

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–143]

Notice of Issuance of License Amendment 51 for Nuclear Fuel Services, Inc., Blended Low-Enriched Uranium Processing Facility, Erwin, TN**AGENCY:** Nuclear Regulatory Commission.**ACTION:** Notice of issuance of Amendment 51 to Materials License SNM–124.**FOR FURTHER INFORMATION CONTACT:**

Michael Lamastra, 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 T8 F42, Washington, DC 20555–0001, Telephone (301) 415–8139 or via email to mxl2@nrc.gov.

SUPPLEMENTARY INFORMATION:**I. Introduction**

Pursuant to 10 CFR 2.106, the U.S. Nuclear Regulatory Commission (NRC) is providing notice of the issuance of Amendment 51 to Special Nuclear Materials License SNM–124 to Nuclear Fuel Services, Inc. (NFS) authorizing the possession and use of special nuclear material in the Blended Low-Enriched Uranium Oxide Conversion Building and Effluent Processing Building at the licensee's site in Erwin, Tennessee. NFS' request for the proposed action was previously noticed in the **Federal Register** on December 24, 2003 (68 FR 74653), along with a notice of opportunity to request a hearing.

This amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and NRC's rules and regulations as set forth in 10 CFR chapter 1. Accordingly, this amendment was issued on July 30, 2004, and was effective immediately.

II. Further Information

The NRC has prepared a non-proprietary (public) version of the Safety Evaluation Report (SER) that documents the information that was reviewed and NRC's conclusion. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," details with respect to this action, including the non-proprietary version of the SER and accompanying documentation included in the license amendment package, are available for inspection at the NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html> (ADAMS accession number ML042660436). These documents may

also be viewed electronically on the computers located at the NRC Public Document Room (PDR), O1F21 One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee. Persons who do not have access to ADAMS should contact the NRC PDR Reference Staff by telephone at 1 (800) 397–4209 or (301) 415–4737, or via e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 4th day of October, 2004.

For the Nuclear Regulatory Commission.

John Lubinski,

Chief, Fuel Manufacturing Section, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 04–22785 Filed 10–8–04; 8:45 am]

BILLING CODE 7590–01–P**NUCLEAR REGULATORY COMMISSION**

[Docket No. 030–03258]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Brooke Army Medical Center, Sam Houston, TX**AGENCY:** Nuclear Regulatory Commission.**ACTION:** Notice of availability.**FOR FURTHER INFORMATION CONTACT:**

Rachel S. Browder, M.S., Health Physicist, Nuclear Materials Licensing Branch, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region IV, Arlington Texas 76011. Telephone: (817) 276–6552; fax number: (817) 860–8263; e-mail: rsb3@nrc.gov.

SUPPLEMENTARY INFORMATION:**I. Introduction**

The Nuclear Regulatory Commission (NRC) is issuing a license amendment to Byproduct Materials License No. 42–01368–01 issued to Department of the Army, Brooke Army Medical Center, to authorize release of its Building 2630, "Department of Pathology and Laboratory Services," except for rooms 120 and 156, for unrestricted use. Building 2630 is located at 2473 Schofield Road, Fort Sam Houston, Texas, and is surrounded by veterinary facilities and recreational/dinner amenities. The NRC has prepared an Environmental Assessment (EA) in support of this amendment 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. The amendment will be issued following the publication of this Notice.

II. EA Summary

The purpose of the proposed amendment is to allow for the release of Building 2630, "Department of Pathology and Laboratory Services," except for rooms 120 and 156, located on the Brooke Army Medical Center campus in Fort Sam Houston, Texas, for unrestricted use. Brooke Army Medical Center is authorized by the NRC in License Number 42–01368–01 to use radioactive materials for medical research, diagnosis, therapy, *in vitro* studies, in addition to studies in laboratory animals. Brooke Army Medical Center obtained Building 2630 in 1968. The building originally housed the chemistry section of the Army Medical Lab. In 1975, the Army Medical Lab was consolidated with the Department of Pathology to form the Department of Pathology and Area Laboratory Services. This consolidation also consisted of Army Medical Lab's NRC license being combined with Brooke Army Medical Center's NRC License. Currently, Building 2630 is partially occupied and controlled by the Veterinary Clinic staff. On February 10, 2004, Brooke Army Medical Center requested that NRC release the facility for unrestricted use, except for rooms 120 and 156. Brooke Army Medical Center has conducted surveys of the building and submitted the Final Status Survey Report to the NRC to demonstrate that the building meets the license termination criteria in subpart E of 10 CFR part 20 for unrestricted use. There is no radiological contamination above the U.S. Army criteria for release or distinguishable from background as reflected by the survey results. No radiological remediation activities are required to complete the proposed action.

The staff has prepared an EA in support of the proposed license amendment to the NRC Byproduct Materials License No. 42–01368–01 issued to Department of the Army, Brooke Army Medical Center, to release Building 2630, except for rooms 120 and 156, for unrestricted use. The NRC is fulfilling its responsibilities under the Atomic Energy Act to make a decision on the proposed action for decommissioning which ensures residual radioactivity is reduced to a level that is protective of the public health and safety and the environment, and allows Brooke Army Medical Center to release Building 2630, except for rooms 120 and 156, for unrestricted use.

The NRC staff has reviewed the information and final status surveys submitted by Brooke Army Medical Center. Based on its review, the staff determined there were no radiological or non-radiological remediation activities required to complete the proposed action. Additionally, there are no outdoor areas affected by the use of licensed materials. The staff has therefore concluded that the release of Brooke Army Medical Center's Building 2630, except for rooms 120 and 156, for unrestricted use is acceptable. The only alternative to the proposed action of releasing the facility for unrestricted use is no action. The no-action alternative is not acceptable because it is inconsistent with the NRC's Timeliness Rule (10 CFR 30.36), which requires licensees to decommission their facilities when licensed activities cease in any separate building or outdoor area, and subsequently request release of the respective building or outdoor area. Denial of the license amendment request would result in no change to current conditions at the facility.

III. Finding of No Significant Impact

The staff has prepared an EA in support of the proposed license amendment to release Building 2630, except for rooms 120 and 156 for unrestricted use. The staff has found that the environmental impacts from the proposed amendment are bounded by the impacts evaluated by NUREG-1496, Volumes 1-3, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Facilities" (ML042310492, ML042320379, and ML042330385). The staff has also found that the non-radiological impacts are not significant. On the basis of the EA, 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 and 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 may 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: Licensee's Amendment Request (ML040570755), NRC's Request

for Additional Information (ML040960238), Licensee's Response to Request (ML041600167), and Environmental Assessment (ML042670059). If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to pdr@nrc.gov.

These documents may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Arlington, Texas this 4th day of October, 2004.

For the Nuclear Regulatory Commission.

Jack E. Whitten,

*Chief, Nuclear Materials Licensing Branch,
Division of Nuclear Materials Safety, Region 4.*

[FR Doc. 04-22787 Filed 10-8-04; 9:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-382]

Entergy Operations, Inc.; Waterford Steam Electric Station, Unit 3 Draft Environmental Assessment and Finding of No Significant Impact Related to the Proposed License Amendment To Increase the Maximum Reactor Power Level

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of opportunity for public comment.

SUMMARY: The NRC has prepared a draft environmental assessment as its evaluation of a request by Entergy Operations, Inc. (Entergy, the licensee) for a license amendment to increase the maximum thermal power at the Waterford Steam Electric Station 3 (Waterford 3) from 3441 megawatts thermal (MWt) to 3716 MWt. This represents a power increase of approximately 8 percent for Waterford 3. The NRC staff has the option of preparing an environmental impact statement if it believes a power uprate will have a significant impact on the human environment. The NRC staff did not identify any significant impact from the information provided in the licensee's extended power uprate (EPU) application for Waterford 3 or the NRC staff's independent review; therefore,

the NRC staff is documenting its environmental assessment. The draft environmental assessment and finding of no significant impact is being published in the **Federal Register** with a 30-day public comment period.

Environmental Assessment

Background

Plant Site and Environs

The NRC is considering issuance of an amendment to Facility Operating License No. NPF-38, issued to Entergy for Waterford 3 which has been in operation since March 4, 1985. The facility is located on the west (right descending) bank of the Mississippi River, approximately 40 kilometers (25 miles) west of New Orleans on Louisiana Highway 18 (River Road) in St. Charles Parish, in the city of Killona, Louisiana. The plant's topography, except for the levee along the Mississippi River, is generally flat with an elevation of 8 to 16 feet above mean sea level. Electricity is generated using a pressurized water reactor and steam turbine with a maximum generating capacity of 1,104 Megawatts electric. The fuel source for the unit is enriched Uranium-235. The exhaust steam is condensed using a once-through circulating water system with the Mississippi River as a heat sink. Additionally, the component cooling water system serves as the station's ultimate heat sink and is designed to remove heat from the plant during normal operation, shutdown, or emergency shutdown.

Three-quarters of a mile downstream from the Waterford 3 site is the Bonnet Carre' Spillway. The Bonnet Carre' Spillway is a vital element of the comprehensive plan for flood control in the Lower Mississippi Valley. It is located on the east bank of the Mississippi River, approximately 25 miles above New Orleans and was constructed to divert approximately 250,000 cubic feet per second of floodwaters from the Mississippi River to Lake Pontchartrain to prevent overtopping of levees at and below New Orleans, assuring the safety of New Orleans and the downstream delta area during major floods on the Lower Mississippi.

Identification of the Proposed Action

By letter dated November 13, 2003, Entergy proposed to increase the maximum thermal power level of Waterford 3 by approximately 8 percent, from 3441 MWt to 3716 MWt. The change is considered an EPU because it would raise the reactor core power level more than 7 percent above the originally