

guides, and instrument tubes. The fuel assemblies would be loaded into the CR-3 reactor core during the refueling outage in the fall of 2003, and used in operation during Cycle 14 and beyond.

The proposed action is in accordance with the licensee's application for exemption dated October 23, 2002, as supplemented by letters dated July 25 and August 11, 2003.

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

The Commission's regulations in 10 CFR 50.46(a)(i) and 10 CFR Part 50, Appendix K require the demonstration of adequate ECCS performance for light-water reactors that contain fuel consisting of uranium oxide pellets enclosed in zircaloy or ZIRLO tubes. In addition, 10 CFR 50.44(a) addresses requirements to control hydrogen generated by zircaloy or ZIRLO fuel after a postulated LOCA. Each of these three regulations, either implicitly or explicitly, assumes that either zircaloy or ZIRLO is used as the fuel rod cladding material.

In order to accommodate the high fuel rod burnups that are required for modern fuel management and core designs, Framatome Cogema Fuels (FCF) developed the M5 advanced fuel rod cladding and fuel assembly structural material. M5 is an alloy comprised primarily of zirconium (~99 percent) and niobium (~1 percent) that has demonstrated superior corrosion resistance and reduced irradiation-induced growth relative to both standard and low-tin zircaloy. However, since the chemical composition of the M5 advanced alloy differs from the specifications of either zircaloy or ZIRLO, use of the M5 advanced alloy falls outside of the strict interpretation of these regulations. Therefore, approval of this exemption request is needed to permit the use of the M5 advanced alloy as a fuel rod cladding material at CR-3.

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

Use of M5 clad fuel will not result in changes in the operations 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 similarly to the current resident fuel. Accordingly, the proposed action will not significantly increase the probability or consequences of accidents. No significant changes are being made in the types of any effluents that may be released off site. There is no significant increase in the amount of

any effluents that may be released off site. 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 nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological 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 NRC 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 denying the application and of the proposed alternative 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 Statement for Crystal River dated May 1973.

#### *Agencies and Persons Consulted*

On September 17, 2003, the NRC staff consulted with the Florida State official, William Passetti, of the Florida Department of Health Bureau of Radiation Control, 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 October 23, 2002, as supplemented by letters dated July 25 and August 11, 2003. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 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 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 e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 17th day of September 2003.

For The Nuclear Regulatory Commission.

**Chandu P. Patel,**

*Project Manager, Section 2, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Advisory Committee on Reactor Safeguards, Subcommittee Meeting on Planning and Procedures; Notice of Meeting**

The ACRS Subcommittee on Planning and Procedures will hold a meeting on October 1, 2003, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

*Wednesday, October 1, 2003—8:30 a.m.—10 a.m.*

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Dr. Richard P. Savio, (telephone: 301-415-7363) between 7:30 a.m. and 4:15 p.m. (ET) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted

only during those portions of the meeting that are open to the public.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 7:30 a.m. and 4:15 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes in the agenda.

Dated: September 17, 2003.

**Sher Bahadur,**

*Associate Director for Technical Support,  
ACRS/ACNW.*

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## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards; Meeting Notice

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on October 1-4, 2003, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Monday, November 20, 2002 (67 FR 70094).

*Wednesday, October 1, 2003,  
Conference Room T-2B3, Two White  
Flint North, Rockville, Maryland*

*10:15 a.m.-10:20 a.m.: Opening  
Remarks by the ACRS Chairman  
(Open)*—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

*10:20 a.m.-12 Noon: Final Review of  
the Fort Calhoun License Renewal  
Application (Open)*—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the Omaha Public Power District regarding the License Renewal Application for the Fort Calhoun Station Unit 1 and the associated final Safety Evaluation Report prepared by the staff.

*1 p.m.-3 p.m.: Interim Review of the  
AP1000 Design (Open)*—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Westinghouse regarding the resolution of open items and related matters.

*3:15 p.m.-4:45 p.m.: Proactive  
Material Degradation Assessment  
Program (Open)*—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed proactive research program for assessing

materials degradation at nuclear power plants.

*5 p.m.-6:15 p.m.: Preparation for  
Meeting with the NRC Commissioners  
(Open)*—The Committee will discuss the following topics scheduled for the ACRS meeting with the NRC Commissioners on October 2, 2003: (1) Overview by the ACRS Chairman of several items of interest including, risk-informing 10 CFR 50.46 and proposed 10 CFR 50.69; License renewal activities; AP1000 design; Preapplication review of ESBWR design; and Power uprate review standard, (2) Improvement of the Quality of Risk Information for Regulatory Decisionmaking, (3) Materials Degradation Issues, and (4) Reactor Oversight Process.

*6:30 p.m.-7:30 p.m.: Preparation of  
ACRS Reports (Open/Closed)*—The Committee will discuss proposed ACRS reports on matters considered during this meeting. In addition, the Committee will discuss a proposed ACRS report on safeguards and security matters (Closed).

*Thursday, October 2, 2003, Conference  
Room T-2B3, Two White Flint North,  
Rockville, Maryland*

*8:30 a.m.-8:35 a.m.: Opening  
Remarks by the ACRS Chairman  
(Open)*—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

*8:35 a.m.-9 a.m.: Subcommittee  
Report on the Interim Review of the  
License Renewal Application for H. B.  
Robinson Nuclear Power Plant (Open)*—The Committee will hear a report by and hold discussions with the Chairman of the ACRS Subcommittee on Plant License Renewal regarding the review of the H. B. Robinson License Renewal Application and the staff's draft Safety Evaluation Report with open items.

*9 a.m.-9:15 a.m.: Subcommittee  
Report on Fire Protection Matters  
(Open)*—The Committee will hear a report by and hold discussions with Fire Protection Subcommittee Chairman regarding matters discussed at the September 9, 2003 meeting.

*9:30 a.m.-11:30 a.m.: Meeting with  
the NRC Commissioners (Open)*—The Committee will meet with the NRC Commissioners in the Commissioners' Conference Room, One White Flint North to discuss the matters of mutual interest noted above.

*12:30 p.m.-1:30 p.m.: Review of the  
PIRT Process (Open)*—The Committee will hear a presentation by and hold discussions with Dr. Nourbakhsh, ACRS Senior Fellow, regarding his review of the Phenomena Identification and Ranking Table (PIRT) process.

*1:45 p.m.-3:45 p.m.: Operating  
Experience Assessment Report—Effects  
of Grid Events on Nuclear Power Plant  
Performance (Open)*—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the staff's report on the effects of grid event (1985-2001) on nuclear power plant performance and related matters.

*4 p.m.-6 p.m.: Format and Content of  
the NRC Safety Research Program  
Report (Open)*—The Safety Research Program Subcommittee Chairman will discuss the format and content of the annual ACRS report to the Commission on the NRC Safety Research Program as well as assignments for the ACRS members.

*6:15 p.m.-7:30 p.m.: Preparation of  
ACRS Reports (Open/Closed)*—The Committee will discuss proposed ACRS reports on matters considered during this meeting. In addition, the Committee will discuss a proposed ACRS report on safeguards and security matters (Closed).

*Friday, October 3, 2003, Conference  
Room T-2B3, Two White Flint North,  
Rockville, Maryland*

*8:30 a.m.-8:35 a.m.: Opening  
Remarks by the ACRS Chairman  
(Open)*—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

*8:35 a.m.-10 a.m.: Draft Final  
Revision to Regulatory Guide 1.168 (DG-  
1123), "Verification, Validation, Review,  
and Audits for Digital Computer  
Software Used in Safety Systems of  
Nuclear Power Plants" (Open)*—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the Draft Final Revision to Regulatory Guide 1.168.

*10:15 a.m.-10:45 a.m.: Subcommittee  
Report on Reactor Fuels (Open)*—The Reactor Fuels Subcommittee Chairman will provide a brief report on matters discussed during the September 29-30, 2003 meeting.

*10:45 a.m.-11:45 a.m.: Future ACRS  
Activities/Report of the Planning and  
Procedures Subcommittee (Open)*—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings. Also, it will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business, including anticipated workload and member assignments.

*11:45 a.m.-12 Noon: Reconciliation of  
ACRS Comments and  
Recommendations (Open)*—The