

environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this proposed action, see the licensee's letter dated April 7, 1994, as supplemented November 4, 1994, 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 Russell Library, 123 Broad Street, Middletown, Connecticut 06547.

Dated at Rockville, Maryland, this 1st day of February 1995.

For the Nuclear Regulatory Commission.

Phillip F. McKee,

Director, Project Directorate I-4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95-3086 Filed 2-7-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-20]

Environmental Assessment and Finding of No Significant Impact Regarding Proposed License Amendment; Changing Expiration Date of Amended Facility Operating License No. R-37 Massachusetts Institute of Technology

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of a license amendment extending the expiration date of Amended Facility Operating License No. R-37 (the license) for the Massachusetts Institute of Technology (MIT or the licensee) Research Reactor (MITR) from May 7, 1996, to August 8, 1999. This recaptures construction time between May 7, 1956, the issuance date of Construction Permit No. CPRR-5 and June 9, 1958, the issuance date of the license, and between May 24, 1974, the date reactor operations were terminated to modify the reactor under Construction Permit No. CPRR-118, and July 23, 1975, the date of issuance of Amendment No. 10 to the license which authorized a return to reactor operation.

Environmental Assessment

Identification of Proposed Action

By application dated March 31, 1994, as supplemented on September 29, and November 4, 1994, MIT requested that the expiration date of Amended Facility Operating License No. R-37 be extended from midnight, May, 7, 1996, to midnight, April 24, 2001. MIT has requested that four periods of time be recaptured:

(1) The period from May 7, 1956, the date of issuance of CPRR-5, until June 9, 1958, the issuance date of the license, or July 21, 1958, the date of initial criticality.

(2) The period from July 21, 1958, until June 1, 1959, during which the first reactor (MITR-I) was operated infrequently at low power for startup testing.

(3) From May 24, 1974, the date the reactor was shut down to perform modifications to the facility under Construction Permit No. CPRR-118, (CPRR-118 was issued on April 9, 1973, but component acquisition problems delayed the reactor shut down until May 24, 1974) until August 14, 1975, the date of initial criticality of the modified reactor (MITR-II). The NRC issued Amendment No. 10 to the license on July 23, 1975, which authorized operation of the modified reactor.

(4) The period from August 14, 1975, until April 15, 1976, during which the modified reactor was operated infrequently at low power for startup testing.

The staff has determined that the time between May 7, 1956, the issuance date of Construction Permit No. CPRR-5 and June 9, 1958, the issuance date of the license, and between May 24, 1974, the day reactor operations were terminated to modify the reactor under Construction permit No. CPRR-118, and July 23, 1975, the date of issuance of Amendment No. 10 to the license which authorized a return to reactor operation, represents time that was not available to the licensee due to construction. This period of time is 1188 days, which when added to the expiration date of the Amended Facility Operating License of May 7, 1996, results in an extended expiration date of August 8, 1999.

The staff has also determined that the time (a) between July 9, 1958, the issuance date of the license, through July 21, 1958, the date of initial criticality, to June 1, 1959, the end of low power testing, and (b) between July 23, 1975, the date of issuance of Amendment No. 10, through August 14, 1975, the date of initial criticality for the modified reactor, to April 15, 1976, the end of low power testing, cannot be

added to extend the expiration date of the license. This is because this time was authorized by NRC in the license for reactor operation, was available to the licensee for operations and, after initial criticality in both cases, was used by the licensee for low power testing. A license term of 40 years from the date of issuance of the operating license is permitted by NRC regulations, specifically 10 CFR 50.51. Commission approval of the proposed amendment would be consistent with recent NRC actions for nuclear power reactors.

Need for Proposed Action

The granting of this request would allow the licensee to operate the facility for approximately three years and three months beyond the current license expiration date, thus recapturing construction periods. Over 30 similar extensions have been issued to other licensees. Without issuance of the proposed license amendment, an application for license renewal would be required to be developed and submitted before the expiration of the current license on May 7, 1996, or the MITR would be shut down and a decommissioning plan required to be developed and submitted.

Environmental Impact of the proposed Action

The anticipated impact of the facility on the environment was evaluated in the Environmental Impact Appraisal for the MITR dated July 23, 1975. This appraisal was prepared for the issuance of Amendment No. 10 to the license, which authorized a return to operation for the facility at a power level of 5 MW(t), after modifications were completed to the reactor as authorized by construction permit No. CPRR-118. The descriptions in and findings of that appraisal are still valid. That appraisal concluded that there will be no significant environmental impact associated with the licensing of the MITR to be operated at 5 MW(t).

The licensee has not requested any changes to the facility as part of this amendment request. The environmental effects of accidents which were discussed and considered negligible in the 1975 appraisal have not changed.

Operating data is available to replace the estimates of the environmental effects of facility operation in the 1975 appraisal. The actual environmental effects of facility operation from July 1, 1984 (FY 85), to June 30, 1994 (FY 94), were obtained from the licensee.

Environmental surveys within a quarter mile of the facility detected an average (averaged because readings are