ACTION: Notice of consideration of license amendment for decommissioning the Safety Light Corporation Site in Bloomsburg, Pennsylvania, and Opportunity for a Hearing.

SUMMARY: The U.S. Nuclear Regulatory Commission is considering issuance of a license amendment to Nuclear Materials License No. 37–00030–02, issued to Safety Light Corporation, to authorize decommissioning of facilities, equipment, and land at the Bloomsburg site which were utilized for previous operations involving radioactive material.

FOR FURTHER INFORMATION CONTACT: James Kottan, Nuclear Regulatory Commission, Region I, King of Prussia, PA 19406–1415, telephone 610–337–5214.

SUPPLEMENTARY INFORMATION: On November 5,1998, the licensee submitted a site decommissioning plan (SDP) to NRC for review that summarized the decommissioning activities that will be undertaken to remediate the buildings, soil, and underground silos contaminated with radioactive material from past operations. The NRC staff is reviewing the SDP and is considering approval of task-specific amendments to the license which would authorize conduct of limited site decommissioning and decontamination to achieve a systematic reduction of the radioactive source term. Safety Light Corporation has two licenses for the Bloomsburg site. Licensee No. 37–00030–02 authorizes possession and use of byproduct material for site characterization and decommissioning of facilities, equipment, and land from past operations. License No. 37–00030–08 authorizes manufacture of certain devices containing tritium as well as research and development activities. Because the licensee is currently conducting operations at the site under License No. 37–00030–08, SLC is not requesting license termination nor release of the site for unrestricted use.

The NRC will require the licensee to remediate the Bloomsburg facility to meet NRC's decommissioning criteria, and during the decommissioning activities, to maintain effluents and doses within NRC requirements and as low as reasonably achievable.

Prior to approving the license amendments to implement the SDP, NRC will have made findings required by the Atomic Energy Act of 1954 as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report. Approval of the SDP will be documented in an amendment to License No. 37–00030–02.

The NRC hereby provides notice that this is a proceeding on an application for amendment of a license falling within the scope of Subpart L, ''Informal Hearing Procedures for Adjudication in Materials Licensing Proceedings'', of NRC's rules and practices for domestic licensing proceedings in 10 CFR part 2. 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(d). A request for a hearing must be filed within thirty (30) days of 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 Docketing and Service Branch of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738; or

2. By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

In addition to meeting other applicable requirements of 10 CFR part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requester in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requester should be permitted a hearing, with particular reference to the factors set out in § 2.1205(h);

3. The requester's area 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(d).

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be served, by delivering it personally, or by mail to:

1. The applicant, Safety Light Corporation, 4150–A Old Berwick Road, Bloomsburg, PA 17815 Attention: Mr. Larry Harmon; and

2. The NRC staff, by delivery to the Executive Director for 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.

For further details with respect to this action, the SDP is available for inspection at the NRC's Public Document Room, 2120 L Street NW, Washington, DC 20555, or at NRC's Region I offices located at 475 Allendale Road, King of Prussia, PA. Persons desiring to review documents at the Region I Office should call Ms. Sheryl Villar at (610) 337–5239 several days in advance to assure that the documents will be readily available for review.

Dated at King of Prussia, Pennsylvania, this 10th day of March 1999.

For the Nuclear Regulatory Commission.

George Pangburn,

Director, Division of Nuclear Materials Safety, Region I.

[FR Doc. 99–6908 Filed 3–19–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–20]

U.S. Department of Energy, Idaho Operations Office; Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Proposed Exemption From Certain Regulatory Requirements of 10 CFR Part 72

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering issuance of exemptions, pursuant to 10 CFR 72.7, from the requirements of 10 CFR 72.82(e) and 72.124(b) to the U.S. Department of Energy, Idaho Operations Office (DOE–ID or applicant). Exemption from 10 CFR 72.82(e) would release DOE–ID from the requirements to submit a preoperational test acceptance criteria and test report prior to the receipt of spent fuel at its proposed Independent Spent Fuel Storage Installation (ISFSI). Exemption from 10 CFR 72.124(b) would provide relief to DOE–ID from the requirement to verify the continued efficacy of neutron absorbing materials. The proposed ISFSI is to be located at the Idaho National Engineering and Environmental Laboratory (INEEL), within the Idaho Nuclear Technology and Engineering Center (INTEC) site in Scoville, Idaho . The proposed ISFSI would store the spent nuclear fuel debris created as a result of the Three Mile Island Unit 2 (TMI–2) accident.

Environmental Assessment (EA)

Identification of Proposed Action

The applicant is seeking Commission approval to construct and operate an ISFSI at INTEC. INTEC is an existing facility initially constructed to both store and reprocess spent fuel and high-level waste possessed by DOE. Pursuant to 10 CFR part 72, DOE–ID submitted an application, including a Safety Analysis Report (SAR), for the ISFSI by letter

dated October 31, 1996, as supplemented. NRC staff is currently performing a review of that application. On February 12, 1999, DOE–ID requested an exemption from the requirement of 10 CFR 72.82(e) to submit a report of the preoperational test acceptance criteria and test results at least 30 days prior to the receipt of spent fuel or high-level radioactive waste. The staff is considering granting DOE–ID's request.

On its own initiative, the staff is also considering issuance of an exemption from the requirement of 10 CFR 72.124(b) which states: ''When practicable the design of an ISFSI or MRS must be based on favorable geometry, permanently fixed neutron absorbing materials (poisons), or both. 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 provide positive means of verifying the continued efficacy of neutron absorbing materials.

The proposed action before the Commission is whether to grant these two exemptions pursuant to 10 CFR 72.7.

Need for the Proposed Action

The applicant is preparing to build and operate the TMI–2 ISFSI as described in its application and SAR, subject to approval of the pending licensing application. The exemption from 10 CFR 72.82(e) is necessary because DOE is preparing to transfer the spent nuclear fuel from its current location at the Test Area North (TAN) facility to the INTEC facility, immediately following the completion of the preoperational testing.

The exemption from 10 CFR 72.124(b) is necessary because, while this requirement is appropriate for wet spent fuel storage systems, it is not appropriate for dry spent fuel storage systems such as the one DOE–ID plans to use for storage of the TMI–2 fuel debris. Periodic verification of neutron poison effectiveness is neither necessary nor practical for these casks.

Environmental Impacts of the Proposed Action

Section 72.82(e) currently requires that a Part 72 licensee submit to NRC a report of preoperational test acceptance criteria and test results at least 30 days before the receipt of spent fuel into an ISFSI. As part of the review of the applicant's SAR, the staff determined that the scope of the preoperational testing was adequately described. In addition, the staff will be on site during the preoperational testing to both observe and conduct inspections. This allows the staff to conduct a direct observation and independent evaluation as to whether the applicant has developed, implemented, and evaluated preoperational testing activities. Therefore, the reports required by 10 CFR 72.82(e) are not necessary to provide a hold-period for NRC staff review. Further, on September 14, 1998, the Commission issued a proposed rule (63 FR 49046) to eliminate 10 CFR 72.82(e). Applicants for a license are currently required to submit information on a preoperational test program as part of an SAR. The Commission's current practice is to maintain an extensive oversight (i.e., inspection) presence during the preoperational testing phase of the ISFSI; reviewing the acceptance criteria, preoperational test, and test results as they occur. In the proposed rule, the Commission states that it believes neither the report nor the 30-day hold period are needed for regulatory purposes and taking this action will relieve licensees from an unnecessary regulatory burden. A final rule to remove this regulation has not yet been issued by the Commission.

Section 72.124(b) currently requires that where the design of an ISFSI uses solid neutron absorbing material as a method of criticality control, the design of the ISFSI shall provide a positive means to verify the continued efficacy of the absorbing material. 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. The Commission stated in the proposed rule that the potentially corrosive environment under wet storage conditions is not present in dry storage systems because an inert environment is maintained. Under these conditions, there is no mechanism to significantly degrade the neutron absorbing material. Consequently, a positive means for verifying the continued efficacy of the material is not required. A final rule to revise this regulation has not yet been issued by the Commission.

The review of the applicant's SAR showed that credit was taken for only 75% of the original neutron absorbing material being present and that the neutron flux produced by the spent nuclear fuel would deplete only a small percentage of neutron absorbing material during several thousand years of exposure; a time period that is well beyond the expected life of this facility. The neutron absorbing material (poison) is in a form that exposure to the ambient atmosphere of the DSC interior will not cause a significant deterioration of the structural properties of the material over the expected life of the facility.

Alternative to the Proposed Action

Since there are no significant environmental impacts associated with either of the proposed actions, any alternatives with equal or greater environmental impacts are not evaluated. The alternative to the proposed actions would be to: (a) Deny approval of the 10 CFR 72.82(e) exemption, and require the report of preoperational test acceptance criteria and test results at least 30 days before the receipt of spent fuel into an ISFSI and (b) deny approval of the 10 CFR 72.124(b) exemption and, therefore, not allow elimination of the requirement to verify the continued efficacy of neutron absorbing materials. These alternatives would have the same or greater environmental impacts.

Agencies and Persons Consulted

On March 1, 1999, Mr. Alan Merritt of the State of Idaho, INEEL Oversight Program, was contacted about the EA for the proposed actions and had no concerns.

Finding of No Significant Impact

The environmental impacts of the proposed actions 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 exemptions from 10 CFR 72.82(e) and 10 CFR 72.124(b) 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 exemptions.

This application was docketed under 10 CFR part 72, Docket 72–20. For further details with respect to this action, see the application for an ISFSI license dated October 31, 1996, as supplemented, and the request for exemption dated February 12, 1999, which are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, DC 20555 and at the Local Public Document Room at the INEEL Technical Library, 1776 Science Center Drive, Idaho Falls, ID 83402.

Dated at Rockville, Maryland, this 13th day of March 1999.

For the Nuclear Regulatory Commission.

E. William Brach,

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

[FR Doc. 99–6905 Filed 3–19–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–20]

Department of Energy, Idaho Operations Office; Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Proposed Exemption From Certain Regulatory 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 requirements of 10 CFR 72.102(f)(1) to the U.S. Department of Energy, Idaho Operations Office (DOE–ID or applicant). Exemption from 10 CFR 72.102(f)(1) would relieve DOE-ID from the requirements to use a design earthquake (DE) ground motion equivalent to that of a safe shutdown earthquake (SSE) for a nuclear power plant, as evaluated by the methods of Appendix A of Part 100 for its proposed Independent Spent Fuel Storage Installation (ISFSI). The proposed ISFSI is to be located at the Idaho National Engineering and Environmental Laboratory (INEEL), within the Idaho Nuclear Technology and Engineering Center (INTEC) site in Scoville, Idaho. The proposed ISFSI would store the spent nuclear fuel debris created as a result of the Three Mile Island Unit 2 (TMI–2) accident.

Environmental Assessment (EA)

Identification of Proposed Action

The applicant is seeking Commission approval to construct and operate an ISFSI at INTEC. INTEC is an existing facility initially constructed to both store and reprocess spent fuel and high-level waste possessed by DOE. Pursuant to 10 CFR part 72, DOE–ID submitted an application, including a Safety Analysis Report (SAR), for the ISFSI, by letter dated October 31, 1996, as supplemented. NRC staff is currently performing a review of that application. On September 15, 1997, DOE–ID requested an exemption from the requirement of 10 CFR 72.102(f)(1) which states: ''For sites that have been evaluated under the criteria of appendix A of 10 CFR part 100, the design earthquake (DE) must be equivalent to the safe shutdown earthquake (SSE) for a nuclear power plant.'' In this context, ''DE'' and ''SSE'' refer to the design peak ground acceleration (PGA), with an appropriate response spectrum, caused by the largest credible earthquake. The most recent deterministic seismic hazard analysis for the ISFSI site, completed in accordance with appendix A of part 100, yields a DE of 0.56 g PGA. However, DOE–ID proposes a DE with a 0.36 g PGA as an adequately conservative seismic design for the ISFSI.

The staff is considering granting the requested exemption from 10 CFR 72.102(f)(1).

Need for the Proposed Action

The applicant is preparing to build and operate the TMI–2 ISFSI as described in its application and SAR, subject to approval of the pending licensing application. Specifically, DOE is concerned with designing low risk facilities, such as an ISFSI, to the requirements of 10 CFR part 100, appendix A, as it would set precedent that appears to be unnecessary, technically inappropriate, and potentially unattainable throughout the DOE complex. The DOE–ID seismic hazard analysis meeting the requirement of 10 CFR 72.102(f)(1) yields a DE of 0.56 g PGA, with an appropriate response spectrum, for the ISFSI site. DOE–ID proposes a DE of 0.36 g PGA, with an appropriate response spectrum. DOE–ID justifies this value with a site-specific radiological risk analysis.

In response to DOE's September 15, 1997, letter requesting this exemption, the staff prepared a safety evaluation report which was forwarded to the Commission as an attachment to SECY–98–071 (April 8, 1998). In that paper, the staff recognized that although 10 CFR part 72 does not currently allow PSHA e.g., ''risk-based,'' as an acceptable methodology for deriving a DE for an ISFSI, the PSHA results are being accepted by NRC in other licensing actions. The PSHA method is acceptable for nuclear power plants under the January 1997 revisions to 10 CFR parts 50 and 100. Furthermore, NRC has accepted the PSHA method for the design and performance assessment for the proposed high-level waste repository at Yucca Mountain. On May 20, 1998, the Commission informed the staff that it did not object to the proposed exemption.

A complete safety evaluation is available as part of SECY–98–071. In summary, it found that when 10 CFR part 72 was first promulgated in 1980, ISFSIs were largely envisioned to be either spent fuel pools or single, massive dry storage structures. Given the potential accident scenarios, a DE equivalent to a nuclear power plant SSE seemed appropriate for these facilities. Furthermore, for ISFSIs to be located at a nuclear power plant, the DE value was readily available without additional site characterization work, save the geotechnical investigation at the specific ISFSI location. However, an ISFSI storing spent fuel in dry casks or canisters is inherently less hazardous and less vulnerable to earthquake-initiated accidents than an operating nuclear power plant. NRC recognized this in the initial part 72, ''Statements of Consideration,'' and stated that the DE for cask and canister technology need not be as high as a nuclear power plant SSE: ''For ISFSIs which do not involve massive structures, such as dry storage casks and canisters, the required design earthquake will be determined on a case-by-case basis until more experience is gained with licensing these types of units.'' The staff believes that this experience has been gained over the past 13 years of ISFSI operations.

Environmental Impacts of the Proposed Action

The ''Final Environmental Impact Statement (FEIS) for the Construction and Operation of the TMI–2 Independent Spent Fuel Storage Installation,'' NUREG–1626 (March 1998), considered the potential environmental impacts of licensing this facility, including potential accidents during storage. A description of the potential accidents during storage is provided in Section 4.1.2.7.3 of NUREG–1626.

An ISFSI is designed to mitigate the effects of design basis accidents that could occur during storage. Design basis accidents account for human-caused events and the most severe natural phenomena reported for the site and surrounding area. Postulated accidents analyzed for an ISFSI include tornado winds and tornado generated missiles, design basis earthquakes, design basis floods, accidental cask drops, lightning effects, fires, explosions, and other incidents.

Special ISFSI design features include using nonflammable materials, providing a horizontal storage module with walls and a roof of structural steel and reinforced concrete (approximately 2.5 feet (0.76 meter) thick) to house a dry-shielded steel canister, and a passive ventilation system. Considering the specific design requirements for each accident condition, the design of the ISFSI would prevent loss of