

operation and maintenance of the Falcon Dam and Reservoir Project. No final action will be taken on this site specific document until the Programmatic Environmental Assessment is complete and final action is declared on it.

The No Action Alternative is for the USIBWC to not issue a land use permit to TransTexas to construct a drill pad and associated works on an island on USIBWC real property at Porcion 18 at Falcon Reservoir. BLM would only be able to approve an application for permit to drill from a site above the 307-foot traverse property line; hence outside the reservoir. TransTexas would need to consider use of alternative means to recover private and public natural gas reserves within the reservoir. The no action alternative would result in no development below the 307-foot traverse for private and public reserves in the western portion of TransTexas' lease area; avoidance of any potential impacts associated with the proposed action; the loss of tax and royalty revenues to the local, state and federal governments; the loss of royalty revenues to mineral owners; and the loss of an otherwise recoverable clean energy source.

Environmental Assessment

The USIBWC has coordinated with BLM, the agency responsible for permitting Federal reserves within the reservoir, and TransTexas in the development of the Draft Environmental Assessment (DEA). The DEA is tiered from the PEA and describes the historical and existing development of oil and natural gas in the general vicinity (but above the 307-foot traverse property line) of the reservoir and the planned oil and natural gas activities within or adjacent to the Porcion 18 site. It analyzes the specific impacts expected from natural gas development in the foreseeable future and the cumulative environmental impacts of natural gas development upon USIBWC real property at Falcon Reservoir. The Draft EA discusses mitigation measures to avoid impacts to and minimize degradation of environmental resources within and adjacent to the reservoir. The USIBWC approved the completed DEA from TransTexas for proposed natural gas development at Porcion 18, and it is currently available for review and comment.

Finding of the Environmental Assessment

Final action on this site specific DEA will not be taken until the Programmatic Environmental Assessment is complete and final action is declared on it. The

DEA indicates that the proposed action for the USIBWC to issue a land use permit for natural gas development within the USIBWC real property at Porcion 18 at Falcon Reservoir does not constitute a major federal action which would cause a significant local, regional, or national adverse impact on the environment based on the following facts:

1. Construction, drilling and production activities at the Porcion 18 swell pad site will have no significant adverse impacts on air quality. Standard construction practices to control fugitive dust shall be used, and emissions will be minimized through properly maintained equipment.

2. The slight impacts from construction, drilling and production activities associated with noise at the Porcion 18 well pad site are fully mitigable through vegetative buffer zones, equipment noise suppressors, and avoidance of critical wildlife use periods.

3. Negligible impacts to geologic and water resources are mitigable through the use of erosion and sediment control measures and devices, secondary containment measures, best management practices during all phases of development at the Porcion 18 well pad site, and use of site specific spill prevention control and countermeasure plans.

4. Biological resources shall be protected from impacts by total avoidance of clearing within the heavy brush corridor adjacent to Porcion 18, reptile exclusion fences around the drill pad location, and an interior least tern monitoring plan coordinated by the appropriate federal and state conservation agencies. Based on site surveys, federally listed species are not likely to be adversely affected by the proposed action provided these mitigation measures are followed.

5. Impacts to cultural resources shall be mitigated through avoidance of sites determined to be eligible for the National Register of Historic Places and implementation of a Memorandum of Agreement for mitigating impacts if avoidance is not viable. These measures shall be completed prior to BLM approval of the application for permit to drill, USIBWC issuance of a land use permit, and any development at the Porcion 18 drill site. Additionally, construction activity shall be monitored by a qualified archaeologist with full authority to terminate construction if cultural resources are likely to be impacted at the site.

6. Negligible impacts associated with land use and transportation will not require additional mitigation.

7. Negligible impacts associated with visual resources are mitigable through properly placed night lighting, painting of the facility to blend with the surrounding terrain and vegetation, and alignment of the access road and utility corridor to limit the view of the facility from the shoreline.

Availability

The DEA is available for public review at the USIBWC Falcon Dam Field Office, Falcon Road, Falcon Heights, Texas 78545; and it has also been distributed to Federal, State, and local agencies and organizations that have been consulted and coordinated with in the preparation of the DEA. A limited number of copies are available to fill single copy requests at the above address. The USIBWC will not take final action on this DEA until the Draft Programmatic Environmental Assessment is complete and final action is declared on it.

Dated: February 10, 1997.

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Finding of No Significant Impact

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.
ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Based on a Draft Programmatic Environmental Assessment (PEA) prepared by TransTexas Gas Corporation (TransTexas), Houston, Texas, to address the potential adverse environmental impacts of oil and natural gas development within the Falcon Dam and Reservoir Project, Starr and Zapata counties, Texas; the United States Section, international Boundary and Water Commission, United States and Mexico (USIBWC), finds that the proposed action to grant exceptions to the USIBWC policy of prohibiting development within the reservoir is not a major federal action that would have a significant adverse effect on the quality of the human environment. Therefore, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Final Regulations (40 CFR Parts 1500 through 1508); and the USIBWC's Operational Procedures for Implementing Section 102 of NEPA, published in the Federal Register September 2, 1981 (46FR 44083-44094); the USIBWC hereby

gives notice that an environmental impact statement will not be prepared for the proposed action.

ADDRESSES: Mr. Yusuf E. Farran, Division Engineer, Environmental Management Division, United States Section, International Boundary and Water Commission, United States and Mexico, 4171 North Mesa Street, C-310, El Paso, Texas 79902-1441. Telephone: 915/534-6704.

SUPPLEMENTARY INFORMATION: In January, 1996, TransTexas Gas Corporation (TransTexas) requested the United States Section, International Boundary and Water Commission, United States and Mexico (USIBWC), to grant them permission to install a drill pad site above the 307-foot mean sea level elevation on an island located within USIBWC real property below the 307-foot elevation traverse (the United States property line also called the "307-foot traverse") within the international Falcon Reservoir for the purpose of drilling eight natural gas wells. The construction of the drill pad on an island within the reservoir is desirable, due mainly to technical constraints associated with current directional drilling, to enable the full development of private and public gas reserves in the western portion of TransTexas' lease area. The gas lease area is situated entirely under Falcon Reservoir with very limited land available to reach the required bottom hole locations.

The USIBWC began coordination with the United States Bureau of Land Management (BLM), the federal authorizing agency which would approve an application by TransTexas for a permit to drill for federal reserves within the reservoir. BLM indicated it would not approve the application for permit to drill until the USIBWC determined whether it would waive the stipulation that prohibits oil and natural gas development at the site below the 307-foot traverse. Both agencies agreed that due to a lack of both funding resources and human resources for an agency produced document and an immediate need by TransTexas to gain access to private and public reserves within the reservoir, a third party environmental analysis would be acceptable for determination of the significance of the impacts of the federal action of the USIBWC granting exceptions to its policy of prohibiting any mineral exploration or development within its property at Falcon Reservoir. The USIBWC approved a scope of work submitted by TransTexas and requested it to develop, to the satisfaction of the USIBWC, a programmatic

environmental assessment that addresses the USIBWC's granting exceptions to its policy of prohibiting any mineral exploration or development upon USIBWC real property within Falcon Reservoir.

Proposed Action

The action proposed is for the USIBWC to grant exceptions on a case-by-case basis to its policy of prohibiting oil and gas development upon USIBWC real property under Falcon Reservoir. Stipulation Number 1 is found in the special stipulations attached to and made a part of all BLM oil and gas leases for the Falcon Dam and Reservoir Project, and it reads as follows:

The lessee understands and agrees that a negative easement is imposed in and upon said land to prohibit the drilling or deepening of any well for the purpose of producing oil and/or gas and other minerals provided, however, that exploration and development of oil and/or gas and other minerals under said land will be permitted by directional drilling from locations off the said land and above the 307-foot elevation traverse.

The proposed action would alter USIBWC policy so that limited exceptions may be granted in appropriate cases, allowing some oil and gas exploration and development on USIBWC real property located below the 307-foot traverse property line at Falcon Reservoir but above the 307-foot mean sea level elevation.

Alternatives Considered

Two alternatives were considered in the Draft Programmatic Environmental Assessment (PEA):

The Proposed Action Alternative is for the USIBWC to grant exceptions to its policy of prohibiting oil and natural gas development upon USIBWC real property under Falcon Reservoir on a case-by-case basis. If the USIBWC makes the determination to allow exceptions to this prohibition, BLM could then approve applications for permits to drill for oil and gas reserves located within the reservoir. Separate environmental assessments would then be prepared by project proponents tiered from this PEA to address the specific impacts of drilling for oil and natural gas at specific locations within the reservoir, and the USIBWC would consider issuing land use permits to ensure that such works do not interfere with the operation and maintenance of the Falcon Dam and Reservoir Project. A site specific environmental assessment prepared by TransTexas that addresses the impacts of natural gas development upon USIBWC real property under Falcon Reservoir is concurrently being

processed under separate notice in the Federal Register. Although the site specific document is prepared and processed simultaneously with this Draft Programmatic Environmental Assessment for potential oil and natural gas development on USIBWC real property located below the 307-foot traverse property line at Falcon Reservoir, no final action will be taken on the site specific document until the PEA is complete and final action is declared on it.

The No Action Alternative is for the USIBWC to not grant any exceptions to its policy of prohibiting oil and natural gas development upon USIBWC real property under Falcon Reservoir. BLM would only be able to approve applications for permits to drill from sites above the 307-foot traverse property line; hence outside the reservoir. Project proponents would need to consider use of alternative means to recover private and public natural gas reserves within the reservoir. Since no oil and natural gas development would be done within the Falcon Reservoir, the USIBWC would not issue land use permits to project proponents. The no action alternative would result in no development below the 307-foot traverse for private and public reserves in the reservoir; avoidance of any potential impacts associated with the proposed action; the loss of tax and royalty revenues to the local, state and federal governments; the loss of royalty revenues to mineral owners; and the loss of an otherwise recoverable clean energy source.

Programmatic Environmental Assessment

The USIBWC has coordinated with BLM, the agency responsible for permitting federal reserves within the reservoir, and TransTexas in the development of the Draft Programmatic Environmental Assessment (PEA). The PEA describes the historical and existing development of oil and natural gas in the general vicinity (but above the 307-foot traverse property line) of the reservoir area and the planned oil and natural gas activities within or adjacent to potential drill sites on the United States side of the international reservoir in the reasonably foreseeable future. It analyzes the general impacts expected from such development in the foreseeable future and the cumulative environmental impacts of oil and natural gas development within Falcon Reservoir. The Draft PEA discusses mitigation measures to minimize degradation of environmental resources within and adjacent to the reservoir.

The PEA is envisioned to serve as a baseline environmental document from which other drilling proponents and permit applicants will be able to tier site specific environmental assessments for similar activities within the reservoir area. The USIBWC reviewed and approved the completed Draft PEA from TransTexas for proposed oil and gas development within the reservoir, and it is currently available for review and comment.

Finding of the Programmatic Environmental Assessment

The PEA finds that the proposed action for the USIBWC to grant exceptions to its policy of prohibiting oil and natural gas development upon USIBWC real property below the 307-foot traverse property line at Falcon Reservoir but above the 307-foot mean sea level elevation does not constitute a major federal action which would cause a significant local, regional, or national adverse impact on the environment based on the following facts:

1. Construction, drilling and production activities at potential well pad sites will have no significant adverse impacts on air quality. Standard construction practices to control fugitive dust would be utilized.

2. The slight impacts from construction, drilling and production activities associated with noise at potential well pad sites are fully mitigable through vegetative buffer zones, equipment noise suppressors, and avoidance of critical wildlife use periods.

3. Negligible impacts to geologic and water resources are mitigable through the use of erosion and sediment control measures and devices, secondary containment measures, best management practices during all phases of site development, and use of site specific spill prevention control and countermeasure plans.

4. Biological resources will be protected from impacts by total avoidance of clearing within heavy brush corridors, animal exclusion fences around drill pad locations, site specific surveys for threatened and endangered plants and animals, and monitoring plans coordinated by the appropriate federal and state conservation agencies.

5. Impacts to cultural resources can be mitigated through avoidance of sites determined to be eligible for the National Register of Historic Places and if avoidance is not viable, implementation of a Memorandum of Agreement for mitigating impacts will be necessary prior to BLM approval of applications for permits to drill, USIBWC issuance of land use permits,

and any development at potential drill sites.

6. Negligible impacts associated with land use and transportation will not require additional mitigation.

7. Negligible impacts associated with visual resources are mitigable through properly placed night lighting, unobtrusive painting of facilities, and alignment of access road and utility corridors for limited views of individual project facilities.

On the basis of the TransTexas Draft PEA, the USIBWC has determined that an environmental impact statement is not required for the USIBWC to grant exceptions to its policy of prohibiting oil and natural gas development upon USIBWC real property under Falcon Reservoir and hereby provides notice of a finding of no significant impact (FONSI). An environmental impact statement will not be prepared unless additional information which may affect this decision is brought to our attention within thirty (30) days of the date of this Notice. Copies of the Draft PEA are available for public review at the USIBWC Falcon Dam Field Office, Falcon Road, Falcon Heights, Texas 78545, and have been distributed to Federal, State, and local agencies and organizations that have been consulted and coordinated within the preparation of the PEA. A limited number of copies are available to fill single copy requests at the above address.

Dated: February 10, 1997.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-362]

Southern California Edison Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-15, issued to Southern California Edison Company (the licensee), for operation of the San Onofre Nuclear Generating Station (SONGS), Unit No. 3 located in San Diego County, California.

The proposed amendment would defer implementation of Surveillance Requirement (SR) 3.1.5.4 of Technical Specification 3.1.5, "CEA Alignment"

until no later than the next SONGS Unit 3 refueling outage (currently scheduled to begin on April 12, 1997).

The exigent circumstances for this amendment request exist due to the recent discovery of the inappropriate crediting of previous test results to this post-Technical Specification Improvement Program SR.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change would defer the implementation of Surveillance Requirement (SR) 3.1.5.4 of Technical Specification (TS) 3.1.5 until the Unit 3, Cycle 9 refueling outage.

Operation of the facility would remain unchanged as a result of the proposed changes and no assumptions or results of any accident analyses are affected. Based on testing, operating experience, and the inherent reliability of the system, Edison concludes the Reed Switch Position Transmitters have demonstrated their capability to perform their specified safety function and are operable. Therefore, the proposed change will not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change would defer the implementation of Surveillance Requirement (SR) SR 3.1.5.4 of Technical Specification (TS) 3.1.5 until the Unit 3, Cycle 9 refueling outage.

Operation of the facility would remain unchanged as a result of the proposed change. The Reed Switch Position Transmitters cannot initiate an accident.