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Comments and questions should be directed to the OMB reviewer listed below by October 22, 2003. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. OMB Desk Officer, Office of Information and Regulatory Affairs (3150-0066), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 12th day of September, 2003.

For the Nuclear Regulatory Commission.

**Beth St. Mary,**

*Acting NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 03-24090 Filed 9-18-03; 12:01 pm]

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-321 and 50-366]

### **Southern Nuclear Operating Company, Inc., et al., Edwin I. Hatch Nuclear Plant, Units 1 and 2; Notice of Withdrawal of Application for Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Southern Nuclear Operating Company, Inc. (the licensee) to withdraw its July 11, 2002, as supplemented by letter dated August 19, 2003, application for proposed amendment to Renewed Facility Operating License DPR-57 and to Renewed Facility Operating License NPF-5 for the Edwin I. Hatch (Hatch) Nuclear Plant, Units 1 and 2, located in Appling County, Georgia.

The proposed amendment would have revised the Technical Specifications (TSs) to delete TS 3.3.1.1.I.2, which requires returning the Oscillating Power Range Monitor to operable status within 120 days of discovering its inoperability.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on August 6, 2002 (67 FR 50959). However, by letter dated September 12, 2003, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated July 11, 2002, as supplemented by letter dated August 19, 2003, and the licensee's letter dated September 12, 2003, 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 email to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 16th day of September 2003.

For the Nuclear Regulatory Commission.

**Steve Bloom,**

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

[FR Doc. 03-24092 Filed 9-18-03; 12:01 pm]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-06583]

### **Environmental Assessment and Finding of No Significant Impact Related to Issuance of a License Amendment of U.S. Nuclear Regulatory Commission Byproduct Material License No. 45-09347-01 Commonwealth of Virginia; Division of Consolidated Laboratory Services**

#### **I. Summary**

The U.S. Nuclear Regulatory Commission (NRC) is considering

terminating Byproduct Material License No. 45-09347-01 to authorize the release of the licensee's facilities in Richmond, Virginia for unrestricted use and has prepared an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) in support of this action.

The NRC has reviewed the results of the final survey of the Commonwealth of Virginia, Division of Consolidated Laboratory Services facility in Richmond, Virginia. The Commonwealth of Virginia was authorized by the NRC from June 7, 1972, until the present to use Nickel 63 and Hydrogen 3 in gas chromatographs for sample analysis. In 1996, 1997, 1998, and 1999, routine leak tests disclosed minor contamination of Nickel 63 chromatograph inlets and exits. Each time the device was removed from service and returned to the manufacturer for repair. There was no evidence of contamination beyond the device. In July 2003, the Commonwealth of Virginia ceased operations with licensed materials at the One North Fourteenth Street location in Richmond, Virginia, and requested that the NRC amend the license to remove this place of use. The Commonwealth of Virginia has conducted surveys of the facility and determined that the facility meets the license termination criteria in Subpart E of 10 CFR Part 20. The NRC staff has evaluated the Commonwealth of Virginia's request and the results of the surveys, and has developed an EA in accordance with the requirements of 10 CFR part 51. Based on the staff evaluation, the conclusion of the EA is a FONSI on human health and the environment for the proposed licensing action.

#### **II. Environmental Assessment**

##### *Introduction*

The Commonwealth of Virginia has requested release, for unrestricted use, of their building located at One North Fourteenth Street, in Richmond, Virginia, as authorized for use by NRC License No. 45-09347-01. This license was issued on June 13, 1963, and later amended to authorize the Fourteenth Street location as a place of use on June 7, 1972, and amended periodically since that time. NRC-licensed activities performed at the Fourteenth Street location in Richmond, Virginia were limited to sample analysis. These activities were typically performed on bench tops. No outdoor areas were affected by the use of licensed materials. Licensed activities ceased completely in July 2003, and the licensee requested release of the facility for unrestricted

use. Based on the licensee's historical knowledge of the site and the condition of the facility, the licensee determined that only routine decontamination activities, in accordance with licensee radiation safety procedures, were required. The licensee surveyed the facility and provided documentation that the facility meets the license termination criteria specified in subpart E of 10 CFR part 20, "Radiological Criteria for License Termination."

#### *The Proposed Action*

The proposed action is to amend NRC Radioactive Materials License Number 45-09347-01 to release the licensee's facility located at One Fourteenth Street in Richmond, Virginia, for unrestricted use. By letters dated July 1, 2003 and August 6, 2003, the Commonwealth of Virginia provided survey results which demonstrate that the Fourteenth Street location in Richmond, Virginia is in compliance with the radiological criteria for license termination in subpart E of 10 CFR part 20, "Radiological Criteria for License Termination." No further actions will be required on the part of the licensee to remediate the facility.

#### *Need for the Proposed Action*

The purpose of the proposed action is to verify that residual radioactivity at the licensee's One Fourteenth Street building in Richmond, Virginia, permits release of the property for unrestricted use and termination of the license. The need for the proposed action is to comply with NRC regulations and the Timeliness Rule. The NRC is fulfilling its responsibilities under the Atomic Energy Act to make a decision on a proposed license amendment for release of a facility for unrestricted use that ensures protection of the public health and safety and environment.

#### *Alternative to the Proposed Action*

The only alternative to the proposed action of amending the license to release the Richmond, Virginia facility will result in violation of NRC's Timeliness Rule (10 CFR 30.36), which requires licensees to decommission their facilities when licensed activities cease. The licensee does not plan to perform any further activities with licensed materials at this location. Maintaining the areas under a license would reduce options for future use of the property.

#### *The Affected Environment and Environmental Impacts*

The Fourteenth Street facility in Richmond, Virginia is a four story pre-cast stone and concrete building. Work with radioactive materials was done on

work benches located within laboratories in the building. The building is located within the central office district of downtown Richmond. This area consists primarily of corporate and professional offices located in three and four story buildings.

The NRC staff has reviewed the surveys performed by the Commonwealth of Virginia to demonstrate compliance with the 10 CFR 20.1402 license termination criteria. Based on its review, the staff has determined that the affected environment and environmental impacts associated with the decommissioning of the Commonwealth of Virginia 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 Facilities" (NUREG-1496). The staff also finds that the proposed release for unrestricted use of the Commonwealth of Virginia facility is in compliance with 10 CFR 20.1402, "Radiological Criteria for Unrestricted Use." The NRC has found no other activities in the area that could result in cumulative impacts.

Additionally, no other non-radiological impacts have been identified. The Virginia State Historic Preservation Officer was contacted and responded by letter dated February 24, 2003, with no objection. Also, the Nuclear Regulatory Commission (NRC) staff has determined that Section 7 consultation under the Endangered Species Act is not required because the proposed action is administrative/procedural in nature and will not affect listed species or critical habitat.

#### *Agencies and Persons Contacted and Sources Used*

This EA was prepared entirely by the NRC staff. The Virginia Department of Game and Inland Fisheries Information Services (VFWIS) was contacted by the licensee and had no objection. The Commonwealth of Virginia's Department of Historical Resources was contacted and responded by letter dated February 24, 2003, with no objection.

#### *Conclusion*

Based on its review, the NRC staff has concluded that the proposed action complies with 10 CFR part 20. NRC has prepared this EA in support of the proposed license termination to release the Commonwealth of Virginia facility located at One North Fourteenth Street, in Richmond, Virginia, for unrestricted use. On the basis of the EA, NRC has concluded that the environmental impacts from the proposed action are

not expected to be significant and has determined that preparation of an environmental impact statement for the proposed action is not required.

#### *List of Preparers*

Orysia Masnyk Bailey—Materials Licensing/Inspection Branch 1, Division of Nuclear Materials Safety, Health Physicist.

#### *List of References*

1. NRC License No. 45-09347-01 inspection and licensing records.
2. Commonwealth of Virginia Amendment Request Letter from James L. Pearson, to NRC dated July 1, 2003. (ML031910443)
3. Commonwealth of Virginia Letter from Edwin F. Shaw, Jr. to NRC dated August 6, 2003. (ML032230412)
4. The Environmental Company, Inc. "Environmental Impact Report, Proposed Demolition of DCLS Laboratory & Motor Fuels Testing Laboratory & Construction of Parking Garage" dated November 2002.
5. Title 10 Code of Federal Regulations Part 20, Subpart E, "Radiological Criteria for License Termination."
6. **Federal Register** Notice, Volume 65, No. 114, page 37186, dated Tuesday, June 13, 2000, "Use of Screening Values to Demonstrate Compliance With The Federal Rule on Radiological Criteria for License Termination."
7. NRC. NUREG-1757 "Consolidated NMSS Decommissioning Guidance," Final Report dated September 2002.
8. NRC. NUREG 1496 "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities," Final Report dated July 1997.
9. Commonwealth of Virginia Department of Historical Resources "Demolition of DCLS Laboratories and Construction of Parking Garage Richmond, Virginia DHR File # 2002-1618" To Mr. Chinh T. Vu, Department of General Services dated February 24, 2003.

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

Based upon the EA, the staff concludes that the proposed action will not have a significant impact on the quality of the human environment. Accordingly, the staff has determined that preparation of an environmental impact statement is not warranted.

### **IV. Further Information**

The references listed above are available for public inspection and may also be copied for a fee at the NRC's Public Document Room, located at One

White Flint North, 11555 Rockville Pike, Rockville, MD 20852. These documents are also available for public review through ADAMS, the NRC's electronic reading room, at: <http://www.nrc.gov/reading-rm/adams.html>. Any questions with respect to this action should be referred to Orysia Masnyk Bailey, Materials Licensing/Inspection Branch 1, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region II, Suite 23T85, 61 Forsyth Street, SW., Atlanta, Georgia, 30303. Telephone 404-562-4739.

Dated at Atlanta, Georgia the 9th day of September, 2003.

For the Nuclear Regulatory Commission.

**Douglas M. Collins,**

*Director, Division of Nuclear Materials Safety, Region II.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-338 and 50-339]

### Virginia Electric and Power Company; North Anna Power 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) §§ 50.44 and 50.46, and 10 CFR part 50, appendix K, for Renewed Facility Operating License Nos. NPF-4 and NPF-7, issued to Virginia Electric and Power Company (the licensee), for operation of the North Anna Power Station, Units 1 and 2, located in Louisa County, Virginia. Pursuant to 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 exempt the licensee from the requirements of 10 CFR 50.44, 10 CFR 50.46, and 10 CFR part 50, appendix K, as these requirements only allow the use of either Zircaloy or ZIRLO as fuel rod cladding material. The design of the Framatome Advanced Mark-BW fuel planned for use at North Anna, Units 1 and 2, utilizes the advanced zirconium-based alloy M5 for the fuel assembly structural tubing and grids, and fuel rod cladding.

By letter dated March 28, 2002, as supplemented by letters dated May 13, June 19, and November 15, 2002, and

May 6, May 9, May 27, June 11 (2 letters), July 18, August 26, September 4, and September 5, 2003, the licensee requested an exemption from the requirements of 10 CFR 50.44 and 10 CFR 50.46. During the review of this exemption request, the NRC staff determined that an exemption from the requirements of 10 CFR part 50, appendix K, was also needed. As a result, the NRC staff has initiated the proposed exemption to 10 CFR part 50, appendix K on its own initiative.

##### The Need for the Proposed Action

The Commission's regulations in 10 CFR 50.44, 10 CFR 50.46, and 10 CFR part 50, appendix K, specifically refer to light-water reactors containing fuel consisting of uranium oxide pellets enclosed in Zircaloy or ZIRLO cladding. The proposed advanced zirconium-based cladding (designated as M5) is not the same chemical composition as Zircaloy or ZIRLO, and the licensee proposes to use Framatome Advanced Mark-BW fuel, which contains M5 cladding. Accordingly, the proposed exemption is needed for the licensee to use the Framatome Advanced Mark-BW fuel containing M5 material.

##### Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that with regard to radiological impacts to the general public, the proposed action involves features located entirely within the restricted area as defined in 10 CFR part 20. The use of M5 fuel cladding will not result in a change in the operation or configuration of the facility. There will be no change in the level of controls or methodology used for processing radioactive effluents or handling solid radioactive waste. The NRC staff has also determined that the M5 fuel cladding will perform in service similarly to the current resident fuel. Accordingly, the proposed exemption will not impact the previously analyzed radiological consequences of design-basis accidents. In addition, 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 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 resource than those previously considered in the Final Environmental Statement (FES) related to the operation of North Anna, Units 1 and 2, issued by the Commission in April 1973, and the associated addenda to the FES issued in November 1976 and August 1980.

##### Agencies and Persons Consulted

On June 20, 2003, the staff consulted with Mr. Les Foldesi of the Virginia Department of Radiological Health, 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 letter dated March 28, 2002, and supplements dated May 13, June 19, and November 15, 2002, and May 6, May 9, May 27, June 11 (2 letters), July 18, August 26, September 4, and September 5, 2003. 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 Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have