

not all, cases, the enforcement order would be an order to modify the license under 10 CFR 2.204 (now 10 CFR 2.202).

Section 2.309 states the requirements for a person whose interest may be affected by any proceeding to initiate a hearing or to participate as a party.

### III

On December 29, 2005, as supplemented on July 17, and August 4 and 21, 2006, the NRC staff received the licensee's conversion proposal, including its proposed modifications and supporting safety analyses. HEU fuel elements are to be replaced with LEU fuel elements. The reactor core contains fuel bundles, each fuel bundle contains up to four fuel elements of the TRIGA design, with the fuel consisting of uranium-zirconium hydride with 30 weight percent uranium. These fuel elements contain the uranium-235 isotope at an enrichment of less than 20 percent. The NRC staff reviewed the licensee's proposal and the requirements of 10 CFR 50.64 and has determined that public health and safety and common defense and security require the licensee to convert the facility from the use of HEU to LEU fuel in accordance with the attachments to this Order and the schedule included herein. The attachments to this Order specify the changes to the License Conditions and Technical Specifications that are needed to amend the facility license and contains an outline of a reactor startup report to be submitted to NRC within six months following completion of LEU fuel loading.

### IV

Accordingly, pursuant to Sections 51, 53, 57, 101, 104, 161b, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and to Commission regulations in 10 CFR 2.202 and 10 CFR 50.64, *it is hereby ordered that:*

Amended Facility Operating License No. R-83 is modified by amending the License Conditions and Technical Specifications as stated in the attachments to this Order. The Order become effective on the later date of either (1) the day the licensee receives an adequate number and type of LEU fuel elements to operate the facility as specified in the licensee's proposal, or (2) 20 days after the date of publication of this Order in the **Federal Register**.

### V

Pursuant to the Atomic Energy Act of 1954, as amended any person adversely affected by this Order may submit an answer to this Order, and may request a hearing on this Order, within 20 days

of the date of this Order. Any answer or request for a hearing shall set forth the matters of fact and law on which the licensee, or other person adversely affected, relies and the reasons why the Order should not have been issued. Any answer or request for a hearing shall be filed (1) by first class mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) by courier, express mail, and expedited delivery services to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Because of continuing disruptions in delivery of mail to the United States Government Offices, it is requested that answers and/or requests for hearing be transmitted to the Secretary of the Commission either by e-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, *hearingdocket@nrc.gov*; or by facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at 301-415-1101 (the verification number is 301-415-1966). Copies of the request for hearing must also be sent to the Director, Office of Nuclear Reactor Regulation and to the Assistant General Counsel for Materials Litigation and Enforcement, Office of the General Counsel, with both copies addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and the NRC requests that a copy also be transmitted either by facsimile transmission to 301-415-3725 or by e-mail to *OGCMailCenter@nrc.gov*.

If a person requests a hearing, he or she shall set forth in the request for a hearing with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309.

If a hearing is requested by a person whose interest is adversely affected, the Commission shall issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

In accordance with 10 CFR 51.10(d) this Order is not subject to Section 102(2) of the National Environmental Policy Act, as amended. The NRC staff notes, however, that with respect to environmental impacts associated with the changes imposed by this Order as described in the safety evaluation, the changes would, if imposed by other than an Order, meet the definition of a categorical exclusion in accordance

with 10 CFR 51.22(c)(9). Thus, pursuant to either 10 CFR 51.10(d) or 51.22(c)(9), no environmental assessment nor environmental impact statement is required.

For further information see the application from the licensee dated December 29, 2005 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML062200390), as supplemented on July 17, and August 4 and 21, 2006 (ADAMS Accession Nos. ML062220189, ML062220278 and ML062410495), the staff's request for additional information dated June 1, 2006 (ADAMS Accession No. ML061500125), and the cover letter to the licensee, attachments to the Order, and the staff's safety evaluation dated September 1, 2006 (ADAMS Accession No. ML062410474), available for public inspection at the Commission'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 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 have problems in accessing the documents 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*.

Dated this 1st day of September 2006.

For the Nuclear Regulatory Commission.

**J.E. Dyer,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. E6-14824 Filed 9-5-06; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 50-83; EA-06-210]**

### **In the Matter of University of Florida (University of Florida Training Reactor); Order Modifying Amended Facility Operating License No. R-56**

#### **I**

The University of Florida (the licensee) is the holder of Amended Facility Operating License No. R-56 (the license) issued on May 21, 1959, by the U.S. Atomic Energy Commission, and subsequently renewed on August 30, 1982, by the U.S. Nuclear Regulatory Commission (the NRC or the Commission). The license authorizes operation of the University of Florida Training Reactor (the facility) at a power

level up to 100 kilowatts thermal. The facility is a research reactor located on the campus of the University of Florida, in the city of Gainesville, Alachua County, Florida. The mailing address is Department of Nuclear and Radiological Engineering, 202 Nuclear Sciences Center, P.O. Box 118300, Gainesville, Florida 32611-8300.

## II

On February 25, 1986, the Commission promulgated a final rule, Title 10 of the Code of Federal Regulations (10 CFR) section 50.64, limiting the use of high-enriched uranium (HEU) fuel in domestic non-power reactors (research and test reactors) (see 51 FR 6514). The regulation, which became effective on March 27, 1986, requires that if Federal Government funding for conversion-related costs is available, each licensee of a non-power reactor authorized to use HEU fuel shall replace it with low-enriched uranium (LEU) fuel acceptable to the Commission unless the Commission has determined that the reactor has a unique purpose. The Commission's stated purpose for these requirements was to reduce, to the maximum extent possible, the use of HEU fuel in order to reduce the risk of theft and diversion of HEU fuel used in non-power reactors.

Paragraphs 50.64(b)(2)(i) and (ii) require that a licensee of a non-power reactor (1) not acquire more HEU fuel if LEU fuel that is acceptable to the Commission for that reactor is available when the licensee proposes to acquire HEU fuel and (2) replace all HEU fuel in its possession with available LEU fuel acceptable to the Commission for that reactor in accordance with a schedule determined pursuant to 10 CFR 50.64(c)(2).

Paragraph 50.64(c)(2)(i) requires, among other things, that each licensee of a non-power reactor authorized to possess and to use HEU fuel develop and submit to the Director of the Office of Nuclear Reactor Regulation (Director) by March 27, 1987, and at 12-month intervals thereafter, a written proposal for meeting the requirements of the rule. The licensee shall include in its proposal a certification that Federal Government funding for conversion is available through the U.S. Department of Energy or other appropriate Federal agency and a schedule for conversion, based upon availability of replacement fuel acceptable to the Commission for that reactor and upon consideration of other factors such as the availability of shipping casks, implementation of arrangements for available financial support, and reactor usage.

Paragraph 50.64(c)(2)(iii) requires the licensee to include in the proposal, to the extent required to effect conversion, all necessary changes to the license, to the facility, and to licensee procedures. This paragraph also requires the licensee to submit supporting safety analyses in time to meet the conversion schedule.

Paragraph 50.64(c)(2)(iii) also requires the Director to review the licensee proposal, to confirm the status of Federal Government funding, and to determine a final schedule, if the licensee has submitted a schedule for conversion.

Section 50.64(c)(3) requires the Director to review the supporting safety analyses and to issue an appropriate enforcement order directing both the conversion and, to the extent consistent with protection of public health and safety, any necessary changes to the license, the facility, and licensee procedures. In the **Federal Register** notice of the final rule (51 FR 6514), the Commission explained that in most, if not all, cases, the enforcement order would be an order to modify the license under 10 CFR 2.204 (now 10 CFR 2.202).

Section 2.309 states the requirements for a person whose interest may be affected by any proceeding to initiate a hearing or to participate as a party.

## III

On December 2, 2005, as supplemented on June 19 and 29, July 20 and 21, and August 4 and 22, 2006, the NRC staff received the licensee's conversion proposal, including its proposed modifications and supporting safety analyses. HEU fuel elements are to be replaced with LEU fuel elements. The fuel elements contain fuel plates, typical of the materials test reactor design, with the fuel consisting of uranium silicide dispersed in an aluminum matrix. These plates contain the uranium-235 isotope at an enrichment of less than 20 percent. The NRC staff reviewed the licensee's proposal and the requirements of 10 CFR 50.64 and has determined that public health and safety and common defense and security require the licensee to convert the facility from the use of HEU to LEU fuel in accordance with the attachments to this Order and the schedule included herein. The attachments to this Order specify the changes to the License Conditions, Technical Specifications and Emergency Plan that are needed to amend the facility license and contains an outline of a reactor startup report to be submitted to NRC within six months

following completion of LEU fuel loading.

## IV

Accordingly, pursuant to Sections 51, 53, 57, 101, 104, 161b, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and to Commission regulations in 10 CFR 2.202 and 10 CFR 50.64, *it is hereby ordered that:*

Amended Facility Operating License No. R-56 is modified by amending the License Conditions, Technical Specifications and Emergency Plan as stated in the attachments to this Order. License Condition 2.B.(2), allowing possession of LEU fuel, becomes effective 20 days after the date of publication of this Order in the **Federal Register**. All other changes become effective on the later date of either (1) the day the licensee receives an adequate number and type of LEU fuel elements to operate the facility as specified in the licensee proposal, or (2) 20 days after the date of publication of this Order in the **Federal Register**.

## V

Pursuant to the Atomic Energy Act of 1954, as amended, any person adversely affected by this Order may submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. Any answer or request for a hearing shall set forth the matters of fact and law on which the person adversely affected, relies and the reasons why the Order should not have been issued. Any answer or request for a hearing shall be filed (1) by first class mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) by courier, express mail, and expedited delivery services to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Because of continuing disruptions in delivery of mail to the United States Government Offices, it is requested that answers and/or requests for hearing be transmitted to the Secretary of the Commission either by e-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov); or by facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at 301-415-1101 (the verification number is 301-415-1966). Copies of the request for hearing must also be sent to the Director, Office of Nuclear Reactor Regulation and to the

Assistant General Counsel for Materials Litigation and Enforcement, Office of the General Counsel, with both copies addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and the NRC requests that a copy also be transmitted either by facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov).

If a person requests a hearing, he or she shall set forth in the request for a hearing with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309.

If a hearing is requested by a person whose interest is adversely affected, the Commission shall issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

In accordance with 10 CFR 51.10(d) this Order is not subject to Section 102(2) of the National Environmental Policy Act, as amended. The NRC staff notes, however, that with respect to environmental impacts associated with the changes imposed by this Order as described in the safety evaluation, the changes would, if imposed by other than an Order, meet the definition of a categorical exclusion in accordance with 10 CFR 51.22(c)(9) and (10). Thus, pursuant to either 10 CFR 51.10(d) or 51.22(c)(9) and (10), no environmental assessment nor environmental impact statement is required.

For further information see the application from the licensee dated December 2, 2005 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML062220375), as supplemented on June 19 (ADAMS Accession Nos. ML061720498 and ML062220178) and 29 (ADAMS Accession No. ML061840285), July 20 (ADAMS Accession No. ML062050252) and 21 (ADAMS Accession No. ML062060139), and August 4 (ADAMS Accession No. ML062350107) and 22 (ADAMS Accession No. ML062400265), 2006, the staff's requests for additional information dated May 2 (ADAMS Accession No. ML061220262 with clarification dated May 18, 2006, ADAMS Accession No. ML061420119) and 22, 2006 (ADAMS Accession No. ML061380167), and the cover letter to the licensee, attachments to this Order and staff's safety evaluation dated September 1, 2006 (ADAMS Accession No. ML062440086) available for public inspection at the Commission'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 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 have problems in accessing the documents 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 this 1st day of September 2006.

For the Nuclear Regulatory Commission.

**J. E. Dyer,**

*Director, Office of Nuclear Reactor Regulation.*

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## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 40-1162]

### **Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Western Nuclear, Inc., Jeffrey City, WY**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

#### **FOR FURTHER INFORMATION CONTACT:**

Stephen J. Cohen, Project Manager, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415-7182; fax number: (301) 415-5955; e-mail: [sjc7@nrc.gov](mailto:sjc7@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) plans to issue a license amendment to Source Materials License No. SUA-56 held by Western Nuclear, Inc. (the Licensee), to authorize the establishment of alternate concentration limits (ACLs) at its Split Rock uranium mill tailings site in Jeffrey City, Wyoming. The NRC has prepared an Environmental Assessment (EA) in support of the proposed 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 is appropriate. Final action on the Licensee's amendment request will be taken following publication of this notice. The NRC will issue a technical evaluation report addressing the safety aspects of establishing ACLs at the Licensee's facility.

#### **II. EA Summary**

The purpose of the proposed amendment is to authorize the establishment of ACLs instead of ground water protection standards for six constituents at the Licensee's Jeffrey City, Wyoming, facility. Specifically, this amendment will establish ACLs for ammonia, manganese, molybdenum, nitrate, radium-226 and -228, and natural uranium. This amendment will also require the Licensee to establish institutional controls on all properties within the long-term surveillance boundary to preclude domestic ground water use. On October 29, 1999, the Licensee requested that NRC approve the proposed amendment.

The staff has prepared the EA in support of the proposed license amendment. The staff considered impacts to ground water, surface water, land use, ecology, socioeconomic conditions, and historical and cultural resources. Impacts to ground water are mitigated by the use of institutional controls that prevent human consumption of contaminated ground water within the long-term surveillance boundary. However, agricultural and livestock uses have been preserved within the long-term surveillance boundary. A surface water and ground water monitoring program has been established to track ground water contamination, and trigger levels for surface water and ground water have been established, the exceedance of which would require a response from the Licensee.

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

On the basis of the EA, the NRC has concluded that there are no significant environmental impacts from the proposed amendment and has determined not to prepare an environmental impact statement.

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

Documents related to this action, including the application for amendment, the EA, and other supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are: