local Public Document Room at the State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Harrisburg, PA 17105.

Dated at Rockville, Maryland, this 19th day of April 1999.

For the Nuclear Regulatory Commission.

#### **E. William Brach,**

*Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.*

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### **PRESIDIO TRUST**

#### **Letterman Complex, The Presidio of San Francisco, California; Notice of Availability to Review and Comment on the Draft Supplemental Environmental Impact Statement**

**AGENCY:** The Presidio Trust.

**ACTION:** Notice of availability to review and comment on the draft supplemental environmental impact statement (SEIS) for new development and uses within the Letterman Complex, The Presidio of San Francisco. The draft SEIS is a

supplement to the 1994 Final General Management Plan Amendment (GMPA) EIS for The Presidio of San Francisco.

**SUMMARY:** The Presidio Trust has prepared a draft SEIS for the development and occupancy of approximately 900,000 square feet of new, low- to mid-rise mixed-use space within 23 acres of the 60-acre Letterman Complex, located in the northeast corner of The Presidio of San Francisco, California. New development would necessitate the demolition of the functionally obsolete 451,000-square-foot Letterman Army Medical Center (LAMC) and 356,000-square-foot Letterman Army Institute of Research (LAIR), and several other non-historic structures located within the Letterman Complex. For the purposes of the draft SEIS, six alternatives have been formulated for development and occupancy of the site: a "Science and Education Center" (the Updated Presidio GMPA Alternative, or Alternative 1); a "Sustainable Urban Village" (Alternative 2); a "Mixed Use Development" (Alternative 3); a "Live/Work Village" (Alternative 4); a "Digital Arts Center" (Alternative 5) and "Minimum Management" (the No Action Alternative, or Alternative 6). The alternatives were selected on the basis of concerns expressed during public involvement activities and the proposals received and considered by the Presidio Trust in response to its Request for Qualifications to develop the site.

#### **Public Meetings**

The Presidio Trust will receive oral comment on the draft SEIS at the May 18, 1999 and June 15, 1999 meetings of the Citizens' Advisory Commission of the Golden Gate National Recreation Area. The meetings will be held at Park Headquarters, Building 201, Fort Mason, San Francisco, California at 7:30 p.m.

#### **Comments**

Comments on the draft SEIS must be received by June 26, 1999. Written comments on the draft SEIS must be sent to: NEPA Compliance Coordinator—Attn: Letterman Complex, Presidio Trust 34 Graham Street, P.O. Box 29052, San Francisco, CA 94129-0052, Fax: 415-561-5315, E-mail: presidio@presidiotrust.gov.

#### **Materials Available to The Public**

Copies of the draft SEIS are available for the actual cost of reproduction at: Kinko's 3225 Fillmore Street, San Francisco, CA 94123, Phone: 415-441-2995.