

the Assistant General Counsel for Materials Litigation and Enforcement at the same address, and to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, IL 60532-4351. Because of continuing disruptions in delivery of mail to United States Government offices, it is requested that requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to (301) 415-1101 or by e-mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov) and also to the Office of the General Counsel either by means of facsimile transmission to (301) 415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov).

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order (or if written approval of an extension of time in which to request a hearing has not been granted), the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

Whether, on the basis of the violations admitted by the license, this Order should be sustained.

For the Nuclear Regulatory Commission.

Dated this 14th day of November, 2003.

**Frank Congel,**

*Director, Office of Enforcement.*

[FR Doc. 03-29244 Filed 11-21-03; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-285]

### Omaha Public Power District, Fort Calhoun Station, Unit 1; Notice of Issuance of Renewed Facility Operating License No. DPR-40 for an Additional 20-Year Period

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Renewed Facility Operating License No. DPR-40 to Omaha Public Power District (the licensee), the operator of the Fort Calhoun Station, Unit 1 (Fort Calhoun, Unit 1). Renewed Facility Operating License No. DPR-40 authorizes operation of Fort Calhoun, Unit 1, by the licensee at reactor core power levels not in excess of 1500 megawatts thermal in accordance with the provisions of the

Fort Calhoun, Unit 1, renewed license and its Technical Specifications.

Fort Calhoun, Unit 1, is a pressurized, light water moderated and cooled, nuclear reactor located in Washington County, Nebraska.

The application for the renewed license complied with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. As required by the Act and the Commission's regulations in 10 CFR Chapter 1, the Commission has made appropriate findings, which are set forth in each license. Prior public notice of the action involving the proposed issuance of the renewed license and of an opportunity for a hearing regarding the proposed issuance of the renewed license was published in the **Federal Register** on April 22, 2002 (67 FR 19599).

For further details with respect to this action, see (1) the Omaha Public Power District's renewal application for Fort Calhoun, Unit 1 dated January 9 and April 5, 2002, as supplemented by letters dated November 22, 2002 (two letters), December 12, 2002, December 19, 2002 (two letters), March 14, 2003, April 4, 2003, May 16, 2003, and July 7, 2003; (2) the Commission's safety evaluation report, dated October, 2003 (NUREG-1782); (3) the licensee's updated safety analysis report; and (4) the Commission's final environmental impact statements (NUREG-1437, Supplement 12, for Fort Calhoun, Unit 1, dated August 15, 2003). These documents are available at the NRC's Public Document Room, One White Flint North, 11555 Rockville Pike, first floor, Rockville, Maryland 20852, and can be viewed from the NRC Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>.

Copies of Renewed Facility Operating License No. DPR-40, may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Director, Division of Regulatory Improvement Programs. Copies of the safety evaluation report (NUREG-1782), and the final environmental impact statements (NUREG-1437), Supplement 12, for Fort Calhoun, Unit 1 may be purchased from the National Technical Information Service, Springfield, Virginia 22161-0002 (<http://www.ntis.gov>), 1-800-553-6847, or the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954 ([http://www.access.gpo.gov/su\\_docs](http://www.access.gpo.gov/su_docs)), 202-512-1800. All orders should clearly identify the NRC publication number and the requestor's Government Printing Office deposit account number or VISA

or MasterCard number and expiration date.

Dated at Rockville, Maryland, this 4th day of November, 2003.

For the Nuclear Regulatory Commission.

**Pao-Tsin Kuo,**

*Program Director, License Renewal and Environmental Impacts Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation, Division of Regulatory Improvement Programs.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-34730]

### Notice of Finding of No Significant Impact and Availability of Environmental Assessment for License Amendment of Materials License No. 07-00455-40, Bristol-Myers Squibb Pharma Company, Wilmington, DE

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

#### FOR FURTHER INFORMATION CONTACT:

Sattar Lodhi, Nuclear Materials Safety Branch 2, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania, 19406; telephone (610) 337-5364; fax (610) 337-5269; or by e-mail: [ASL@nrc.gov](mailto:ASL@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Bristol-Myers Squibb Pharma Company for Materials License No. 07-00455-40, to authorize release of its facilities in Wilmington, Delaware for unrestricted use and 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.

##### II. EA Summary

The purpose of the proposed action is to allow for the release of the licensee's Wilmington, Delaware, facilities for unrestricted use. The subject license was originally issued to DuPont Pharmaceuticals Company on February 25, 1999, to use licensed material at the site. Bristol-Myers Squibb Pharma Company acquired the license on October 9, 2001, and continued the use of radioactive materials for research and

development, and preparation and distribution of radioactive drugs at the site. On April 29, 2003, Bristol-Myers Squibb Pharma Company requested that NRC release the facility for unrestricted use. Bristol-Myers Squibb Pharma Company has conducted surveys of the facility and determined that the facility meets the license termination criteria in subpart E of 10 CFR part 20.

### III. Finding of No Significant Impact

The NRC staff has evaluated Bristol-Myers Squibb Pharma Company's request and the results of the surveys and has concluded that the completed action complies with 10 CFR part 20. 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. 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. ML033170352, ML031330024, ML031360368, ML031400814, ML031400824, ML031400830, ML031400836, ML031400847, ML031400886, and ML031400887). 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.

Dated at King of Prussia, Pennsylvania, this 14th day of November, 2003.

For the Nuclear Regulatory Commission.

**John R. McGrath,**

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

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 70-27]

### Environmental Assessment and Finding of No Significant Impact for a License Amendment for BWX Technologies, Inc., Located in Lynchburg, VA

**ACTION:** Notice of Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for a license amendment.

**FOR FURTHER INFORMATION CONTACT:** Mr. Donald Stout, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T8-A33, Washington, DC 20555-0001, telephone: (301) 415-5269 and e-mail: [des1@nrc.gov](mailto:des1@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing an amendment to Special Nuclear Material License SNM-42 to exempt the licensee from the fissile material package standards for shipment of certain bulk materials (e.g., radwaste) containing low concentrations of uranium-235 contamination at the BWX Technologies (BWXT) facility located in Lynchburg, VA, to impose limits on these shipments.

The NRC has prepared an Environmental Assessment (EA) in support of this action in accordance with the requirements of 10 CFR part 51. Based on this evaluation, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate for the proposed licensing action.

#### II. Environmental Assessment

##### 1.0 Background

The NRC staff has evaluated the environmental impacts of the exemption of BWXT from the fissile material package standards for shipment of certain bulk materials (e.g., radwaste) containing low concentrations of uranium-235 contamination, with limits placed on the shipments to ensure adequate controls for nuclear criticality safety. The purpose of this document is to assess the environmental consequences of the proposed license amendment.

The BWXT facility in Lynchburg, VA, is authorized under NRC Materials License SNM-42 to manufacture nuclear products utilizing Strategic Special Nuclear Material, specifically

high-enriched uranium, and to receive, possess, use, store and transfer source material. These activities generate low-level radioactive waste (LLRW). Examples of this waste include, but are not limited to, filter cake solids, debris generated during plant renovation and/or decommissioning operations, and dry active waste that consists of paper, plastic, glass, gloves, dry filters, light metal, and other contaminated material.

On April 15, 2002, the Westinghouse facility in Hematite, MO (SNM-33), received a fissile material exemption for use in decommissioning the Hematite facility. Also, on January 2, 2003, the Westinghouse Commercial Nuclear Fuel Facility in Columbia, SC (SNM-1107) received the same exemption from fissile material classification and package standards listed in 10 CFR 71.55 and 71.59.

##### 1.1 Review Scope

In accordance with 10 CFR part 51, this EA serves to: (1) Present information and analysis for determining whether to issue a FONSI or to prepare an Environmental Impact Statement (EIS); (2) fulfill the NRC's compliance with the NEPA when no EIS is necessary; and (3) facilitate preparation of an EIS when one is necessary. Should the NRC issue a FONSI, no EIS would be prepared and the license amendment would be granted.

This document serves to evaluate and document the impacts of the proposed action. Other activities on the site have previously been evaluated and documented in the 1991 EA for the Renewal of the NRC license for BWXT. The 1991 document is referenced when no significant changes have occurred. Besides the proposed licensing action, operations will continue to be limited to those authorized by the license.

##### 1.2 Proposed Action

The proposed action is to amend NRC Materials License SNM-42 to exempt the licensee from the fissile material package standards for shipment of certain bulk materials containing low concentrations of uranium-235 contamination and to impose limiting conditions to ensure adequate controls for nuclear criticality safety. These materials would be exempt from fissile material classification and the fissile material package standards of 10 CFR 71.55 and 71.59, but subject to other requirements of 10 CFR part 71 and the further limiting conditions. A Safety Evaluation Report (SER) has been prepared by the NRC staff and contains a discussion of the safety considerations for approval of the amendment. The