

zircaloy cladding. Metal-water reaction tests performed by Westinghouse on Optimized ZIRLO™ (documented in Appendix B of Addendum 1 to WCAP-12610-P-A) demonstrate comparable reaction rates. Accordingly, the previous calculations of hydrogen production resulting from a metal-water reaction will not be significantly changed. Granting the proposed exemption will not defeat the underlying purpose of 10 CFR 50.44.

3.2.2 10 CFR 50.46

The underlying purpose of 10 CFR 50.46 is to establish acceptance criteria for ECCS performance. The applicability of the ECCS acceptance criteria has been demonstrated by Westinghouse. Ring compression tests performed by Westinghouse on Optimized ZIRLO™ (documented in Appendix B of Addendum 1 to WCAP-12610-P-A) demonstrate an acceptable retention of ductility up to 10 CFR 50.46 limits of 2200 °F and 17% Equivalent Cladding Reacted (ECR).

Utilizing currently approved LOCA models and methods, Westinghouse will perform cycle-specific reload evaluations to ensure that the LTAs satisfy 10 CFR 50.46 acceptance criteria. Granting the proposed amendment will not defeat the underlying purpose of 10 CFR 50.46.

3.2.3 10 CFR Part 50, Appendix K

Paragraph I.A.5 of Appendix K to 10 CFR Part 50 states that the rates of energy, hydrogen concentration, and cladding oxidation from the metal-water reaction shall be calculated using the Baker-Just equation. Since the Baker-Just equation presumes the use of zircaloy clad fuel, strict application of the rule would not permit use of the equation for the LTA cladding for determining acceptable fuel performance. Metal-water reaction tests performed by Westinghouse on Optimized ZIRLO™ (documented in Appendix B of Addendum 1 to WCAP-12610-P-A) demonstrate conservative reaction rates relative to the Baker-Just equation. Granting the proposed exemption will not defeat the underlying purpose of Appendix K, Paragraph I.A.5.

3.2.4 Special Circumstances

In summary, the staff reviewed the licensee's request of proposed exemption to allow up to eight LTAs containing fuel rods, guide thimble tubes, and instrumentation tubes fabricated with Optimized ZIRLO™. Based on the staff's evaluation, as set forth above, the staff considers that granting the proposed exemption will

not defeat the underlying purpose of 10 CFR 50.44, 10 CFR 50.46, or Appendix K to 10 CFR part 50. Accordingly, special circumstances, are present pursuant to 10 CFR 50.12(a)(2)(ii).

3.2.5 Other Standards in 10 CFR 50.12

The staff examined the rest of the licensee's rationale to support the exemption request, and concluded that the use of Optimized ZIRLO™ would satisfy 10 CFR 50.12(a) as follows:

(1) The requested exemption is authorized by law:

No law precludes the activities covered by this exemption request. The Commission, based on technical reasons set forth in rulemaking records, specified the specific cladding materials identified in 10 CFR 50.44, 10 CFR 50.46, and 10 CFR Part 50, Appendix K. Cladding materials are not specified by statute.

(2) The requested exemption does not present an undue risk to the public health and safety as stated by the licensee:

The LTA reload evaluation will ensure that these acceptance criteria [in the Commission's regulations] are met following the insertion of LTAs containing Optimized ZIRLO™ material. Fuel assemblies using Optimized ZIRLO™ cladding will be evaluated using NRC-approved analytical methods and plant specific models to address the changes in the cladding material properties. The safety analysis for Millstone, Unit No. 3 is supported by the applicable technical specification. The Millstone, Unit No. 3 reload cores containing Optimized ZIRLO™ cladding are required to be operated in accordance with the operating limits specified in the technical specifications. As required by the technical specifications, the LTAs utilizing Optimized ZIRLO™ cladding will be placed in non-limiting core locations. Thus, the granting of this exemption request will not pose an undue risk to public health and safety.

The NRC staff has evaluated these considerations as set forth in Section 3.1 of this exemption. For the reasons set forth in that Section, the staff concludes that Optimized ZIRLO™ may be used as a cladding material for no more than eight LTAs to be placed in non-limiting core locations during MP3's next refueling outage, and that an exemption from the requirements of 10 CFR 50.44, 10 CFR 50.46, and 10 CFR Part 50, Appendix K does not pose an undue risk to the public health and safety.

(3) The requested exemption will not endanger the common defense and security:

The common defense and security are not affected and, therefore, not endangered by this exemption.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the Exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants DNC an exemption from the requirements of 10 CFR 50.44, 10 CFR 50.46, and 10 CFR Part 50, Appendix K, to allow the use of Optimized ZIRLO™ as a cladding material in eight LTAs in the capacity described in their July 1, 2003 submittal, as supplemented November 10, 2003, up to a lead rod average burnup of 62,000 MWD/MTU.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (68 FR 75291).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 11th day of February 2004.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 04-3574 Filed 2-18-04; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 030-06068]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Canberra Industries, Inc.'s Facility in Warrington, PA

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability of Environmental Assessment and Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Kathy Dolce Modes, Nuclear Materials Safety Branch 2, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania, 19406, telephone (610) 337-5251, fax (610) 337-5269; or by e-mail: kad@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Canberra Industries, Inc. for Materials License No.

37-02401-01, to authorize release of its facility in Warrington, Pennsylvania for unrestricted use. NRC has prepared an Environmental Assessment (EA) in support of this action in accordance with the requirements of 10 CFR part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

II. EA Summary

The purpose of the proposed action is to allow for the release of the licensee's Warrington, Pennsylvania facility for unrestricted use. Canberra Industries, Inc. was authorized by NRC from February 9, 1981 to use radioactive materials for research and development and distribution purposes at the Warrington, Pennsylvania site. On September 12, 2003, Canberra Industries, Inc. requested that NRC release the facility for unrestricted use. Canberra Industries, Inc. has conducted surveys of the facility and determined that the facility meets the license termination criteria in Subpart E of 10 CFR part 20. The NRC staff has prepared an EA in support of the proposed license amendment.

III. Finding of No Significant Impact

The staff has prepared the EA (summarized above) in support of the proposed license amendment to terminate the license and release the facility for unrestricted use. The NRC staff has evaluated Canberra Industries, Inc.'s request and the results of the surveys and has concluded that the completed action complies with the criteria in Subpart E of 10 CFR Part 20. The staff has found that the environmental impacts from the proposed action are bounded by the impacts evaluated by the "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Facilities" (NUREG-1496). On the basis of the EA, the NRC has concluded that the environmental impacts from the proposed action are expected to be insignificant and has determined not to prepare an environmental impact statement for the proposed action.

IV. Further Information

The EA and the documents related to this proposed action, including the application for the license amendment and supporting documentation, are available for inspection at NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>

(ADAMS Accession Nos. ML032590641, ML032830096, ML040370670). These documents are also available for inspection and copying for a fee at the Region I Office, 475 Allendale Road, King of Prussia, Pennsylvania, 19406. Persons who do not have access to ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or (301) 415-4737, or by e-mail to pdr@nrc.gov.

Dated at King of Prussia, Pennsylvania this 11th day of February, 2004.

For the Nuclear Regulatory Commission.

John D. Kinneman,

*Chief, Nuclear Materials Safety Branch 2,
Division of Nuclear Materials Safety, Region I.*

[FR Doc. 04-3560 Filed 2-18-04; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

National Materials Program; Announcement of Public Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Announcement of public meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is conducting a meeting to inform stakeholders of the status and progress of the National Materials Program (NMP) pilot projects and receive feedback on a range of issues involving the NMP. Areas of discussion will include each pilot project as well as focus on the future structure and framework of the NMP. The discussion and feedback will be used by the staff in the overall assessment report on the pilot projects.

DATES: A 1-day public meeting will be held Wednesday, March 31, 2004, from 8 a.m. to 3 p.m. at NRC Headquarters, in room T2-B3, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland. To facilitate maximum information sharing, additional information on the NMP, including pilot projects, can be found at: <http://www.hsr.d.ornl.gov/nrc/materials.htm>.

Travel Information: It is recommended that participants commute to the meeting via the Metrorail system (Metro). The White Flint Metro stop, along the red line, is adjacent to the White Flint Complex. There are limited parking spaces available in the area.

Notification of Attendance: It is strongly encouraged that prospective participants contact NRC prior to the meeting to expedite the required security processing for NRC visitors and

to ensure that adequate copies of handouts are available. Contact Shawn Rochelle Smith, telephone: (301) 415-2620; e-mail: srs3@nrc.gov, and submit participant name, affiliated organization, telephone number, address, and citizenship status by March 29, 2004. Also, it is suggested that invited speakers as well as attendees, limit the amount of personal items and electronic devices brought into the building. Those needing accommodations under the Americans with Disabilities Act or having special concerns should contact Gwendolyn Davis in advance at (301) 415-2325; from outside the Washington, DC metropolitan area, call (800) 368-5642, extension 2325 or e-mail: gxd@nrc.gov. Persons needing accommodations that are planning to attend the meeting should contact Mrs. Davis and provide information that will facilitate entrance into the building the day of the meeting.

FOR FURTHER INFORMATION CONTACT:

Shawn Rochelle Smith, U.S. Nuclear Regulatory Commission, Office of State and Tribal Programs, Mail Stop: O3-C10, Washington, DC 20555; telephone: 301-415-2620; e-mail: srs3@nrc.gov. Questions about the public meeting process should be directed to Lance J. Rakovan, U.S. Nuclear Regulatory Commission, Office of State and Tribal Programs, Mail Stop: O3-C10, Washington, DC 20555; telephone: 301-415-2589; e-mail: ljr2@nrc.gov.

SUPPLEMENTARY INFORMATION: The meeting will be conducted in two segments. The first segment will consist of presentations on the structure and framework of the NMP and the status of the NMP pilot projects. The second segment will be conducted in a "roundtable format" among invited participants representing the broad spectrum of interests that may be affected by the current or any changes to the structure and framework of the NMP. To help facilitate discussions, participants at the table will include representatives of radioactive material licensees, public interest groups, and Federal and State governments. Although the focus of the discussion will be among the invited participants, the meeting is open to the public and there will be opportunities to comment on each agenda item to be discussed by roundtable participants.

Dated in Rockville, Maryland, this 11th day of February, 2004.

For the U.S. Nuclear Regulatory Commission.

Paul H. Lohaus,

Director, Office of State and Tribal Programs.

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