

FEB 22 1989

FRN LETTER TO GOVERNOR

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The Honorable Robert J. Miller
Acting Governor of Nevada
Carson City, Nevada 89710

Dear Governor Miller:

By letter dated January 24, 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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This letter has been coordinated with F. Combs of State Programs.

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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. Nelghors,
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]
BILLING CODE 7590-01-M

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 (NWPAA) requires that the SCP provide "a general plan for site characterization activities" to be conducted. The purpose of site characterization 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 NWPAA 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 Vegas, 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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