

This Order is effective upon issuance.

For further details with respect to this action, see the application dated October 8, 2003, as supplemented on November 7, 2003, and the SE dated April 2, 2004, which are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/NRC/ADAMS/index.html>.

Dated in Rockville, Maryland, this 2nd day of April, 2004.

For the Nuclear Regulatory Commission.

Herbert N. Berkow,

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

[FR Doc. E4-780 Filed 4-7-04; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-317]

Calvert Cliffs Nuclear Power Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. DPR-53, issued to Calvert Cliffs Nuclear Power Plant, Inc. (the licensee), for operation of the Calvert Cliffs Nuclear Power Plant, Unit No. 1 (CCNPP1), located in Calvert County, MD. 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 increase the maximum enrichment limit of fuel assemblies stored in the CCNPP1 spent fuel pool from 4.52 weight percent U²³⁵ to 5.00 weight percent U²³⁵. This would be accomplished by the licensee taking credit for soluble boron in maintaining acceptable margins of subcriticality. The proposed action only relates to Unit 1 because the storage racks in the Unit 2 spent fuel pool are of a different design, and require different controls. The Unit 2 spent fuel pool will remain at the current enrichment level of 4.52 weight percent U²³⁵. The proposed action will result in modification of Technical Specification (TS) Section 4.3.1, "Criticality," addition of a new Section 3.7.16, "Spent Fuel Pool Boron

Concentration," and addition of a license condition to require the development of a long-term coupon surveillance program for the Carborundum samples.

The proposed action is in accordance with the licensee's application dated May 1, 2003, as supplemented September 25, 2003, November 3, 2003, and February 25, 2004.

The Need for the Proposed Action

The proposed action would allow the number of fresh fuel assemblies per cycle to be decreased, through allowing the maximum enrichment for fresh fuel to be increased to 5.00 weight percent U²³⁵ and allowing credit for soluble boron in the spent fuel pool. Through decreasing the number of fresh fuel assemblies per cycle, Independent Spent Fuel Storage Installation storage requirements will decrease, permanent Department of Energy storage requirements will decrease, and fuel cycle costs will decrease. Currently, TS Section 4.3.1, "Criticality", limits the maximum enrichment for fuel assemblies to 4.52 weight percent U²³⁵, and does not allow the licensee to take credit for soluble boron in the spent fuel pool. Thus, the proposed changes to the TSs were requested.

Environmental Impacts of the Proposed Action

The NRC has completed its safety evaluation of the proposed action and concludes that the storage and use of fuel enriched with U²³⁵ up to 5.00 weight percent at CCNPP1, is acceptable. The staff's safety evaluation addresses safety considerations at the higher enrichment level, and the staff has concluded that the proposed action will not adversely effect plant safety.

The proposed action will not significantly increase the probability or consequences of accidents. Even though there will be a higher enrichment of U²³⁵ in the fuel rods, accident consequences will not increase. According to the TSs, the spent fuel pool will contain enough soluble boron to ensure both subcriticality in the event of a dropped rod or accidental misloading, and significant negative reactivity in the event of a loss of normal spent fuel pool cooling.

No changes are being made in the types of effluents that may be released off site. Water and soluble boron will continue to be the materials used to ensure subcriticality in the spent fuel pool. There is no significant increase in the amount of any effluent released off site. Due to the higher enrichment of fuel, the boron concentration in the spent fuel pool will increase from the

current value of 300 ppm to 350 ppm to safely store the higher enrichment fuel in the spent fuel pool. The addition of 50 ppm boron is approximately a 15-percent increase in boron concentration, but this is not a significant increase in the amount of radioactive waste. Boron will continue to be collected on the spent fuel pool filters as the water in the spent fuel pool is purified. The filters are replaced periodically and treated as low-level waste. There is no significant increase in occupational or public radiation exposure. Doses to workers will not increase from their current level due to the increased soluble boron concentration absorbing neutrons from the higher enrichment fuel rods in the spent fuel pool. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

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

Accordingly, the NRC 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 Impact Statement for CCNPP1 dated April 1973, and the Final Supplemental Environmental Impact Statement (NUREG-1437, Supplement 1) dated October 1999.

Agencies and Persons Consulted

On August 21, 2003, the staff consulted with the Maryland State official, Richard McLean of the Department of the Environment, 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 letters dated May 1, 2003, September 23, 2003, November 3, 2003, and February 25, 2004. 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 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 at 1-800-397-4209, or 301-415-4737, or send an e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 2nd day of April, 2004.

For the Nuclear Regulatory Commission.

Guy S. Vissing,

Senior Project Manager, Section I, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-369 and 50-370]

Duke Energy Corporation, McGuire Nuclear Station, Units 1 and 2; 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 73, Appendix B, section I.B.b(1), "Vision," for Renewed Facility Operating License Nos. NPF-9 and NPF-17, issued to Duke Energy Corporation (the licensee), for operation of the McGuire Nuclear Station, Units 1, and 2, (McGuire) located in Mecklenburg County, North Carolina. 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 grant an exemption from the requirements of 10 CFR part 73, Appendix B, section I.B.b(1), "Vision." The proposed action is in accordance with the licensee's application dated June 12, 2003, that is being withheld from public disclosure pursuant to 10 CFR 2.390(a)(6). It is being withheld from public disclosure because it contains information about an employee's personnel and medical records, a disclosure of which would constitute a clearly unwarranted invasion of privacy.

The NRC staff's Safety Evaluation will be issued along with the exemption; it will be withheld from public disclosure because it also contains information about an employee's personnel and medical records.

The Need for the Proposed Action

The proposed action is needed so that the licensee can institute some specified action for a particular individual. Providing additional information pertaining to the need for the proposed action would require discussing information about the employee's personnel and medical records. The NRC staff has determined that granting the exemption will not jeopardize the health and safety of the public or endanger security operations, and approval of the proposed exemption not be inimical to the common defense and security or to the health and safety of the public. The basis for this determination will be provided in a Safety Evaluation that will be an enclosure to the exemption. This Safety Evaluation will be withheld from public disclosure because it contains information about an employee's personnel and medical records.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that there are no environmental impacts.

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, 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 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 resource than those previously considered in NUREG-0063, "Final Environmental Statement Related to the Operation of William B. McGuire Nuclear Station, Units 1 and 2," April 1976, and the Addendum to NUREG-0063 issued in January 1981; and in NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 8, Regarding McGuire Nuclear Station, Units 1 and 2, Final Report," dated December 2002.

Agencies and Persons Consulted

On March 29, 2004, the NRC staff consulted with the South Carolina State official, Mr. Virgil Autry of the Department of Health and Environmental Controls, 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.

Dated in Rockville, Maryland, this 2nd day of April, 2004.

For the Nuclear Regulatory Commission.

Edwin M. Hackett,

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

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