

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]

BILLING CODE 7590-01-P

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

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 the expected life of this facility. The neutron absorbing material (poison) is in a form that exposure to the ambient atmosphere of the basket 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 is no significant 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 72.124(b) exemption and, therefore, not allow elimination of the requirement to verify the continued efficacy of neutron absorbing materials. This alternative would have the same or greater environmental impacts.

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 72.124(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 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 March 20, 1997, 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. 99-7761 Filed 3-29-99; 8:45 am]

BILLING CODE 7590-01-P

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 certain requirements of 10 CFR 72.70(a), to Portland General Electric Company (PGE). Exemption from portions of 10 CFR 72.70(a) would release PGE from submitting the final Safety Analysis Report (SAR) at least 90 days prior to the receipt of fuel at its independent spent fuel storage installation (ISFSI) at the Trojan Nuclear Plant (Docket Nos. 72-17 and 50-344) in Columbia County, Oregon.

Environmental Assessment (EA)

Identification of Proposed Action

By letter dated February 9, 1999, PGE requested an exemption from the requirement in 10 CFR 72.70(a) which states, in part, that the "... information submitted in the Safety Analysis Report shall be updated and submitted to the Commission "... with final Safety Analysis Report completion and submittal to the Commission at least 90 days prior to the planned receipt of spent fuel ..."

The proposed action before the Commission is whether to grant this exemption under 10 CFR 72.7 to release PGE from submitting the final SAR to NRC 90 days prior to receipt of spent fuel at the Trojan ISFSI in accordance with 10 CFR 72.70(a).

Need for the Proposed Action

The exemption from 10 CFR 72.70(a) is necessary because, while PGE has submitted all major changes to the SAR within the 90-day limit, a number of minor changes have been submitted in a timeframe that would not permit PGE to receive spent fuel at the ISFSI on its planned schedule if it must comply with the 90-day limit. A delay of 90 days to receive fuel at the Trojan ISFSI

would cause an unnecessary burden to PGE.

Environmental Impacts of the Proposed Action

PGE last submitted a major revision to the SAR on October 31, 1998. Since that time PGE has submitted several minor changes to the SAR. NRC staff has reviewed all SAR changes through March 11, 1999, in consideration for issuing PGE a license, pursuant to 10 CFR Part 72, to operate an ISFSI at Trojan Nuclear Plant. Therefore, the staff has concluded that a period of 90 days would not be required to review the final SAR. Based on the review of the Trojan ISFSI SAR as supplemented through March 11, 1999, the staff further concluded that a period of 5 days would be sufficient to review the final SAR and, if necessary, take additional regulatory action prior to PGE receiving fuel at the Trojan ISFSI. Accordingly, the Commission concludes that this proposed exemption will have no significant environmental impacts.

Alternative to the Proposed Action

Since there is no significant 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 72.70(a) exemption and require the final SAR update at least 90 days before the receipt of spent fuel at the ISFSI. This alternative would also have no significant 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, granting an exemption from 10 CFR 72.70(a) to release PGE from submitting the final SAR at least 90 days prior to the receipt of fuel at its ISFSI at the Trojan Nuclear Plant and instead require the final SAR be submitted at least 5 days prior to the receipt of fuel at the Trojan ISFSI will not significantly impact the quality of the human environment. Accordingly, the Commission concludes that an environmental impact statement is not required for the proposed exemption.

This application was docketed under 10 CFR Part 72, Docket 72-17. For further details with respect to this