

## NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

### Public Testimony

**ACTION:** Notice of public testimony.

**SUMMARY:** The National Commission on Terrorist Attacks Upon the United States will take public testimony from Dr. Condoleezza Rice, Assistant to the President for National Security Affairs, at 9–11:30 a.m., on April 8, 2004, in Room 216 of the Hart Senate Office Building. The proceedings will be open to the public and members of the media. Seating will be provided on a first-come, first-served basis. Members of the media must register by the close of business on April 6, 2004, by visiting the Commission's Web site, <http://www.9-11commission.gov>. Members of the media, particularly photographers and radio and television broadcasters, also must contact the appropriate Senate Press Gallery for accreditation as soon as possible.

**DATES:** April 8, 2004, 9 a.m. to 11:30 a.m.

**LOCATION:** Hart Senate Office Building, Room 216, Washington, DC 20510.

**FOR FURTHER INFORMATION CONTACT:** Al Felzenberg or Jonathan Stull at (202) 401-1627, (202) 494-3538 (cellular), or [jstull@9-11commission.gov](mailto:jstull@9-11commission.gov).

**SUPPLEMENTARY INFORMATION:** Please refer to Pub. L. 107-306 (November 27, 2002), title VI (Legislation creating the Commission), and the Commission's Web site: <http://www.9-11commission.gov>.

Dated: April 5, 2004.

**Philip Zelikow,**

*Executive Director.*

[FR Doc. 04-8020 Filed 4-7-04; 8:45 am]

**BILLING CODE 8800-01-M**

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-245, 50-336, and 50-423; License Nos. DPR-21, DPR-65 and NPF-49]

### In the Matter of Dominion Nuclear Connecticut, Inc., Millstone Power Station, Unit Nos. 1, 2, and 3; Order Approving Indirect Transfer of Control of Licenses

Dominion Nuclear Connecticut, Inc. (DNC or the licensee) is licensed by the U.S. Nuclear Regulatory Commission (NRC or Commission) to possess and maintain, but not operate, Millstone Power Station, Unit No. 1, and possess, maintain, and operate (in conjunction

with certain unaffiliated owners of Millstone, Unit No. 3) Millstone Power Station, Unit Nos. 2 and 3 (Millstone Units or the facilities) under Facility Operating License Nos. DPR-21, DPR-65, and NPF-49, issued by the Commission on October 7, 1970, September 26, 1975, and January 31, 1986, respectively. The Millstone Units are located at the licensee's site in New London County, Connecticut.

By application dated October 8, 2003, as supplemented November 7, 2003, DNC requested that the Commission consent, to the extent that proposed corporate restructuring results in an indirect transfer, to the indirect transfer of control of these facility operating licenses for the Millstone Units. The indirect transfer would result from the planned corporate restructuring involving certain intermediate subsidiaries of DNC's parent company, Dominion Resources, Inc. (DRI). DNC is a wholly-owned, indirect subsidiary of DRI.

DRI directly owns Virginia Electric & Power Company (VEPCO), Dominion Energy, Inc. (DEI), and Consolidated Natural Gas Company (CNG). DEI owns 100% of Dominion Nuclear, Inc. (DNI), and CNG owns 100% of Dominion Retail, Inc. (Retail). DNI is the parent company of Dominion Nuclear Holdings, Inc. (DNH), Dominion Nuclear Marketing I, Inc. (DNMI), Dominion Nuclear Marketing II, Inc. (DNMII), and Dominion Nuclear Marketing III, LLC (DNMIII). DNH and Retail also have part ownership of DNMIII. DNMI, DNMII, and DNMIII are the direct parent companies of DNC, the holder of the licenses of the Millstone Units. This corporate structure can be graphically seen as Exhibit B, "Current Corporate Ownership of Dominion Nuclear Connecticut," in the October 8, 2003, Application.

The proposed corporate restructuring will have DRI continue to own VEPCO, DEI and CNG. Dominion Energy Marketing, Inc. (DEM) will be formed by merging DNMI and DNMII, and will be the direct subsidiary of DEI and a parent company of DNC. DNI will be eliminated and, therefore, will no longer be a subsidiary of DEI, and DNH will become a direct subsidiary of DEI. CNG will continue to be the direct parent company of Retail, and Retail will continue to be a direct parent company of DNMIII. Thus, only DEM and DNMIII will be the direct parent companies of DNC. This proposed corporate restructuring can be graphically seen as Exhibit C, "Corporate Ownership of Dominion Nuclear Connecticut, After Proposed Realignment," in the October 8, 2003, Application.

DNC would continue to own (in the case of Millstone, Unit No. 3, along with certain unaffiliated co-owners) the Millstone Units following approval of the proposed indirect transfer of the license, and would continue to be exclusively responsible for the operation (except for Millstone Power Station, Unit No. 1), maintenance and eventual decommissioning of the facilities. No physical changes to the facilities or operational changes were proposed in the application.

Approval of the indirect transfer of the operating licenses was requested by DNC pursuant to title 10 of the Code of Federal Regulations (10 CFR), section 50.80. Notice of the request for approval and an opportunity for a hearing was published in the **Federal Register** on November 12, 2003 (68 FR 64132). No hearing requests or written comments were received.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. After reviewing the information in the application from DNC and other information before the Commission, the NRC staff has determined that the corporate restructuring involving certain intermediate subsidiaries of DRI will not affect the qualifications of DNC as the holder of the licenses and that the indirect transfer of control of the licenses, to the extent effected by the foregoing transaction, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below. The foregoing findings are supported by a Safety Evaluation (SE) dated April 2, 2004.

Accordingly, pursuant to sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), 2201(o), and 2234, and 10 CFR 50.80, it is hereby ordered that the application regarding the indirect transfer of the control of Facility Operating License Nos. DPR-21, DPR-65 and NPF-49 referenced above is approved, subject to the following condition: should the planned restructuring by DRI not be completed by December 31, 2004, this Order shall become null and void, provided that upon written application and for good cause shown, such date may be extended.

This Order is effective upon issuance. For further details with respect to this action, see the application dated October 8, 2003, as supplemented on November 7, 2003, and the SE dated April 2, 2004, which are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible 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/NRC/ADAMS/index.html>.

Dated in Rockville, Maryland, this 2nd day of April, 2004.

For the Nuclear Regulatory Commission.

**Herbert N. Berkow,**

*Acting Director, Division of Licensing Project Management, Office of Nuclear Reactor.*

[FR Doc. E4-780 Filed 4-7-04; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-317]

### Calvert Cliffs Nuclear Power Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. DPR-53, issued to Calvert Cliffs Nuclear Power Plant, Inc. (the licensee), for operation of the Calvert Cliffs Nuclear Power Plant, Unit No. 1 (CCNPP1), located in Calvert County, MD. Therefore, as required by 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 increase the maximum enrichment limit of fuel assemblies stored in the CCNPP1 spent fuel pool from 4.52 weight percent U<sup>235</sup> to 5.00 weight percent U<sup>235</sup>. This would be accomplished by the licensee taking credit for soluble boron in maintaining acceptable margins of subcriticality. The proposed action only relates to Unit 1 because the storage racks in the Unit 2 spent fuel pool are of a different design, and require different controls. The Unit 2 spent fuel pool will remain at the current enrichment level of 4.52 weight percent U<sup>235</sup>. The proposed action will result in modification of Technical Specification (TS) Section 4.3.1, "Criticality," addition of a new Section 3.7.16, "Spent Fuel Pool Boron

Concentration," and addition of a license condition to require the development of a long-term coupon surveillance program for the Carborundum samples.

The proposed action is in accordance with the licensee's application dated May 1, 2003, as supplemented September 25, 2003, November 3, 2003, and February 25, 2004.

##### *The Need for the Proposed Action*

The proposed action would allow the number of fresh fuel assemblies per cycle to be decreased, through allowing the maximum enrichment for fresh fuel to be increased to 5.00 weight percent U<sup>235</sup> and allowing credit for soluble boron in the spent fuel pool. Through decreasing the number of fresh fuel assemblies per cycle, Independent Spent Fuel Storage Installation storage requirements will decrease, permanent Department of Energy storage requirements will decrease, and fuel cycle costs will decrease. Currently, TS Section 4.3.1, "Criticality", limits the maximum enrichment for fuel assemblies to 4.52 weight percent U<sup>235</sup>, and does not allow the licensee to take credit for soluble boron in the spent fuel pool. Thus, the proposed changes to the TSs were requested.

##### *Environmental Impacts of the Proposed Action*

The NRC has completed its safety evaluation of the proposed action and concludes that the storage and use of fuel enriched with U<sup>235</sup> up to 5.00 weight percent at CCNPP1, is acceptable. The staff's safety evaluation addresses safety considerations at the higher enrichment level, and the staff has concluded that the proposed action will not adversely effect plant safety.

The proposed action will not significantly increase the probability or consequences of accidents. Even though there will be a higher enrichment of U<sup>235</sup> in the fuel rods, accident consequences will not increase. According to the TSs, the spent fuel pool will contain enough soluble boron to ensure both subcriticality in the event of a dropped rod or accidental misloading, and significant negative reactivity in the event of a loss of normal spent fuel pool cooling.

No changes are being made in the types of effluents that may be released off site. Water and soluble boron will continue to be the materials used to ensure subcriticality in the spent fuel pool. There is no significant increase in the amount of any effluent released off site. Due to the higher enrichment of fuel, the boron concentration in the spent fuel pool will increase from the

current value of 300 ppm to 350 ppm to safely store the higher enrichment fuel in the spent fuel pool. The addition of 50 ppm boron is approximately a 15-percent increase in boron concentration, but this is not a significant increase in the amount of radioactive waste. Boron will continue to be collected on the spent fuel pool filters as the water in the spent fuel pool is purified. The filters are replaced periodically and treated as low-level waste. There is no significant increase in occupational or public radiation exposure. Doses to workers will not increase from their current level due to the increased soluble boron concentration absorbing neutrons from the higher enrichment fuel rods in the spent fuel pool. 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 resources than those previously considered in the Final Environmental Impact Statement for CCNPP1 dated April 1973, and the Final Supplemental Environmental Impact Statement (NUREG-1437, Supplement 1) dated October 1999.

##### *Agencies and Persons Consulted*

On August 21, 2003, the staff consulted with the Maryland State official, Richard McLean of the Department of the Environment, regarding the environmental impact of the proposed action. The State official had no comments.