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LETTER TO NV GOVERNOR

FEB 22 1989

The Honorable Thomas J. Hickey
Chairman, Nevada Legislature
Committee on High-Level Radioactive Waste
6717 East Cherry Grove Avenue
Las Vegas, Nevada 89115

Dear Mr. Hickey:

By letter dated February 2, 1989, the U.S. Nuclear Regulatory Commission notified you of our receipt of the U.S. Department of Energy's Site Characterization Plan (SCP) for the Yucca Mountain, Nevada site. On January 30, 1989, we noticed receipt of the SCP in the Federal Register. A copy of that notice is enclosed for your information.

If you or your staff have any questions concerning this letter or the enclosure, please contact John Linehan of my staff. Mr. Linehan can be contacted by telephone at 301-492-3387.

Sincerely,

(Signed) Robert M. Bernero

Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

Enclosure:
As stated

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Identical letters sent to William Raggio and Joseph Dini, Jr.
This letter has been coordinated with F. Combs of State Programs.
* SEE PREVIOUS CONCURRENCES

OFC	:HLPD*	:HLPD*	:DHLWM	:NMSS	:NMSS
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that may be released offsite. Finally, these changes would not contribute to any significant increase in individual or cumulative occupational radiation exposure.

Regarding the potential non-radiological impact of reactor operation with higher enrichment fuel and increased levels of irradiation, the proposed changes involve systems located within the restricted area, as defined in 10 CFR Part 20. They do not affect non-radiological plant effluents and have no other non-radiological environmental impact.

The potential environmental impact resulting from the transportation of higher fuel enrichment and burnup levels is discussed in the staff assessment entitled, "NRC Assessment of the Environmental Effects of Extended Fuel Enrichment and Irradiation," which was published in the Federal Register on August 11, 1988 (53 FR 30355) in connection with the Shearon Harris Nuclear Power Plant, Unit 1, Environmental Assessment and Finding of No Significant Impact. As indicated therein, the environmental cost contribution of the transportation, due to the increases in the fuel enrichment up to 5% and irradiation limits up to 60,000 MWD/MT are either unchanged or may, in fact, be reduced from those summarized in Table S-4 as set forth in 10 CFR 51.52(c). These findings are applicable to these amendments for the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2.

Therefore, the Commission concludes that the proposed amendments pose no significant radiological or non-radiological environmental impact.

Alternatives to the Proposed Amendments

Since the Commission concluded that there are no significant environmental effects that would result from the proposed changes, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested fuel enrichment and burnup increases. This would not reduce environmental impact of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the "Final Environmental Statement Related to the Operation of Calvert Cliffs Nuclear Power Plant, Units 1 and 2," dated April 1973.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult with other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, we conclude that the proposed amendments will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see (1) the application for license amendments dated June 9, 1988, as supplemented on October 25 and November 17, 1988, and (2) the licensee's letter of December 28, 1988, which are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Calvert County Library, Prince Frederick, Maryland.

Dated at Rockville, Maryland, this 25th day of January 1989.

For the Nuclear Regulatory Commission.

Joseph D. Neighbors,

Acting Director, Project Directorate I-1, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89-2077 Filed 1-27-89; 8:45 am]

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Receipt of U.S. Department of Energy's Site Characterization Plan for Yucca Mountain, Nevada Site

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of receipt of the Department of Energy's Site Characterization Plan for Yucca Mountain, Nevada Site.

SUMMARY: The Nuclear Regulatory Commission (NRC) has received for review and comment the Department of Energy's (DOE) Site Characterization Plan (SCP) for the Yucca Mountain, Nevada candidate site for a permanent geologic repository for high-level radioactive waste (HLW). Section 113(b) of the Nuclear Waste Policy Act of 1982 (NWPA) requires that the SCP provide "a general plan for site characterization activities" to be conducted. The purpose of site characterizaton is to collect pertinent geological and other information necessary to evaluate whether the site is suitable for a permanent geologic repository and, if found suitable, to provide DOE with data adequate to prepare and support a license application seeking from the NRC authorization to construct such a repository.

As part of the pre-license application phase of the repository licensing process established by NWPA and the Nuclear Waste Policy Amendments Act of 1987 (NWPAA), the NRC is required to review and comment upon DOE's SCP, and in accord with 10 CFR 60.16, "DOE shall defer the sinking of such shafts until such time as there has been an opportunity for Commission comments thereon to have been solicited and considered by DOE." NRC anticipates completion of the review in a seven-month timeframe, culminating in issuance to DOE of a Site Characterization Analysis (SCA) with respect to the SCP, as well as such additional comments as may be warranted.

During its review of the SCP, the NRC will provide an opportunity for the State of Nevada and for affected local governments and Indian Tribes to present their views on the SCP and their suggestions with respect to comments thereon which may be made by the NRC. In addition, NRC staff will be made available to consult with the affected parties upon their written request pursuant to Subpart C of 10 CFR Part 60.

At the time of issuance of the SCA, a notice of availability of the SCA and a request for public comment will be published in the Federal Register. Copies of the SCA and of the comments received will be made available at NRC's Public Document Room (PDR) located at 2120 L Street, NW., Lower Level, Washington, DC 20555 and local Public Document Rooms (LPDRs), located at the James R. Dickinson Library, Special Collections Department, University of Nevada-Las Vegas, 4505 Maryland Parkway, Las Vagas, Nevada 89154 and University Library, Government Publications Department, University of Nevada-Reno, Reno, Nevada 89557.

Copies of the SCP may be obtained from DOE by contacting: Stephen H. Kale, Associate Director, Office of Facilities Siting and Development, Office of Civilian Radioactive Waste Management, U.S. Department of Energy, RW-20, 1000 Independence Avenue, SW., Washington, DC 20585 or Carl P. Gertz, Project Manager, Yucca Mountain Project Office, U.S. Department of Energy, Box 98518, Las Vegas, Nevada 89193-8518.

NRC has made copies of the SCP available for public inspection in its PDR and LPDRs.

FOR FURTHER INFORMATION CONTACT: John J. Linehan, Director, Repository Licensing and Quality Assurance Project Directorate, Division of High-Level Waste Management, Office of Nuclear Material Safety and Safeguards, U.S.

Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Rockville, Maryland, this 23rd day of January 1989.

For the Regulatory Commission.

Hugh L. Thompson, Jr.,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 89-2081 Filed 1-27-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas and Electric Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to the Baltimore Gas and Electric Company (the licensee), for operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, located in Calvert County, Maryland.

The proposed amendments would provide a one time extension of four weeks beyond the end of the required surveillance interval for the performance of Type B and C local leak rate tests on containment penetrations as provided in Technical Specification 4.6.1.2.d. The proposed change reflects the operating cycle change from 18 months to 24 months and allows the testing frequency to change from a 24 month interval to the interval corresponding to the forthcoming refueling outage.

This proposed TS revision is in response to the licensee's application for amendments dated December 14, 1988.

Prior to 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.

By March 1, 1989, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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 petitions 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. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, 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 factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies 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, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, Gelman Building 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Capra: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to D. A. Brune, Jr., General Counsel, Baltimore Gas and Electric Company, P.O. Box 1475, Baltimore, Maryland 21203, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards considerations in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated December 14, 1988, which is available for public inspection at the Commission's Public Document Room, Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the Local Public Document Room, Calvert County Library, Prince Frederick, Maryland.

Dated at Rockville, Maryland, this 25th day of January 1989.

For The Nuclear Regulatory Commission.

Joseph D. Neighbors,

Acting Director, Project Directorate I-1, Division of Reactor Projects I/II.

[FR Doc. 89-2080 Filed 1-27-89; 8:45 am]

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