

copy of notice served by the invoking party to the other and date of final conference between the parties. The application should be signed by the highest officer of the carrier who has been designated to handle disputes under the Railway Labor Act or by the chief executive of the labor organization, whichever party files the application.

II. Current Actions

The extension of this form is necessary considering the information provided by the parties is used by the Board to structure a mediation process that will be productive to the parties and result in a settlement without resort to strike or lockout. The Board has been very successful in resolving labor disputes in the railroad and airline industries. Historically, some 97 percent of all NMB mediation cases have been successfully resolved without interruptions to public service. Since 1980, only slightly more than 1 percent of cases have involved a disruption of service. This success ratio would possibly be reduced if the Board was unable to collect the brief information that it does in the application for mediation services.

Type of Review: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

Agency: National Mediation Board.
Title of Form: Application for Mediation Services.

OMB Number: 3140-0001.

Agency Number: NMB-2.

Frequency: Daily.

Affected Public: Carrier and Union Officials, and employees of railroads and airlines.

Number of Respondents: 123 annually.

Estimated Time Per Respondent: The burden on the parties is minimal in completing the Application for Mediation Services. There is no improved technological method for obtaining this information.

Total Estimated Cost: \$1040.00.

Total Burden Hours: 43.

B. Application for Investigation of Representation Dispute, NMB-3

I. Background

Section 2, Fourth of the Railway Labor Act, 45 U.S.C. 152, Fourth, provides that railroad and airline employees shall have the right to organize and bargain collectively through representatives of their own choosing. When a dispute arises among the employees as to who will be their

bargaining representative, the National Mediation Board is required by Section 2, Ninth to investigate the dispute, to determine who is the authorized representative, if any, and to certify such representative to the employer. The Board's duties do not arise until its services have been invoked by a party to the dispute. The Railway Labor Act is silent as to how the invocation of a representation dispute is to be accomplished and the Board has not promulgated regulations requiring any specific vehicle. Nonetheless, 29 CFR 1203.2 provides that requests to investigate representation disputes may be made on printed forms NMB-3. The application shows the name or description of the craft or class involved, the name of the invoking organization, the name of the organization currently representing the employees, if any, and the estimated number of employees in the craft or class involved. This basic information is essential to the Board in that it provides a short description of the particulars of dispute and the Board can begin determining what resources will be required to conduct an investigation.

II. Current Actions

The extension of this form is necessary considering the information is used by the Board in determining such matters as how many staff will be required to conduct an investigation and what other resources must be mobilized to complete our statutory responsibilities. Without this information, the Board would have to delay the commencement of the investigation, which is contrary to the intent of the Railway Labor Act.

Type of Review: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

Agency: National Mediation Board.
Title of Forms: Application for Investigation of Representation Dispute.

OMB Number: 3140-002.

Agency Number: NMB-3.

Frequency: Daily.

Affected Public: Union Officials, and employees of railroads and airlines.

Number of Respondents: 68 annually.

Estimated Time Per Respondent: The burden on the parties is minimal in completing the Application for Investigation of Representation Dispute. There is no improved technological method for obtaining this information.

Total Estimated Cost: \$517.00.

Total Burden Hours: 24.50.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of

Management and Budget approval of the information collection request, they will also become a matter of public record.

Reba Streaker,

Records Officer/Paperwork Clearance Officer.

[FR Doc. 99-7763 Filed 3-29-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket 72-17]

Portland General Electric Company; 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 the Commission) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the requirements of 10 CFR 72.82(e) to Portland General Electric Company (PGE). Exemption from 10 CFR 72.82(e) would release PGE from submitting the report of preoperational test acceptance criteria and test results concerning the operation of its independent spent fuel storage installation (ISFSI). The proposed ISFSI is to be located at the Trojan Nuclear Plant (Docket Nos. 72-17 and 50-344) in Columbia County, Oregon. The proposed ISFSI would store the spent nuclear fuel from the Trojan Nuclear Plant.

Environmental Assessment (EA)

Identification of Proposed Action

By letter dated February 10, 1998, PGE 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 proposed action before the Commission is whether to grant this exemption under 10 CFR 72.7 to release PGE from submitting a report to NRC in accordance with 10 CFR 72.82(e).

Need for the Proposed Action

The applicant is preparing to build and operate the Trojan 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 PGE is preparing to transfer the spent nuclear fuel from its current location in the Trojan Nuclear Plant spent fuel pool to the Trojan ISFSI, immediately following the completion of the preoperational testing.

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.

Alternative to the Proposed Action

Since there is no environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact are not evaluated. The alternative to the proposed action would be to 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 the ISFSI. This alternative would have the same environmental impact.

Agencies and Persons Consulted

On March 1, 1999, Adam Bless from the Oregon Office of Energy was contacted about this 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 72.82(e) 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.

This application was docketed under 10 CFR Part 72, Docket 72-17. For further details with respect to this action, see the application for an ISFSI license dated March 26, 1996, and the request for exemption dated February 10, 1998, which are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, DC 20555, and the Local Public Document Room at the Portland State University, Branford Price Millar Library, 934 SW Harrison, Portland, Oregon 97207.

Dated at Rockville, Maryland, this 24th 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. 99-7760 Filed 3-29-99; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[DOCKET 72-17]

Portland General Electric Company; 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 the Commission) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the requirements of 10 CFR 72.124(b) to Portland General Electric Company (PGE). Exemption from 10 CFR 72.124(b) would provide relief to PGE from the requirement to use positive means to verify the continued efficacy of neutron absorbing materials for spent fuel storage casks stored at an independent spent fuel storage installation (ISFSI) at the Trojan Nuclear Plant (Docket Nos. 72-17 and 50-344) in Columbia County, Oregon. The proposed ISFSI would store spent nuclear fuel from the Trojan Nuclear Plant.

Environmental Assessment (EA)

Identification of Proposed

By letter dated March 20, 1997, PGE requested an exemption from the

requirement in 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 [as a means for criticality control], the design shall provide for positive means to verify their continued efficacy." Specifically, PGE is requesting exemption from the requirement to provide a positive means to verify the continued efficacy of neutron absorbing materials.

The proposed action before the Commission is whether to grant this exemption under 10 CFR 72.7 to release PGE from the requirement to use positive means to verify the continued efficacy of neutron absorbing materials for spent fuel storage casks stored at an ISFSI in accordance with 10 CFR 72.124(a).

Need for the Proposed Action

The applicant is preparing to build and operate the Trojan ISFSI as described in its application and SAR, subject to approval of the pending licensing application. The exemption to 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 PGE plans to use for storage of spent fuel at the Trojan ISFSI. Periodic verification of neutron poison effectiveness is neither necessary nor practical for these casks.

Environmental Impacts of the Proposed Action

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