

establish the TS required boron concentration and critical boron concentration, the boron dilution evaluation demonstrates that the underlying intent of 10 CFR 50.68(b)(1) is satisfied.

### 3.3 Legal Basis for the Exemption

Pursuant to 10 CFR 50.12, "Specific Exemption," the staff reviewed the licensee's exemption request to determine if the legal basis for granting an exemption had been satisfied, and concluded that the licensee has satisfied the requirements of 10 CFR 50.12. With regard to the six special circumstances listed in 10 CFR 50.12(a)(2), the staff finds that the licensee's exemption request satisfies 50.12(a)(2)(ii), "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule." Specifically, the staff concludes that since the licensee has satisfied the five criteria in Section 3.1 of this exemption, the application of the rule is not necessary to achieve its underlying purpose in this case.

### 3.4 Summary

The following limitations and/or conditions are applicable to this exemption:

A. Loading, unloading, and handling of the DSC for the TN NUHOMS®-32PT shall only be done at MP2.

B. Loading, unloading, and handling in the DSC at MP2 is limited to Combustion Engineering 14 x 14 fuel assemblies that had a maximum initial, unirradiated U-235 enrichment of 3.8 wt-percent.

C. The licensee will implement the actions as stated in Attachment 2 of its supplement dated January 25, 2005, namely:

1. DNC will revise ISFSI procedures or calculations to state that poison rod assembly (PRA) use is not authorized by the proposed 10 CFR 50.68(b)(1) exemption.

2. DNC will revise ISFSI procedures to require that when a fueled 32PT DSC is in the MPS2 [Millstone Power Station, Unit No. 2] SPF[,] Spent Fuel Pool Cooling Flow must be at least 850 gpm.

3. During the time that a fueled DSC is in the SFP procedural controls will be implemented to ensure that the transfer canal bulkhead gate will not be used to block the transfer canal opening to the SFP.

4. An additional precaution will be added to the SFP high level alarm response procedure to identify that if there is a fueled DSC in the SFP

additional boron concentration limits apply. These limits will be specified in the procedure.

5. Training will be conducted to ensure operators are aware of the 32PT DSC TS SFP boron concentration requirements, and should a boron dilution occur, at what boron concentration criticality in the DSC could occur. The training will emphasize the importance of avoiding any inadvertent additions of unborated water to the SFP, responses to be taken for notification or alarms that may be indicative of a potential boron dilution event during cask loading and fuel movement in the SFP, and identification of the potential for a boron dilution event during decontamination rinsing activities.

6. Appropriate controls or measures to minimize the possibility of direct dilution of the cask handling area of the SFP will be established prior to DSC loading.

(a) DNC will revise ISFSI procedures to require an individual remain on the SFP floor at all times when a fueled 32PT DSC is in the MPS2 SFP to ensure that the SFP is not overflowing and that water is not unintentionally spilling into the SFP.

(b) DNC will revise ISFSI procedures to require Valve 2-RW-350 [to] remain open when a fueled 32PT DSC is in the MPS2 SFP.

(c) DSC procedures will be modified to include a requirement that the SFP will be sampled for boron concentration after each intentional addition of a maximum of 500 gallons of unborated water.

7. DNC will revise ISFSI procedures to require [that] Valve 2-RW-2 will be closed when a fueled 32PT DSC is in the MP2 SFP.

The staff finds, based upon the review of the licensee's proposal to credit soluble boron during DSC loading, unloading, and handling in the MP2 SFP, that pursuant to 10 CFR 50.12(a)(2), the licensee's exemption request is acceptable.

### 4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants Dominion Nuclear Connecticut, Inc. an exemption from the requirements of 10 CFR 50.68(b)(1) for the loading, unloading, and handling of the components of the TN NUHOMS®-

32PT dry cask storage system at MP2. Any changes to the cask system design features affecting criticality or its supporting criticality analyses will invalidate this exemption.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (69 FR 2012).

This exemption is effective upon issuance.

Dated in Rockville, Maryland, this 15th day of February, 2005.

For the Nuclear Regulatory Commission.

**Ledyard B. Marsh,**

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

[FR Doc. 05-3398 Filed 2-22-05; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-03829]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for the P&G-Clairol Facility in Stamford, CT

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

#### FOR FURTHER INFORMATION CONTACT:

Kathy Dolce Modes, Materials Security & Industrial Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania, 19406, telephone (610) 337-5251, fax (610) 337-5269; or by e-mail: [kad@nrc.gov](mailto:kad@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The Nuclear Regulatory Commission (NRC) is issuing a license amendment to P&G-Clairol, Inc., (P&G-Clairol) for Materials License No. 06-11703-02, to authorize release of its facility in Stamford, Connecticut for unrestricted use. NRC has prepared an Environmental Assessment (EA) in support of this 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 (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

##### II. EA Summary

The purpose of the action is to authorize the release of the licensee's

Stamford, Connecticut facility for unrestricted use. P&G-Clairol was authorized by NRC from June 10, 1971, to use radioactive materials for research and development purposes at the site. On July 6, 2004, P&G-Clairol requested that NRC release the facility for unrestricted use. P&G-Clairol has conducted surveys of the facility and provided information to the NRC to demonstrate that the site meets the license termination criteria in subpart E of 10 CFR part 20 for unrestricted use.

The NRC staff has prepared an EA in support of the license amendment. The facility was remediated and surveyed prior to the licensee requesting the license amendment. The NRC staff has reviewed the information and final status survey submitted by P&G-Clairol. Based on its review, the staff has determined that there are no additional remediation activities necessary to complete the proposed action. Therefore, the staff considered the impact of the residual radioactivity at the facility and concluded that since the residual radioactivity meets the requirements in subpart E of 10 CFR part 20, a Finding of No Significant Impact is appropriate.

### III. Finding of No Significant Impact

The staff has prepared the EA (summarized above) in support of the license amendment to terminate the license and release the facility for unrestricted use. The NRC staff has evaluated P&G-Clairol's request and the results of the surveys and has concluded that the completed action complies with the criteria in subpart E of 10 CFR part 20. The staff has found that the environmental impacts from the action 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). On the basis of the EA, the NRC has concluded that the environmental impacts from the action are expected to be insignificant and has determined not to prepare an environmental impact statement for the action.

### IV. Further Information

Documents related to this action, including the application for the license 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 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: The Environmental Assessment (ML050420203), Application dated July 6, 2004, requesting termination of the license (ML042030040), letter dated October 7, 2004, with attachments providing additional information (ML042920466), electronic mail dated October 8 and 10, 2004 (ML 043000248), electronic mail dated December 14, 2004 (ML043570057), and Addendum to the Report on the Final Radiological Status Survey dated November 22, 2004 (received on December 15, 2004) (ML043570467). Please note that on October 25, 2004, the NRC terminated public access to ADAMS and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's Web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the Public Document Room pending resumption of public access to ADAMS. The NRC Public documents Room is located at NRC Headquarters in Rockville, MD, and can be contacted at (800) 397-4209 or (301) 415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). The PDR reproduction contractor will copy documents for a fee. The PDR is open from 7:45 a.m. to 4:15 p.m., Monday through Friday, except on Federal holidays.

Dated at King of Prussia, Pennsylvania this 15th day of February, 2005.

For the Nuclear Regulatory Commission.

**James P. Dwyer,**

*Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I.*

[FR Doc. 05-3401 Filed 2-22-05; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 03001317]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Department of the Army, Walter Reed Army Medical Center Washington, DC

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability of environmental assessment and finding of no significant impact.

**FOR FURTHER INFORMATION CONTACT:** Laurie Kauffman, Decommissioning Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, telephone (610) 337-5323, fax (610) 337-5269; or by e-mail: [lap@nrc.gov](mailto:lap@nrc.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Department of the Army, Walter Reed Army Medical Center (WRAMC) for Materials License No. 08-01738-02, to authorize release of Building T-2 of the Washington, DC site for unrestricted use. NRC has prepared an Environmental Assessment (EA) in support of this 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 (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

#### II. EA Summary

The purpose of the action is to authorize the release of the licensee's Building T-2 of the Washington, DC facility for unrestricted use. WRAMC was authorized by the U.S. Atomic Energy Commission (AEC) on February 18, 1959 to use radioactive materials for medical research, diagnosis, and therapy purposes at the site. On October 29, 2004, WRAMC requested that the NRC release the facility for unrestricted use. WRAMC has conducted surveys of the facility and provided information to the NRC to demonstrate that the site meets the license termination criteria in 10 CFR part 20, subpart E, for unrestricted use.

The NRC staff has prepared an EA in support of the license amendment. The facility was remediated and surveyed in support of the license amendment. The NRC staff has reviewed the information and final status survey submitted by WRAMC. Based on its review, the staff has determined that there are no additional remediation activities necessary to complete the proposed action. Therefore, the staff considered the impact of the residual radioactivity at the facility and concluded that since the residual radioactivity meets the requirements in 10 CFR part 20, subpart E, a Finding of No Significant Impact is appropriate.

#### III. Finding of No Significant Impact

The staff has prepared the EA (summarized above) in support of the license amendment to release Building T-2 in its entirety of the WRAMC