

Organizations subject to 10 CFR part 21 are also required to maintain such records as may be required to assure compliance with this regulation.

The NRC staff reviews 10 CFR part 21 reports to determine whether the reported defects in basic components and related services and failure to comply at NRC licensed facilities or activities are potentially generic safety problems.

Submit, by July 20, 2004, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by telephone at 301-415-7233, or by Internet electronic mail to INFOCOLLECTS@NRC.GOV.

Dated at Rockville, Maryland, this 17th day of May 2004.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-255]

Nuclear Management Company, LLC, Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-20 issued to Nuclear Management Company, LLC, (the licensee) for operation of the Palisades Plant located in Van Buren County, Michigan.

The proposed amendment would replace existing License condition 2.C.(5) and its corresponding table, with a new license condition stating that performance of Technical Specification surveillance requirement 3.1.4.3 is not required for control rod drive 19 only, until the next refueling outage, but no later than September 30, 2004.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR), Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Nuclear Management Company, LLC (NMC) has evaluated whether or not a significant hazards consideration is involved with the proposed amendment by focusing on the three standards set forth in 10 CFR 50.92, "Issuance of Amendment," as discussed below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed license amendment deletes outdated information from the operating license and adds a license condition to delay

testing of one control rod from the Palisades Technical Specification surveillance requirement for partial movement every 92 days. The proposed License Condition does not affect or create any accident initiators or precursors. As such, the proposed license condition does not increase the probability of an accident.

The proposed license amendment does not significantly increase the consequences of an accident. The safety analyses assume full-length control rod insertion, except the most reactive rod, upon reactor trip. The proposed surveillance requirement (SR) extension request does not increase the allowed outage time of any required operable structures, systems, or components (SSCs), and does not reduce the requirement to know that the deferred SR could be met at all times. Deferral of testing does not, by itself, increase the potential that the testing would not be met. The ability to move a full-length control rod by its drive mechanism is not an initial assumption used in the safety analyses. Control rod drop times are verified during performance of a surveillance that is normally performed during refueling outages. NMC has determined that control rod drive (CRD) seal leakage does not increase the likelihood of an untrippable control rod. Therefore, the assumptions of the safety analyses will be maintained, and the consequences of an accident will not be increased significantly.

Deleting the existing license condition 2.C.(5) and Table 2.C.(5) is administrative, since the provision has expired, and has no impact on plant operation or equipment.

Therefore, operation of the facility in accordance with the proposed License Condition would not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed license condition does not involve a physical alteration of any SSC or change the way any SSC is operated. The proposed license condition does not involve operation of any required SSCs in a manner or configuration different from those previously recognized or evaluated. No new failure mechanisms will be introduced by the SR deferral being requested.

Deleting the existing license condition 2.C.(5) and Table 2.C.(5) is administrative, since the provision has expired, and has no impact on plant operation or equipment.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The safety analyses assume full-length control rod insertion, except the most reactive rod, upon reactor trip. The proposed License Condition does not, by itself, introduce a failure mechanism. Past performance of the SR in question has demonstrated reliability in passing the deferred SR. The proposed license condition

does not involve any physical changes to the plant or manner in which the plant is operated. The ability to move a full-length control rod by its drive mechanism is not an initial assumption used in the safety analyses. Control rod drop times are verified during performance of a surveillance that is normally performed during refueling outages. NMC has determined that CRD seal leakage does not increase the likelihood of an untrippable control rod.

Therefore, the assumptions of the safety analyses will be maintained, and the margin of safety is not reduced significantly.

Deleting the existing license condition 2.C.(5) and Table 2.C.(5) is administrative, since the provision has expired, and has no impact on plant operation or equipment.

Therefore, the proposed amendment would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-

0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's

right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the

Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(i)–(viii).

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff; (3) E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, *hearingdocket@nrc.gov*; or (4) 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, verification number is (301) 415–1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301–415–3725 or by e-mail to *OGCMailCenter@nrc.gov*. A copy of the request for hearing and petition for leave to intervene should also be sent to Jonathan Rogoff, Esquire, Vice President, Counsel & Secretary Nuclear Management Company, LLC, 700 First Street, Hudson, WI 54016, attorney for the licensee.

For further details with respect to this action, see the application for amendment dated May 10, 2004, which is available for public inspection at the Commission's PDR, located at One White Flint North, File Public Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (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, 301–415–4737, or by e-mail to *pdr@nrc.gov*.

Dated at Rockville, Maryland, this 14th day of May 2004.

For the Nuclear Regulatory Commission.

John Stang,

Project Manager, Section I, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 70–1113]

Global Nuclear Fuel—Americas, LLC, Environmental Assessment and Finding of No Significant Impact Related to Proposed Exemption From Fissile Classification and Fissile Material Package Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Finding of no significant impact and environmental assessment.

FOR FURTHER INFORMATION CONTACT:

Kevin M. Ramsey, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T–8A33, Washington, DC 20555–0001, telephone (301) 415–7887 and e-mail *kmr@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of an amendment to NRC Materials License SNM–1097 to allow a one-time exemption from fissile material classification and the fissile material package requirements in 10 CFR 71.55 and the standards for arrays of fissile material packages in 10 CFR 71.59 for the shipment of certain radioactive waste materials by Global Nuclear Fuel—Americas, LLC (GNF or licensee) to a disposal facility and to impose license conditions on the shipment. The NRC has prepared an Environmental Assessment (EA) in support of this action. Based upon the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate and, therefore, an Environmental Impact Statement (EIS) will not be prepared.

II. Environmental Assessment

Background

GNF is authorized under NRC Materials License SNM–1097 to manufacture nuclear reactor fuel utilizing special nuclear material (SNM), specifically low-enriched uranium. During operation, GNF has

accumulated a large amount of noncombustible materials contaminated with small amounts of fissile material (legacy materials). The legacy materials include piping, equipment parts, ceiling tiles, and concrete blocks. GNF believes that it will be difficult and burdensome to demonstrate that this material meets the present regulatory requirements in 10 CFR 71.53 for exemption from fissile material classification and from the fissile material package standards of 10 CFR 71.55 and 71.59.

On January 26, 2004, NRC published a final rule amending its regulations in 10 CFR Part 71 on packaging and transporting radioactive material, “Compatibility with IAEA Transportation Safety Standards (TS-R–1) and Other Transportation Safety Amendments,” (69 FR 3698; January 26, 2004). The final rule, in part, makes changes in fissile material exemption requirements to address the unintended economic impacts of NRC's emergency final rule, “Fissile Material Shipments and Exemptions,” (62 FR 5907; February 10, 1997). In particular, the revised requirements for exemption from classification as fissile material (placed in revised 10 CFR 71.15) provide greater flexibility to licensees shipping radioactive material than is provided in 10 CFR 71.53. The effective date of the final rule is October 1, 2004.

On April 19, 2004, GNF requested permission to use the revised fissile material exemption in 10 CFR 71.15(c) prior to October 1, 2004. Use of this revised requirement would allow GNF to ship approximately 800 containers of legacy materials without these legacy materials being classified as fissile materials and without needing to comply with the fissile material packaging requirements of 10 CFR 71.55 and 71.59. Because GNF wants to make this shipment before the effective date of the amended part 71 final rule, the provisions of amended 10 CFR 71.15 are unavailable to GNF. However, under the provisions of 10 CFR 71.8, NRC may grant an exemption from the requirements of the regulations in part 71 that it determines is authorized by law and will not endanger life or property nor the common defense and security. Accordingly, NRC is considering issuing an exemption to GNF from fissile material classification and from the fissile material packaging requirements of 10 CFR 71.55 and 71.59, together with conditions that would be placed in the license to govern this one-time shipment of approximately 800 containers of legacy materials. The purpose of this document is to assess the environmental consequences of the