

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

### Entergy Operations, Inc.; Arkansas Nuclear One, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from title 10 of the Code of Federal Regulations (10 CFR) 50.46 and 10 CFR part 50, Appendix K for Renewed Facility Operating License No. DPR-51, issued to Entergy Operations, Inc. (licensee), for operation of the Arkansas Nuclear One, Unit 1 (ANO-1), located in Pope County, Arkansas. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and a finding of no significant impact.

#### Environmental Assessment

*Identification of the Proposed Action:* The proposed action would provide an exemption from the requirements of: (1) 10 CFR 50.46, "Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors," which requires that the calculated emergency core cooling system (ECCS) performance for reactors with zircaloy or ZIRLO fuel cladding meet certain criteria, and (2) 10 CFR part 50, Appendix K, "ECCS Evaluation Models," which presumes the use of zircaloy or ZIRLO fuel cladding when doing calculations for energy release, cladding oxidation, and hydrogen generation after a postulated loss-of-coolant accident.

The proposed action would allow the licensee to use the M5 advanced alloy in lieu of zircaloy or ZIRLO, the materials assumed to be used in the cited regulations, for fuel rod cladding in fuel assemblies at ANO-1.

The proposed action is in accordance with the licensee's application dated September 30, 2004. *The Need for the Proposed Action:* The Commission's regulations in 10 CFR 50.46 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. Each of these 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 developed the M5 advanced fuel rod cladding 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 ANO-1.

*Environmental Impacts of the Proposed Action:* The NRC staff has completed its safety evaluation of the proposed action and concludes that 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.

The details of the staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulations.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off site. There is no significant increase in the amount of any effluent 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 non-radiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological 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 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 the proposed action and the alternative action are similar.

*Alternative Use of Resources:* The action does not involve the use of any different resources other than those previously considered in the Final Environmental Statement related to the operation of ANO-1, dated February 1973, and the Final Supplemental Environmental Impact Statement regarding ANO-1 (NUREG-1437, Supplement 3), dated April 2001.

*Agencies and Persons Consulted:* In accordance with its stated policy, on May 26, 2005, the staff consulted with the Arkansas State official, Dave Baldwin of the Arkansas Department of Health, 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 September 30, 2004. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), 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 send an e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated in Rockville, Maryland, this 22nd day of June 2005.

For the Nuclear Regulatory Commission.

**Thomas W. Alexion,**

*Project Manager, Section 1, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. E5-3339 Filed 6-27-05; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Application for a License To Export High-Enriched Uranium

Pursuant to 10 CFR 110.70(b)(2) "Public notice of receipt of an

application," please take notice that the Nuclear Regulatory Commission has received the following request for an export license. Copies of the request can be accessed through the Public Electronic Reading Room (PERR) link <http://www.nrc.gov/reading-rm/adams.html> at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

In its review of the application for a license to export special nuclear material as defined in 10 CFR part 110 and noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the material to be exported. The information concerning the application follows.

#### **NRC Export License Application for High-Enriched Uranium**

Name of Applicant  
Date of Application—Date Received  
Application Number  
Docket Number  
Material Type  
End Use  
Country of Destination  
DOE/NNSA—Y12, June 1, 2005  
High-Enriched Uranium

The material would be transferred initially to CERCA, in France, where it would be fabricated into fuel. This fuel would then be transferred to Studiecentrum voor Kernergie (SCK) for ultimate use at BR-2 research reactor located in Mol, Belgium from 2008–2011.  
Belgium  
June 2, 2005  
XSNM03404  
11005562

Dated this 21st day of June 2005 at Rockville, Maryland.

For the Nuclear Regulatory Commission.

**Margaret M. Doane,**

*Deputy Director, Office of International Programs.*

[FR Doc. E5-3342 Filed 6-27-05; 8:45 am]

**BILLING CODE 7590-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

### **Issuer Delisting; Notice of Application of CSX Transportation, Inc. To Withdraw Its Monon Railroad 6 Percent Income Debentures (Due January 1, 2007), From Listing and Registration on the New York Stock Exchange, Inc. File No. 1-03359**

June 21, 2005.

On June 6, 2005, CSX Transportation, Inc., a Virginia corporation ("Issuer"), filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 12d2-2(d) thereunder,<sup>2</sup> to withdraw its Monon Railroad 6% income debentures (due January 1, 2007) ("Security"), from listing and registration on the New York Stock Exchange, Inc. ("NYSE").

The Board of Directors ("Board") of the Issuer approved resolutions on May 17, 2005, to withdraw the Security from listing and registration on the NYSE. The Board stated the following reasons factored into its decision to withdraw the Security from the NYSE. First, there are only a limited number of security holders of the Security. As of April 7, 2005, at least \$2,900,000 of the approximately \$3,100,000 principal amount outstanding was held by 70 registered holders. The Issuer believes there are fewer than 300 holders of record of the Security. Second, the Security trades infrequently on NYSE and the Issuer does not anticipate that such trading might increase appreciably. Based on information provided by NYSE, the Security traded in only 5 of the last 12 months (for the period ending May 31, 2005), representing a total of 288 trades. Third, the Issuer will realize cost and expense savings by withdrawing listing of the Security from NYSE and suspend its reporting requirements with the Commission. The Company is required to file Annual Reports on Form 10-K, Quarterly Reports on Form 10-Q, and Current Reports on Form 8-K with the Commission. In light of the relatively small number of holders and the infrequent trading of the Security, the Issuer wishes to eliminate the costs associated with continued listing and the reporting obligations with respect to the Security, including administrative and personnel costs, auditor fees and legal fees. Under Rule 12h-3(b)(1)(i) of the Act, the Company is permitted to suspend its reporting obligations with

respect to the Security by filing a Form 15 with the Commission. In addition, the Issuer has no other securities outstanding that require it to maintain a listing for its Security on the NYSE or to continue to file reports with the Commission. Fourth, the Issuer is not obligated to list the Security, pursuant to the terms of the indenture under which the Security was issued, or to maintain a listing for the Security on NYSE or on any other exchange. Fifth, delisting of the Security will not have a material impact on the holders of the Security. The Issuer believes that, in light of the limited number of holders and low trading volume, a withdrawal of the Security from listing on NYSE will not have a material impact on the holders of the Security.

The Issuer stated in its application that it has complied with NYSE's rules governing an issuer's voluntary withdrawal of a security from listing and registration by providing NYSE with the required documents governing the removal of securities from listing and registration on NYSE.

The Issuer's application relates solely to the withdrawal of the Securities from listing on the NYSE and from registration under Section 12(b) of the Act,<sup>3</sup> and shall not affect its obligation to be registered under Section 12(g) of the Act.<sup>4</sup>

Any interested person may, on or before July 15, 2005, comment on the facts bearing upon whether the application has been made in accordance with the rules of NYSE, and what terms, if any, should be imposed by the Commission for the protection of investors. All comment letters may be submitted by either of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/delist.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include the File Number 1-03359 or

#### *Paper Comments*

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-9303.

All submissions should refer to File Number 1-03359. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. The

<sup>1</sup> 15 U.S.C. 78l(d).

<sup>2</sup> 17 CFR 240.12d2-2(d).

<sup>3</sup> 15 U.S.C. 78l(b).

<sup>4</sup> 15 U.S.C. 78l(g).