

Identification of the Proposed Amendment

The current licensing basis for CPSES allows up to 1116 fuel assemblies in two storage pools. The currently authorized as-installed configuration has 20 low density racks installed in Spent Fuel Pool No. 1 (SFP1) (556 fuel assembly locations). The proposed action would authorize the use of high density spent fuel storage racks in Spent Fuel Pool No. 2 (SFP2) with a capacity for storing 735 fuel assemblies, for a total of 1291 fuel assemblies.

The proposed action is in accordance with the licensee's application for license amendment dated December 30, 1994, as supplemented by letters dated July 28, September 14, and November 29, 1995, and January 2, 1996.

The Need for the Proposed Action

The "Final Generic Environmental Impact Statement (FGEIS) on Handling and Storage of Spent Light Water Power Reactor Fuel," NUREG-0575, Volumes 1-3, concluded that the environmental impact of interim storage of spent fuel was negligible and the cost of various alternatives reflects the advantage of continued generation of nuclear power with the accompanying spent fuel storage. Because the differences in design, the FGEIS recommended evaluating spent fuel pool expansion on a case-by-case basis.

For CPSES, the expansion of the storage capacity of SFP2 will not create any significant additional radiological effects or nonradiological environmental impacts.

The additional whole body dose that might be received by an individual at the site boundary and the estimated dose to the population within 80 kilometer radius is believed to be too small to have any significance when compared to the fluctuations in the annual dose this population receives from exposure to background radiation. The occupational radiation dose for the proposed operation of the expanded spent fuel pool is estimated to be less than one percent of the total annual occupational radiation exposure for this facility.

The only nonradiological impact affected by the expansion of SFP2 is the waste heat rejected. The total increase in heat load rejected to the environment will be small in comparison to the amount of total heat currently being released. There is no significant environmental impact attributed to the waste heat from the plant due to this very small increase.

Finding of No Significant Impact

The staff has reviewed the proposed spent fuel pool expansion to the facility relative to the requirements set forth in 10 CFR Part 51. Based on this assessment, the staff concludes that there is no significant radiological or nonradiological impacts associated with the proposed action and that the issuance of the proposed amendment to the license will have no significant impact on the quality of the human environment. Therefore, pursuant to 10 CFR 51.31, no environmental impact statement needs to be prepared for this action.

For further details with respect to this action, see (1) the application for amendment to the TSs dated December 30, 1994, as supplemented July 28, September 14, and November 29, 1995, and January 2, 1996, (2) the FGEIS on Handling and Storage of Spent Light Water Power Reactor Fuel (NUREG-0575), (3) the Final Environmental Statement for the CPSES, Units 1 and 2, dated October 1989, and (4) the Environmental Assessment dated February 5, 1996.

These documents 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 University of Texas at Arlington Library, Government Publications/Maps, 702 College, P. O. Box 19497, Arlington, Texas 76019.

Dated at Rockville, Maryland, this 5th day of February 1996.

For the Nuclear Regulatory Commission,
William D. Beckner,

Director, Project Directorate IV-1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96-2835 Filed 2-8-96; 8:45 am]

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Relocation of the Pressure Temperature Limit Curves and Low Temperature Overpressure Protection System Limits; Issued

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued Generic Letter 96-03 to advise licensees of nuclear power reactors that they may request a license amendment to relocate the pressure temperature (P/T) limit curves from their plant technical specifications to a pressure temperature limits report (PTLR) or a similar

document. The low temperature overpressure protection (LTOP) system limits may also be relocated to the same document at the discretion of the licensee. This generic letter is available in the Public Document Rooms under accession number 9601290350.

DATES: The generic letter was issued on January 31, 1996.

ADDRESSEES: Not applicable.

FOR FURTHER INFORMATION CONTACT: Maggalean W. Weston at (301) 415-3151.

SUPPLEMENTARY INFORMATION: None.

Dated at Rockville, Maryland, this 1st day of February, 1996.

For the Nuclear Regulatory Commission,
Dennis M. Crutchfield,
Director, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 96-2836 Filed 2-8-96; 8:45 am]

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[Docket No. 50-029, (License No. DPR-3)]

Yankee Atomic Electric Company, Receipt of Petition for Director's Decision Under 10 C.F.R. 2.206

Notice is hereby given that by an "Emergency Motion for Compliance with Circuit Court Opinion" (Petition), dated January 17, 1996, Citizens Awareness Network and New England Coalition on Nuclear Pollution (Petitioners) request that the Nuclear Regulatory Commission (NRC) take action with regard to operation by Yankee Atomic Energy Company (YAEC or Licensee) of its Nuclear Power Station at Rowe, Massachusetts (Yankee Rowe).

By an Order dated January 23, 1996, the Commission referred the Emergency Motion to the NRC staff for treatment as a petition pursuant to 10 C.F.R. § 2.206 of the Commission's regulations. The Commission ordered the NRC staff to respond to the Petitioners' claim of emergency within 10 days, or February 2, 1996, and to the Petition as a whole within 30 days, or February 22, 1996.

Petitioners request that the NRC comply with *Citizens Awareness Network Inc. v. United States Nuclear Regulatory Commission and Yankee Atomic Electric Company*, 59 F.3d 284 (1st Cir. 1995) (*CAN v. NRC*). Specifically, Petitioners request that the Commission immediately order:

(1) YAEC not to undertake, and the NRC staff not to approve, further major dismantling activities or other decommissioning activities, unless such activities are necessary to assure the protection of occupational and public

health and safety; (2) YAEC to cease any such activities; and

(3) NRC Region I to reinspect Yankee Rowe to determine whether there has been compliance with the Commission's Order of October 12, 1995 (CLI-95-14), and to issue a report within ten days of the requested order to Region I.

As the bases for their requests, Petitioners state that:

(1) *CAN v. NRC* requires the cessation, and prohibits commencement, of decommissioning activities at Yankee Rowe, pending final approval of the licensee's decommissioning plan after opportunity for a hearing. CLI 95-14 forbids YAEC from conducting any further major dismantling or decommissioning activities until final approval of its decommissioning plan after completion of the hearing process;

(2) *CAN v. NRC* obliges the Commission and the staff to provide an opportunity to interested persons for a hearing to approve a decommissioning plan;

(3) *CAN v. NRC* requires the Commission to reinstate its pre-1993 interpretation of its decommissioning regulations, General Requirements for Decommissioning Nuclear Facilities, 53 FR 24,018, 24,025-26 (June 27, 1988), limiting the scope of permissible activities prior to approval of a decommissioning plan to decontamination, minor component disassembly, and shipment and storage of spent fuel, if permitted by the operating license and/or 10 C.F.R. 50.59. Under *Long Island Lighting Co.* (Shoreham Nuclear Power Station, Unit 1), CLI-90-08, 32 NRC 201, 207, n.3 (1990), this means that the licensee may not take any action that would materially affect the methods or options available for decommissioning, or that would substantially increase the costs of decommissioning, prior to approval of a decommissioning plan. Under CLI-91-2, 33 NRC at 73, n.5, and CLI-92-2, 35 NRC at 61, n.7, other decommissioning activities, in addition to major ones, are prohibited, including offsite shipments of low-level radioactive waste produced by decommissioning activities, until after approval of a decommissioning plan;

(4) decommissioning activities permitted by NRC Inspection Manual, Chapter 2561, § 06.06, "Modifications or Changes to the Facility", before approval of a decommissioning plan are limited to maintenance, removal of relatively small radioactive components or non-radioactive components, and characterization of the plant or site;

(5) YAEC is conducting decommissioning activities, with the approval of the NRC technical staff, in

flagrant violation of *CAN v. NRC* and of CLI-95-14, thus threatening to render the decommissioning process nugatory and to deprive Petitioners of their hearing rights under Section 189a of the Atomic Energy Act;

(6) by letter dated October 19, 1995, YAEC described decommissioning activities in progress, and by letter dated October 24, 1994, interpreted permissible "major" dismantling as removal of non-radioactive material required to support safe storage of spent fuel and of those portions of the facilities which remain, or to support future dismantlement. Of the nine activities proposed in the letter of October 19, 1995, five constitute major dismantling or other impermissible decommissioning activities, such as major structural changes in the nature of Component Removal Project activities found unlawful in *CAN v. NRC* and in CLI-95-14;

(7) by letter dated November 2, 1995, the NRC staff approved the activities described by the Licensee in its letter of October 19, 1995;

(8) Petitioners advocate the SAFSTOR decommissioning alternative because it allows levels of radioactivity and waste volumes to decrease, thus reducing occupational and public radiation exposures, and lowering decommissioning costs;

(9) NRC Inspection Report No. 50-29/95-05 (December 16, 1995) concludes that the issue whether activities observed were in compliance with CLI 95-14 is unresolved, but approves YAEC's proposed activities, contrary to the requirements of NRC Inspection Manual, Chapter 2561, § 06.06, "Modifications or Changes to the Facility" (March 20, 1992); and

(10) YAEC's criterion for permissible decommissioning activities, that any activity involving less than 1 percent of the on-site radioactive inventory is not "major" and may take place before approval of a decommissioning plan, violates *CAN v. NRC* because it would allow completion of decommissioning before any decommissioning plan could be approved in hearing, and constitutes unlawful segmentation under the National Environmental Policy Act.

The Petitioners' request for emergency action to cease decommissioning activities was mooted in part by the Licensee's completion of eight of the nine activities evaluated by the NRC staff letter of November 2, 1995. Even if these activities had not been completed, they would have been permissible under the Commission's pre-1993 interpretation of its decommissioning regulations. By letter dated January 31, 1996, Petitioners' request for emergency

action to cease shipment of low-level radioactive waste produced by decommissioning activities was denied, and Petitioners' request for reinspection of the Yankee Rowe facility to determine compliance with CLI-95-14 and to issue an inspection report was granted.

The Petition is being evaluated pursuant to 10 C.F.R. 2.206 of the Commission's regulations by the Director of the Office of Nuclear Reactor Regulation. As provided by the Commission's Order of January 23, 1996, a decision on the Petition as a whole will be issued no later than 30 days from the date of the Order, or February 22, 1996.

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

Dated at Rockville, Maryland, this 2nd day of February 1996.

For the Nuclear Regulatory Commission.
William T. Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 96-2837 Filed 2-8-96; 8:45 am]

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee (TPSC); Request for Comments Concerning Foreign Government Discrimination in Procurement

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of request for public comments.

SUMMARY: This notice requests written submissions from the public concerning discrimination against U.S. products and services by foreign governments in their procurement practices. This information will be used in compiling the annual report on government procurement specified by Section 305 of the Trade Agreements Act of 1979 (Trade Agreements Act), as amended by Title VII of the Omnibus Trade and Competitiveness Act of 1988 and Title III, Section 341 of the Uruguay Round Agreements Act of 1994 (19 U.S.C. 2515).

Section 305 of the Trade Agreement Act requires the President to submit an annual report on the extent to which foreign countries discriminate against U.S. products or services in making government procurement. Section 341 of the Uruguay Round Agreement Act specifies that the report also contain