

The proposed action is in accordance with the licensee's application dated April 24, 2007 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML071220267).

The Need for the Proposed Action

The proposed action is needed so that Entergy can use Optimized ZIRLO™, an advanced alloy for fuel rod cladding and other assembly structural components at the ANO-2.

Section 50.46 of 10 CFR and 10 CFR Part 50, Appendix K, make no provisions for use of fuel rods clad in a material other than zircaloy or ZIRLO. Since the chemical composition of the Optimized ZIRLO™ alloy differs from the specifications for zircaloy or ZIRLO, a plant-specific exemption is required to allow the use of the Optimized ZIRLO™ alloy as a cladding material or in other assembly structural components at the ANO-2.

Environmental Impacts of the Proposed Action

The underlying purposes of 10 CFR 50.46 and 10 CFR Part 50, Appendix K, are to ensure that facilities have adequate acceptance criteria for the emergency core cooling system (ECCS), and to ensure that cladding oxidation and hydrogen generation are appropriately limited during a loss-of-coolant accident (LOCA) and conservatively accounted for in the ECCS evaluation model, respectively. Neither 10 CFR 50.46 nor 10 CFR Part 50, Appendix K, explicitly allows the use of Optimized ZIRLO™ as a fuel rod cladding material or for other assembly structural components. Topical Report WCAP-12610-P-A and CENPD-404-P-A, Addendum 1-A, "Optimized ZIRLO™," which was approved by the NRC in July 2006 (ADAMS Accession No. ML062080569), demonstrated that the effectiveness of the ECCS will not be affected by a change from zircaloy to Optimized ZIRLO™. In addition, as a condition for the approval of WCAP-12610-P-A and CENPD-404-P-A, Addendum 1-A, additional data was provided by Westinghouse by letters dated January 4, and November 6, 2007, and February 5, 2008, that demonstrated that the Baker-Just equation (used in the ECCS evaluation model to determine the rate of energy release, cladding oxidation, and hydrogen generation) is conservative in all post-LOCA scenarios with respect to Optimized ZIRLO™ advanced alloy as a fuel rod cladding material or in other assembly structural components. The licensee currently uses and will continue to use NRC-approved methods for the reload design

process for ANO-2 reloads with Optimized ZIRLO™.

If the exemption is issued details of the staff's safety evaluation will be provided in the exemption.

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 than those previously considered in the Final Environmental Statement for the ANO-2 dated June 16, 1977.

Agencies and Persons Consulted

In accordance with its stated policy, on January 27, 2008, the staff consulted with the Arkansas State official, Mr. Bernard Beville of the Department of Radiation Control, 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 April 24, 2007. 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. 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.

Dated at Rockville, Maryland, this 3rd day of March, 2008.

For the Nuclear Regulatory Commission.

Alan B. Wang,

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

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NUCLEAR REGULATORY COMMISSION

[Docket No. 52-021]

Mitsubishi Heavy Industries, Ltd.; Acceptance for Docketing of an Application for Standard Design Certification of the US-APWR

On December 31, 2007, the U.S. Nuclear Regulatory Commission (NRC, the Commission) received a design certification application from Mitsubishi Heavy Industries (MHI), Ltd., dated December 31, 2007, filed pursuant to Section 103 of the Atomic Energy Act and Subpart B, "Standard Design Certification," of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, *al Regulations* (10 CFR) Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants." A notice of receipt and availability of this application was previously published in the **Federal Register** (73 FR 3495) on January 18, 2008.

The NRC staff has determined that MHI has submitted information in accordance with 10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," and 10 CFR Part 52 that is acceptable for docketing. The docket number established for this application is 52-021.

The NRC staff will perform a detailed technical review of the design certification application. Docketing of the design certification application does not preclude the NRC from requesting additional information from the applicant as the review proceeds, nor does it predict whether the Commission will grant or deny the application. A notice relating to the rulemaking pursuant to 10 CFR 52.51 for design certification, including provisions for participation of the public and other parties, will be published in the future.

The US-APWR design is an approximately 1,700 megawatts electric, four loop, advanced pressurized water reactor (APWR). MHI developed the US-APWR based on technologies for a 1,538 megawatts electric APWR planned for use in Japan. The US-APWR is based on the latest technologies to improve plant efficiency, reduce plant building volume, and provide a 24-month fuel cycle. The US-APWR application includes the entire power generation complex, except those elements and features considered site-specific.

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 20852, and will be accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link 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 documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-4209, 301-415-4737, or by e-mail to pdr@nrc.gov. The application is also available at <http://www.nrc.gov/reactors/new-licensing/design-cert.html>.

Dated at Rockville, Maryland, this 29th day of February 2008.

For the Nuclear Regulatory Commission.

Jeffrey A. Ciocco,

Sr. Project Manager, US-APWR Projects Branch, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. E8-4718 Filed 3-7-08; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 110-05711 (Import); 110-05710 (Export)]

Requests for Licenses To Import and Export Radioactive Waste; Extension of Time for Comment and Intervention

On February 11, 2008, the Commission issued notices on a Request for a License to Import Radioactive Waste and a Request for a License to Export Radioactive Waste. 73 FR 7764-7766. The import/export applications were filed by EnergySolutions, Inc. The notices stated that any written comments and requests for hearing or intervention on the import/export applications should be submitted within 30 days after publication of the notices in the **Federal Register**.

In response to a number of requests for an extension of this time period, the Commission is issuing a Notice Extending the Period of Time to Comment and Request a Hearing or Intervention on the import/export applications filed by EnergySolutions, Inc. Written comments and a request for a hearing or petition for leave to intervene may be filed by June 10, 2008. Requests for hearing must be filed in accordance with the procedures set forth in 10 CFR part 110, subpart H.

This Notice is issued pursuant to my authority under 10 CFR 110.88.

Dated at Rockville, Maryland this 4th day of March, 2008.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. E8-4752 Filed 3-7-08; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-286]

Entergy Nuclear Indian Point 3, LLC; Entergy Nuclear Operations, Inc.; Notice of Withdrawal of Application for Amendment to Facility Operating License No. DPR-64, Indian Point Nuclear Generating Unit No. 3

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Entergy Nuclear Operations, Inc. (the licensee), to withdraw its October 24, 2007, application for proposed amendment to Facility Operating License No. DPR-64 for Indian Point Nuclear Generating Unit No. 3, located in Westchester County, New York.

The proposed amendment would have revised the refueling water storage tank low-low level alarm setpoint.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on December 4, 2007 (72 FR 68212). However, by letter dated February 8, 2008, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated October 24, 2007, and the licensee's letter dated February 8, 2008, which withdrew the application for a license amendment. 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. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/reading-rm.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 by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 28th day of February 2008.

For the Nuclear Regulatory Commission.

John P. Boska,

Senior Project Manager, Plant Licensing Branch I-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E8-4689 Filed 3-7-08; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-82]

Wolf Creek Nuclear Operating Corporation; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Wolf Creek Nuclear Operating Corporation (the licensee) to withdraw its application dated February 21, 2006, with supplemental letters dated May 3 and September 27, 2007, and January 25, 2008, for proposed amendment to Facility Operating License No. NPF-42 for the Wolf Creek Generating Station, located in Coffey County, Kansas.