

p.m. EST) on *Monday, June 7, 2004*.

Written requests should be submitted to:

*Mail:* Office of the Secretary, Rulemakings and Adjudications Staff, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

*Fax:* (301) 415-1101 (verification (301) 415-1966).

*E-mail:* [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov).

In addition, using the same method of service, a copy of the written request to make an oral statement should be sent to the Chair of this Licensing Board as follows:

*Mail:* Administrative Judge Ann Marshall Young, Atomic Safety and Licensing Board Panel, Mail Stop T-3F23, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

*Fax:* 301/415-5599 (verification 301/415-7550).

*E-mail:* [AMY@nrc.gov](mailto:AMY@nrc.gov).

### C. Submitting Written Limited Appearance Statements

A written limited appearance statement may be submitted at any time. Such statements should be sent to the Office of the Secretary using any of the methods prescribed above, with a copy to the Licensing Board Chair by the same method.

### D. Timing and Location of Evidentiary Hearing

The evidentiary hearing will commence at 1 p.m. on *Wednesday, July 14, 2004, in the NRC offices at Two White Flint North, 11545 Rockville Pike, in Rockville, Maryland*. The hearing of the above-described evidence will continue at 9 a.m. on July 15, and may go into the evenings of July 14 and/or 15, as necessary. At the conclusion of each day, the Board will announce when the hearing will reconvene. The Board may make changes in the schedule, lengthening or shortening each day's session or canceling a session as deemed necessary or appropriate to allow for witnesses' availability and other matters arising during the course of the proceeding.

Members of the public are encouraged to attend any and all sessions of this evidentiary hearing, but should note that these sessions are adjudicatory proceedings open to the public for observation only. Those who wish to participate are invited to offer limited appearance statements on June 15 or in written statements, as provided above. Those who wish to attend the July 14-15, 2004, hearing should come to the front entrance of the Two White Flint North building (the second building south of the entrance to the White Flint Metro station) and indicate to the

security guard on duty that they wish to attend the "Catawba hearing"; arrangements will then be made to direct persons attending to the hearing room.

### E. Availability of Documentary Information Regarding the Proceeding

Documents relating to this proceeding are available for public inspection at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland; or electronically through the publicly available records component of the NRC Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible through the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The PDR and many public libraries have terminals for public access to the Internet. Persons who do not have access to ADAMS or who encounter problems in obtaining access to the documents located in ADAMS may 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](mailto:pdr@nrc.gov).

Rockville, Maryland, May 28, 2004.

For the Atomic Safety and Licensing Board.

**Ann Marshall Young,**

*Chair, Administrative Judge.*

[FR Doc. 04-12749 Filed 6-4-04; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-382]

### Entergy Operations Inc.; Waterford Steam Electric Station, Unit 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of exemptions from Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Section 50.46 and Appendix K, for Facility Operating License No. NPF-38, issued to Entergy Operations Inc. (the licensee), for operation of the Waterford Steam Electric Station, Unit 3 (Waterford 3), located in St. Charles Parish, Louisiana. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

#### Environmental Assessment

##### Identification of the Proposed Action

The proposed action would exempt Waterford 3 from the requirements of 10 CFR Part 50, Section 50.46 and

Appendix K, to allow the use of up to four Lead Test Assemblies (LTAs) fabricated with Optimized ZIRLO™, a cladding material that contains a nominally lower tin content than previously approved cladding materials.

The proposed action is in accordance with the licensee's application dated April 30, 2004.

##### The Need for the Proposed Action

As the nuclear industry pursues longer operating cycles with increased fuel discharge burnup and more aggressive fuel management, the corrosion performance requirements for the nuclear fuel cladding become more demanding. Available industry data from the American Nuclear Society, the International Atomic Energy Agency, the Electric Power Research Institute, and Westinghouse Electric Corporation (Westinghouse) indicate that corrosion resistance improves for cladding with a lower tin content. The optimum tin level provides a reduced corrosion rate while maintaining the benefits of mechanical strengthening and resistance to accelerated corrosion from abnormal chemistry conditions. In addition, fuel rod internal pressures (resulting from the increased fuel duty, use of integral fuel burnable absorbers and corrosion/temperature feedback effects) have become more limiting with respect to fuel rod design criteria. Reducing the associated corrosion buildup, and thus, minimizing temperature feedback effects, provides additional margin to fuel rod internal pressure design criteria.

To meet these needs, Westinghouse developed a LTA program in cooperation with Entergy Operations Inc., which includes a fuel cladding with a tin content lower than the currently licensed range for ZIRLO™. The NRC's regulations in 10 CFR 50.46 and Appendix K, make no provision for use of fuel rods clad in a material other than Zircalloy or ZIRLO™. The licensee has requested the use of up to four LTAs with a tin composition that is less than that specified in the licensing basis for ZIRLO™, as defined in Westinghouse design specifications. Therefore, use of the LTAs calls for exemptions from 10 CFR 50.46 and Appendix K.

##### Environmental Impacts of the Proposed Action

The NRC staff has completed its evaluation of the proposed action and concludes that the proposed exemptions would not increase the probability or consequences of accidents previously analyzed and would not affect facility radiation levels or facility radiological effluents.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC staff concludes that there are no significant environmental impacts associated with the proposed action.

#### *Environmental Impacts of the Alternatives to the Proposed Action*

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the “no-action” alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

#### *Alternative Use of Resources*

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for Waterford 3, dated September 1981.

#### *Agencies and Persons Consulted*

On May 11, 2004, the staff consulted with the Louisiana State official, Mr. Prosanta Chowdhury, of the Louisiana Department of Environmental Protection, regarding the environmental impact of the proposed action. The State official had no comments.

#### **Finding of No Significant Impact**

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

For further details with respect to the proposed action, see the licensee’s letter dated April 30, 2004 (ADAMS Accession Number ML041250184). Documents may be examined, and/or copied for a fee, at the NRC’s Public Document Room (PDR), located at One

White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in 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](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 25th day of May, 2004.

For the Nuclear Regulatory Commission.

**Robert A Gramm,**

*Chief, Section 1, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 04-12746 Filed 6-4-04; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket Nos. 50-327 and 50-328]**

### **Tennessee Valley Authority, Sequoyah Nuclear Plant; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Section 68, “Criticality Accident Requirements,” Subsection (b)(1) for Facility Operating License Nos. DPR-77 and DPR-79, issued to Tennessee Valley Authority (the licensee), for operation of the Sequoyah Nuclear Plant (SQN), located in Hamilton County, Tennessee. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

#### **Environmental Assessment**

##### *Identification of the Proposed Action*

The proposed action would exempt the licensee from the requirements of 10 CFR 50.68, “Criticality Accident Requirements,” Subsection (b)(1) during the handling and storage of spent nuclear fuel in a 10 CFR Part 72 licensed spent fuel storage container that is in the SQN spent fuel pool.

The proposed action is in accordance with the licensee’s application dated February 20, 2004, as supplemented on May 3, 2004. The supplemental letter provided clarifying information that did

not expand the scope of the original request.

#### *The Need for the Proposed Action*

Under 10 CFR 50.68(b)(1), the Commission sets forth the following requirement that must be met, in lieu of a monitoring system capable of detecting criticality events.

Plant procedures shall prohibit the handling and storage at any one time of more fuel assemblies than have been determined to be safely subcritical under the most adverse moderation conditions feasible by unborated water.

The licensee is on a time-critical path to load spent nuclear fuel into a 10 CFR Part 72 licensed spent fuel storage container in June 2004. Section 50.12(a) allows licensees to apply for an exemption from the requirements of 10 CFR Part 50 if the regulation is not necessary to achieve the underlying purpose of the rule and other conditions are met. The licensee has stated that compliance with 10 CFR 50.68(b)(1) is not necessary for handling the 10 CFR Part 72 licensed contents of the cask system to achieve the underlying purpose of the rule.

#### *Environmental Impacts of the Proposed Action*

The NRC has completed its evaluation of the proposed action and concludes that the exemption described above would continue to satisfy the underlying purpose of 10 CFR 50.68(b)(1). The details of the staff’s safety evaluation will be provided with the letter to the licensee approving the exemption to the regulation.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off site. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.