

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–018 and 52–019]

Duke Energy; Acceptance for Docketing of an Application for a Combined License for William States Lee III Units 1 and 2

By letter dated December 12, 2007, as supplemented by a letter dated January 28, 2008, two letters dated February 6, 2008, and a letter dated February 8, 2008, Duke Energy submitted its application to the U.S. Nuclear Regulatory Commission (NRC) for a combined license (COL) for two AP1000 advanced passive pressurized water reactors in accordance with the requirements contained in 10 CFR 52, “Licenses, Certifications and Approvals for Nuclear Power Plants.” These reactors will be identified as William States Lee III Units 1 and 2 and are to be located in Cherokee County, South Carolina. A notice of receipt and availability of this application was previously published in the **Federal Register** (73 FR 6218) on February 1, 2008.

The NRC staff has determined that Duke Energy has submitted information in accordance with 10 CFR part 2, “Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders,” and 10 CFR part 52 that is acceptable for docketing. The Docket Numbers established for Units 1 and 2 are 52–018, and 52–019, respectively.

The NRC staff will perform a detailed technical review of the application. Docketing of the application does not preclude the NRC from requesting additional information from the applicant as the review proceeds, nor does it predict whether the Commission will grant or deny the application. The Commission will conduct a hearing in accordance with Subpart L, “Informal Hearing Procedures for NRC Adjudications,” of 10 CFR part 2 and will receive a report on the COL application from the Advisory Committee on Reactor Safeguards in accordance with 10 CFR 52.87, “Referral to the Advisory Committee on Reactor Safeguards (ACRS).” If the Commission finds that the COL application meets the applicable standards of the Atomic Energy Act and the Commission’s regulations, and that required notifications to other agencies and bodies have been made, the Commission will issue a COL, in the form and containing conditions and limitations that the Commission finds appropriate and necessary.

In accordance with 10 CFR part 51, the Commission will also prepare an

environmental impact statement for the proposed action. Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding this meeting will be included in a future **Federal Register** notice.

Finally, the Commission will announce in a future **Federal Register** notice the opportunity to petition for leave to intervene in the hearing required for this application by 10 CFR 52.85.

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 20852, and will be accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link at the NRC Web site <http://www.nrc.gov/reading-rm/adams.html>. The application is also available at <http://www.nrc.gov/reactors/new-licensing/col.html>. Persons who do not have access to ADAMS or who encounter problems in accessing documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland this 25th day of February 2008.

For the Nuclear Regulatory Commission.

Joelle L. Starefos,

Senior Project Manager, AP1000 Projects Branch 1, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. E8–3952 Filed 2–28–08; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 52–020]

AREVA NP, Inc.; Acceptance for Docketing of an Application for Standard Design Certification of the U.S. EPR

By letter dated December 11, 2007, as supplemented by letters dated February 7, 2008 and February 20, 2008, AREVA NP Inc. (AREVA) submitted an application to the Nuclear Regulatory Commission (NRC, the Commission) for a standard design certification of the U.S. Evolutionary Power Reactor (EPR). The application was submitted pursuant to section 103 of the Atomic Energy Act and Subpart B, “Standard Design Certifications,” of Title 10 of the Code of Federal Regulations (10 CFR) Part 52,

“Licenses, Certifications, and Approvals for Nuclear Power Plants.” A notice of receipt and availability of this application was previously published in the **Federal Register** (73 FR 2286) on January 14, 2008.

The NRC staff has determined that AREVA has submitted information in accordance with 10 CFR Part 2, “Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders,” and 10 CFR Part 52 and that the application is acceptable for docketing. The docket number established for this application is 52–020.

The NRC staff will perform a detailed technical review of the design certification application. Docketing of the design certification application does not preclude the NRC from requesting additional information from the applicant as the review proceeds, nor does it predict whether the Commission will grant or deny the application. The NRC staff anticipates that a notice relating to the rulemaking pursuant to 10 CFR 52.51 for design certification, including provisions for participation of the public and other parties, will be published in the future.

The U.S. EPR design is an approximately 1600 megawatt electric evolutionary pressurized water reactor (PWR). The primary system design, loop configuration, and main components design are similar to those of currently operating PWRs. The U.S. EPR contains unique design features, such as four redundant trains of emergency core cooling; Containment and Shield Building; and a core melt retention system for severe accident mitigation. The U.S. EPR application includes the entire power generation complex, except those elements and features considered site-specific.

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 20852, and will be accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link 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 documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–4209, 301–415–4737, or by e-mail to pdr@nrc.gov. The application is also available at <http://www.nrc.gov/reactors/new-licensing/design-cert.html>.

Dated at Rockville, Maryland this 25th day of February 2008.

For the Nuclear Regulatory Commission.

Getachew Tesfaye,

*Sr. Project Manager, EPR Projects Branch,
Division of New Reactor Licensing, Office of
New Reactors.*

[FR Doc. E8-3918 Filed 2-28-08; 8:45 am]

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**NUCLEAR REGULATORY
COMMISSION**

[Docket Nos. 030-05215 and 040-06377]

**Notice of Availability of Environmental
Assessment and Finding of No
Significant Impact for License
Amendments to Byproduct Materials
License No. 29-00047-02 and Source
Materials License No. SUB-348, for
Amendment of the License and
Unrestricted Release of the
Department of the Army Facilities in
Picatinny Arsenal, New Jersey**

AGENCY: Nuclear Regulatory
Commission.

ACTION: Issuance of Environmental
Assessment and Finding of No
Significant Impact for License
Amendment.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of license amendments to Byproduct Materials License No. 29-00047-02 and Source Materials License No. SUB-348. These licenses are held by the Department of the Army, U.S. Army Research, Development and Engineering Command (RDEC), Armament Research, Development and Engineering Center (ARDEC) (the Licensee), for its facilities located at the Picatinny Arsenal in New Jersey. Issuance of the amendment would authorize release of Building 167, Magazine 3018, and Bunker 3030 for unrestricted use. The Licensee requested these actions in a letter dated April 28, 2006. The NRC has prepared an Environmental Assessment (EA) in support of the proposed actions in accordance with the requirements of Title 10, Code of Federal Regulations (CFR), part 51 (10 CFR part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact

(FONSI) is appropriate with respect to the proposed actions. The amendments will be issued to the Licensee following the publication of this FONSI and EA in the **Federal Register**.

II. Environmental Assessment

Identification of Proposed Action

The proposed action would approve the Licensee's April 28, 2006, license amendment requests, resulting in release of Building 167, Magazine 3018 and Bunker 3030 for unrestricted use. License No. 29-00047-02 was issued on August 22, 1956, pursuant to 10 CFR part 30, and has been amended periodically since that time. This license authorized the Licensee to use unsealed and sealed byproduct materials for purposes of conducting research and development activities at its Picatinny Arsenal. License No. SUB-348 was issued on July 13, 1961, pursuant to 10 CFR part 40, and has been amended periodically since that time. This license authorized the Licensee to use uranium and thorium in any form for purposes of conducting research and development activities at its Picatinny Arsenal.

The Picatinny Arsenal is situated on 6,500 acres and consists of residential, industrial, office space, laboratories, and specialized facilities. The Picatinny Arsenal is located in a mixed residential and commercial area. Building 167, Magazine 3018, and Bunker 3030 are three of several facilities where use of licensed materials was performed under the authority of RDEC/ARDEC, one of the military tenants at Picatinny Arsenal. Building 167 was a one-story building containing approximately 1,800 square-feet of radioactive materials laboratories and storage areas on the first floor. Radioactive materials were also stored in the basement. Areas outside Building 167 included in the decommissioning activities were a 2 meter by 3 meter area of localized contamination and an 800 square meter area across the street from Building 167 that was used for radioactive waste storage. Magazine 3018 was an explosives magazine in which radiolabelled explosives were stored. Bunker 3030 was a bunker that was once used to store radioactive munitions and was also used for radioactive waste storage.

In the late 1990s, the Licensee determined that Building 167, Magazine 3018, and Bunker 3030 were no longer required for licensed activities and initiated a survey and decontamination program. Based on the Licensee's historical knowledge of the site and the conditions of these facilities, the

Licensee determined that only routine decontamination activities, in accordance with their NRC-approved, operating radiation safety procedures, were required. The Licensee was not required to submit a decommissioning plan to the NRC because worker cleanup activities and procedures are consistent with those approved for routine operations. The Licensee conducted surveys of Building 167, Magazine 3018, and Bunker 3030 and provided information to the NRC to demonstrate that they meet the criteria in subpart E of 10 CFR part 20 for unrestricted release.

Need for the Proposed Action

The Licensee has ceased conducting licensed activities in Building 167, Magazine 3018, and Bunker 3030 and seeks the unrestricted use of these buildings.

Environmental Impacts of the Proposed Action

The historical review of licensed activities conducted in Building 167, Magazine 3018, and Bunker 3030 shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: hydrogen-3, carbon-14, strontium-90, cesium-137, uranium, thorium, radium, and other similar radionuclides. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas affected by these radionuclides.

The Licensee conducted final status surveys during October and November 2001 and June 2002. The surveys covered Building 167 and its associated outdoor areas, Magazine 3018, and Bunker 3030. The final status survey report was attached to the Licensee's amendment request dated April 28, 2006. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by developing derived concentration guideline levels (DCGLs) for its facilities. The Licensee conducted site-specific dose modeling using the default input parameters in RESRAD-BUILD 3.3 for a residential building scenario, and RESRAD 6.3 for soil used by a residential farmer, and performed sensitivity analyses which demonstrate that the proposed DCGLs are conservative estimations of the potential dose at the site and will not exceed the Department of the Army's self-imposed constraint of 15 millirem in a year. The Licensee thus determined the maximum amount of residual radioactivity on building surfaces, equipment, materials, and soils that will satisfy the NRC