

Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). A copy of the request for hearing and petition for leave to intervene should also be sent to the , attorney for the licensee, Ms. Lisa F. Vaughn, Legal Department, Duke Power Company LLC, 526 South Church St., P. O. Box 1006, Mail Code EC07H, Charlotte, NC 28201-1006.

For further details with respect to this action, see the application for amendment dated July 27, 2005, as supplemented by letters dated May 4, 2006, and August 8, 2006, which are available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area O1 F21, 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/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, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 25th day of August 2006.

For the Nuclear Regulatory Commission  
**John F. Stang,**  
*Sr. Project Manager, Plant Licensing Branch II-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*  
 [FR Doc. E6-14406 Filed 8-29-06; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-285]

### Omaha Public Power Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-40 issued to Omaha Public Power Company (the licensee) for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska.

The proposed amendment would revise the technical specifications to allow the use of Sodium Tetraborate instead of Trisodium Phosphate.

Before 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.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR), Section 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. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

There are no changes to the design or operation of the plant that could affect system, component, or accident functions as a result of replacing trisodium phosphate (TSP) with sodium tetraborate (NaTB). Similarly, there are no changes to the design or operation of the plant affecting system, component or accident functions as a result of revising the volume of buffering agent required during Operating Modes 1 and 2 with an amount dependent upon hot zero power (HZIP) critical boron concentration (CBC) to make it consistent with the use of NaTB.

All systems and components function as designed and the performance requirements have been evaluated and found to be acceptable. NaTB will maintain pH  $\geq 7.0$  in the recirculation water following a loss-of-coolant accident (LOCA). This function is maintained with the proposed change. Allowing the required volume of NaTB to decrease over the operating cycle (as a result of densification) as HZIP CBC decreases still ensures that the pH of the containment sump is  $\geq 7.0$ .

Further, replacing TSP with NaTB will not increase the probability or consequences of an accident previously evaluated. Other than the Long Term Core Cooling evaluation that establishes the Hot Leg Switchover (HLSO) time, no other safety analysis methodology (LOCA or non-LOCA) specifically models the containment sump buffering agent. As a result, the consequences of any accident (other than determination of the HLSO time)

are unaffected by the proposed change to the containment sump buffering agent. The analysis to determine the HLSO time specifically addressed the use of NaTB to assure it would preclude boron precipitation in the core and, therefore, preclude any increase in the consequences of a LOCA.

Analysis demonstrates that a NaTB buffering agent ensures the post LOCA containment sump mixture will have a pH  $\geq 7.0$ . Replacing TSP with NaTB, which achieves the same pH buffering requirements, will not increase the probability of a LOCA.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No new accident scenarios, failure mechanisms, or single failures are introduced as a result of the proposed change. All structures, systems, and components (SSCs) previously required for mitigation of an event remain capable of fulfilling their intended design function with this change to the Technical Specifications (TS). The proposed change has no adverse effects on any safety-related system or component and does not challenge the performance or integrity of any safety related system. The proposed change has evaluated the replacement buffering agent and no new accident scenarios or single failures are introduced.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Changing the containment sump buffering agent requirement from TSP to NaTB and revising the required volume of NaTB to decrease (as a result of densification) as HZIP CBC decreases still ensures containment sump pH  $\geq 7.0$ . NaTB will maintain pH  $\geq 7.0$  in the recirculation water following a LOCA. Therefore, this change does not involve a significant reduction in the margin of safety. Evaluations were made that indicate that the margin for pH control is not altered by the proposed changes. A NaTB volume that is dependent on HZIP CBC has been evaluated with respect to neutralization of all borated water and acid sources. These evaluations concluded that there would be no impact on pH control, and hence no reduction in the margin of safety related to post LOCA conditions.

Although NaTB is less effective than TSP at raising the boric acid solubility limit, implementation of a more conservative HLSO time and higher recirculation flow requirements for the hot and cold leg recirculation flows ensures that the margin of safety to preclude boron precipitation, and ultimately assurance of core cooling ability, is not compromised.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

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.

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 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for 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 by the above date, 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 identify 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 intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner/requestor who fails to satisfy 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.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii).

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) e-mail

addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov); or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415-1101, verification number is (301) 415-1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). A copy of the request for hearing and petition for leave to intervene should also be sent to James R. Curtiss, Esq., Winston & Strawn, 1700 K Street, NW., Washington, DC 20006-3817, attorney for the licensee.

For further details with respect to this action, see the application for amendment dated August 21, 2006, which is available for public inspection at the Commission's PDR, located at One White Flint North, File Public Area O1 F21, 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/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, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 23rd day of August 2006.

**Alan B. Wang,**

*Project Manager, Plant Licensing Branch IV,  
Division of Operating Reactor Licensing,  
Office of Nuclear Reactor Regulation.*

[FR Doc. E6-14389 Filed 8-29-06; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-30904]

### Notice of Environmental Assessment Related to the Issuance of a License Amendment to Byproduct Material License No. 13-17582-02, for Unrestricted Release of a Facility for the Rose-Hulman Institute of Technology, Terre Haute, IN

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

#### FOR FURTHER INFORMATION CONTACT:

George M. McCann, Senior Health Physicist, Decommissioning Branch, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region III, 2443 Warrenville Road, Lisle, Illinois 60532-4352; Telephone: (630) 829-9856; or by e-mail at [gmm@nrc.gov](mailto:gmm@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to NRC Byproduct Materials License No. 13-17582-02. This license is held by Rose-Hulman Institute of Technology (the Licensee) for a building (the Facility) on its Terre Haute, Indiana campus in which NRC-licensed materials were formerly stored. Issuance of the amendment would authorize release of the Facility for unrestricted use. The Licensee requested this action in a letter dated February 14, 2006, (ADAMS Accession No. ML062230210). The NRC has prepared an Environmental Assessment in support of this proposed action in accordance with the requirements of 10 CFR Part 51. Based on the Environmental Assessment, the NRC has determined that a Finding of No Significant Impact (FONSI) is appropriate for the proposed action. The amendment to Rose-Hulman Institute of Technology's license will be issued following the publication of this Environmental Assessment and Finding of No Significant Impact in the **Federal Register**.

#### I. Environmental Assessment

##### Identification of Proposed Action

The proposed action would approve Rose-Hulman Institute of Technology's request to amend its license and release the Facility for unrestricted use in accordance with 10 CFR Part 20, Subpart E. The Licensee received its initial NRC license on July 19, 1977, pursuant to 10 CFR Part 30, and this license was superseded on February 2,

1989, by NRC License No. 13-17582-02. These licenses authorized the Licensee to use low millicurie quantities of byproduct materials in sealed and unsealed form for training and teaching students in nuclear and radiation physics. The Licensee is currently authorized to possess and use millicurie quantities of byproduct materials in sealed sources.

The Licensee's Facility is a cinder block building of 100-150 square feet located about 60 feet northwest of the north end of Moench Hall (the Institute's main classroom building). The Facility contained a lead storage vault and was used to store plutonium-239/Beryllium neutron sources (which have been transferred to an authorized disposal agent), and an americium-241 sealed source.

Based on the Licensee's historical knowledge of the site and the conditions of the Facility, the Licensee determined that only routine decontamination activities in accordance with its NRC-approved operating radiation safety procedures were required. The Licensee was not required to submit a decommissioning plan to the NRC because cleanup activities and procedures are consistent with those approved for routine operations. The Licensee provided survey results which demonstrated that the Facility was in compliance with 10 CFR 20.1402, "Radiological Criteria for Unrestricted Use." No radiological remediation activities are required to complete the proposed action. The NRC completed a closeout inspection and independent radiological surveys of the Licensee's Facility on July 13, 2006, (NRC Inspection Report No. 030-30904/06-001 (ADAMS Accession No. ML062140020)), which verified the Licensee's survey findings.

#### Need for the Proposed Action

The Licensee has ceased conducting licensed activities at the Facility. The NRC is fulfilling its responsibilities under the Atomic Energy Act to make a decision on the proposed action for decommissioning that ensures that residual radioactivity at the Facility is reduced to a level that is protective of the public health and safety and the environment, and allows the Facility to be released for unrestricted use.

#### Environmental Impacts of the Proposed Action

The NRC staff reviewed the information provided and surveys performed by the Licensee to demonstrate that the release of the Facility is consistent with the radiological criteria for unrestricted use