

administrative judges in accordance with 10 CFR 2.302.

Issued in Rockville, Maryland, this 18th day of May 2005.

**G. Paul Bollwerk, III,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 72-8]

### Calvert Cliffs Nuclear Power Plant; Issuance of Environmental Assessment and Finding of No Significant Impact Regarding an Amendment

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Environmental assessment.

#### FOR FURTHER INFORMATION CONTACT:

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**SUPPLEMENTARY INFORMATION:** The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an amendment to Special Materials License No. 2505 that would add the NUHOMS-32P as an optional design to the existing NUHOMS-24P design for dry storage of spent nuclear fuel. Calvert Cliffs Nuclear Power Plant, Inc. (CCNPP) is currently storing spent nuclear fuel at the Calvert Cliffs independent spent fuel storage installation (ISFSI) located in Calvert County, Maryland.

#### Environmental Assessment (EA)

*Identification of Proposed Action:* By letter dated December 12, 2003, as supplemented, CCNPP submitted a request to the NRC to amend the license (SNM-2505) to add the NUHOMS-32P as an optional design to the existing NUHOMS-24P design for dry storage of spent fuel. The NUHOMS-32P design stores eight more spent fuel assemblies than the NUHOMS-24P design.

The proposed action before the NRC is whether to approve the amendment.

*Need for the Proposed Action:* The proposed action would allow CCNPP to optimize its dry spent fuel storage capacity by upgrading portions of its ISFSI to use the NUHOMS-32P dry shielded canister. The proposed action

would allow CCNPP to reduce the minimum number of canister loadings each year from four (using the NUHOMS-24P design) to three (with the NUHOMS-32P design).

*Environmental Impacts of the Proposed Action:* The staff has determined that the proposed action would not endanger life or property. No effluents are released from the ISFSI during operation and the proposed changes have no impact to dry shielded canister loading activities. Therefore, there is no significant change in the type or significant increase in the amounts of any effluents that may be released offsite. There is also no significant increase with regard to individual or cumulative occupational radiation exposures because of the proposed action. The proposed amendment includes a technical specification change that would specify that the current neutron source term technical specification limit of  $\leq 2.23E8$  would apply to the NUHOMS-24P design and that the NUHOMS-32P design would have a neutron source assembly technical specification limit of  $\leq 3.3E8$  neutrons/second/assembly. The contact dose rate for the NUHOMS-32P design in a loss of neutron shielding accident with the revised neutron source term is 1517 mrem/hr. The contact dose rate for the NUHOMS-24P design in a loss of neutron shielding accident is 1126 mrem/hr. The regulatory limit for a design basis accident is 5 rem at 100 meters in accordance with 10 CFR 72.106. When compared to the regulatory limit, the dose rate increase from a loss of neutron shielding for the NUHOMS-32P design would be a minimal change from the dose rate for a loss of neutron shielding accident for a NUHOMS-24P design. All of the other proposed changes have no impact on radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

The amendment only affects the requirements associated with the loading of the casks and does not affect non-radiological plant effluents or any other aspects of the environment. Therefore, there are no significant non-radiological impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

*Alternative to the Proposed Action:* As an alternative to the proposed action, the staff considered denial of the amendment request (*i.e.*, the "no-action" alternative). Approval or denial of the amendment request would result

in minimal change in the environmental impacts. Therefore, the environmental impacts of the proposed action and the alternative action are similar.

*Agencies and Persons Consulted:* On April 28, 2005, Richard McLean of the State of Maryland was contacted regarding the proposed action and had no concerns. The NRC staff has determined that consultation under Section 7 of the Endangered Species Act is not required for this specific amendment and will not affect listed species or critical habitat. The NRC staff has also determined that the proposed action is not a type of activity having the potential to cause effects on historic properties. Therefore, no consultation is required under Section 106 of the National Historic Preservation Act.

*Conclusions:* The staff has reviewed the amendment request submitted by CCNPP and has determined that adding the NUHOMS-32P as an optional design to the existing NUHOMS-24P design for dry storage of spent nuclear fuel would have no significant impact on the environment.

#### Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51. Based upon the foregoing EA, the NRC finds that the proposed action of approving the amendment to the license will not significantly impact the quality of the human environment. Accordingly, the NRC has determined that an environmental impact statement for the proposed license amendment is not warranted.

The request for amendment was docketed under 10 CFR part 72, Docket 72-8. For further details with respect to this action, see the proposed license amendment dated December 12, 2003, as supplemented, by a letter dated May 12, 2004. The NRC maintains an Agencywide Documents Access Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at: <http://www.nrc.gov/reading-rm/adams.html>. Copies of the referenced documents will also be available for review at the NRC Public Document Room (PDR), located at 11555 Rockville Pike, Rockville, MD, 20852. PDR reference staff can be contacted at 1-800-397-4209, 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.

Dated in Rockville, Maryland, this 11th of May, 2005.

For The Nuclear Regulatory Commission  
**Joseph M. Sebrosky,**  
*Senior Project Manager, Spent Fuel Project  
Office, Office of Nuclear Material Safety and  
Safeguards.*  
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## NUCLEAR REGULATORY COMMISSION

### Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

#### I. Background

Pursuant to section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from April 29, 2005 through May 12, 2005. The last biweekly notice was published on May 10, 2005 (70 FR 24645).

#### Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 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. The basis for this proposed determination for each amendment request is shown below.

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. 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.

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 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. The filing of requests for a 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 within 60 days, 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 set forth 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/requestor intends to rely in proving the contention at the hearing. The petitioner/requestor