

Nuclear Power Station (Operating License Amendment).

This proceeding concerns hearing requests submitted on August 30, 2004, by the Vermont Department of Public Service and the New England Coalition of Brattleboro, Vermont. Those requests, which were filed in response to a June 15, 2004 notice of consideration of issuance of facility operating license amendment and opportunity for hearing published in the **Federal Register** on July 1, 2004 (69 FR 39976), challenge the request of Entergy Nuclear Vermont Yankee, LLC, and Entergy Operations, Inc., to change the operating license for the Vermont Yankee Nuclear Power Station to increase the maximum authorized power level from 1593 megawatts thermal (MWt) to 1912 MWt, an increase of approximately twenty percent above the current maximum authorized power level.

The Board is comprised of the following administrative judges:

Alex S. Karlin, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Dr. Anthony J. Baratta, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Lester S. Rubenstein, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

All correspondence, documents, and other materials shall be filed with the administrative judges in accordance with 10 CFR 2.302.

Issued at Rockville, Maryland, this 14th day of September 2004.

**G. Paul Bollwerk, III,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. 04-21256 Filed 9-21-04; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-266 and 50-301]

### **Nuclear Management Company, LLC; Notice of Withdrawal of Application for Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Nuclear Management Company, LLC (the licensee), to withdraw its September 26, 2003, application for a proposed amendment to Facility Operating License Nos. DPR-24 and DPR-27 for the Point Beach

Nuclear Plant, Unit Nos. 1 and 2, located in Manitowoc County, WI.

The proposed amendment would have revised Technical Specification 5.6.5, "Reactor Coolant System (RCS) Pressure and Temperature Limits Report (PTLR)," Paragraph b. to reference an NRC approval of a revised pressurized thermal shock screening evaluation methodology for Unit 2. This methodology, described in Babcock & Wilcox Report BAW-2308, Revision 1, "Initial RT<sub>NDT</sub> [reference nil-ductility temperature] of Linde 80 Weld Materials" (August 2003), was submitted by Framatome ANP on behalf of the Babcock & Wilcox Owners Group Reactor Vessel Working Group for NRC review on August 19, 2003.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on November 25, 2003 (68 FR 66138). As discussed, the amendment request was based on an evaluation methodology that was being reviewed, but had not yet been approved for use, by the NRC when the request was submitted. The NRC conveyed to the licensee that the additional time required to complete its review of the BAW-2308, Revision 1 methodology, which remains under review, had the potential to impact the NRC's review activities associated with Point Beach license renewal. By letter dated August 3, 2004, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated September 26, 2003, and the licensee's letter dated August 3, 2004, which withdrew the application for license amendment. 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 Systems (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 in Rockville, Maryland, this 16th day of September, 2004.

For the Nuclear Regulatory Commission.

**Harold K. Chernoff,**

*Project Manager, Section 1, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 04-21253 Filed 9-21-04; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-390-CivP, 50-327-CivP, 50-328-CivP, 50-259-CivP, 50-260-CivP, 50-296-CivP (EA 99-234); ASLBP No. 04-830-01-R]

### **Tennessee Valley Authority, Watts Bar Nuclear Plant, Unit 1, Sequoyah Nuclear Plant, Units 1 and 2, Browns Ferry Nuclear Plant, Units 1, 2 and 3; Establishment of Atomic Safety and Licensing Board**

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and §§ 2.205, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721, and 2.772(j) of the Commission's Regulations (as they were in effect prior to February 13, 2004), an Atomic Safety and Licensing Board is being established to preside over the following proceeding: Tennessee Valley Authority Watts Bar Nuclear Plant, Unit 1 Sequoyah Nuclear Plant, Units 1 & 2 Browns Ferry Nuclear Plant, Units 1, 2 & 3 Order Imposing Civil Monetary Penalty.

This Board is being established pursuant to the August 18, 2004 Commission memorandum and order (CLI-04-24, 60 NRC \_ (Aug. 18, 2004)) remanding for further proceedings this matter regarding the request of the Tennessee Valley Authority (TVA), the licensee for the Watts Bar (Unit 1), Sequoyah (Units 1 and 2), and Browns Ferry (Units 1, 2 and 3) Nuclear Plants, for a hearing challenging an Order issued by the Director, Office of Enforcement, dated May 4, 2001, entitled "Order Imposing Civil Monetary Penalty" (65 FR 27166 (May 4, 2001)).

The Board is comprised of the following administrative judges: Charles Bechhoefer, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Dr. Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Ann Marshall Young, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

All correspondence, documents and other materials shall be filed with the Panel Judges in accordance with 10 CFR 2.701.

Issued at Rockville, Maryland, this 14th day of September 2004.

**G. Paul Bollwerk, III,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. 04-21255 Filed 9-21-04; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[Docket Number 030-18228]

### **Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Surmodics, Inc., Eden Prairie, MN**

**AGENCY:** Nuclear Regulatory Commission.

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

**FOR FURTHER INFORMATION CONTACT:** Dr. Peter J. Lee, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region III, 2443 Warrenville Road, Lisle, Illinois 60532-4352; telephone (630) 829-9870; or by e-mail at [pjl2@nrc.gov](mailto:pjl2@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment of Material License No. 22-20307-01 issued to SurModics, Inc. (the licensee), to a terminate its license and authorize release of its Eden Prairie, Minnesota facility for unrestricted use.

The NRC staff has prepared an Environmental Assessment (EA) in support of this licensing 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 terminate SurModics, Inc.'s license and release its Eden Prairie, Minnesota facility for unrestricted use. On September 27, 1982, the NRC authorized SurModics, Inc. to use labeled compounds of phosphorus-32 (P-32), iodine-125 (I-125), tritium (H-3), carbon-14 (C-14), etc. for research and

development. On June 15, 2004, SurModics, Inc. submitted a license amendment request to terminate its license and release its Eden Prairie facility for unrestricted use. SurModics, Inc. has conducted surveys of the facility and provided information to the NRC to demonstrate that the site meets the license termination criteria in Subpart E of 10 CFR Part 20 for unrestricted release. The staff has examined SurModics, Inc.'s request and the information that the licensee has provided in support of its request, including the surveys performed by SurModics, Inc. to demonstrate compliance with 10 CFR 20.1402, "Radiological Criteria for Unrestricted Use," to ensure that the NRC's decision is protective of the public health and safety and the environment.

##### **III. Finding of No Significant Impact**

The staff has prepared the EA (summarized above) in support of SurModics, Inc.'s proposed license amendment to terminate its license and release the Eden Prairie facility for unrestricted use. Based on its review, the staff has determined that the affected environment and the environmental impacts associated with the decommissioning of SurModics, Inc.'s facility 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 Nuclear Facilities" (NUREG-1496). No outdoor areas were affected by the use of licensed materials. Additionally, no non-radiological impacts or other activities that could result in cumulative impacts were identified. The staff also finds that the proposed release for unrestricted use of the SurModics, Inc.'s facility is in compliance with the 10 CFR 20.1402. On the basis of the EA, the staff has concluded that the environmental impacts from the proposed action would not be significant. Accordingly, the staff has determined that a FONSI is appropriate, and has determined that the preparation of an environmental impact statement is not warranted.

##### **IV. Further Information**

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," SurModics, Inc.'s request, the EA summarized above, and the documents related to this proposed action are available electronically for public inspection and copying from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). The NRC's document system is accessible from the NRC Web site at

<http://www.nrc.gov/reading-rm/adams.html>. These documents include SurModics, Inc.'s letter dated June 15, 2004, with enclosures (Accession No. ML042530661); and the EA summarized above (Accession No. ML042540419). These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee. 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 Lisle, Illinois, this 10th day of September 2004.

**Kenneth G. O'Brien,**

*Chief, Decommissioning Branch, Division of Nuclear Materials Safety, RIII.*

[FR Doc. 04-21252 Filed 9-21-04; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Advisory Committee on Reactor Safeguards; Subcommittee Meeting on Planning and Procedures; Notice of Meeting**

The ACRS Subcommittee on Planning and Procedures will hold a meeting on October 6, 2004, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

**Wednesday, October 6, 2004—1:30 p.m.—3:30 p.m.**

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Mr. Sam Duraiswamy (telephone: 301-415-7364) between