

U.S. Nuclear Regulatory Commission,  
Washington, DC 20555-0001, by  
telephone at 301-415-7233, or by  
Internet electronic mail to  
[INFOCOLLECTS@NRC.GOV](mailto:INFOCOLLECTS@NRC.GOV).

Dated at Rockville, Maryland, this 14th day  
of February 2005.

For the Nuclear Regulatory Commission.

**Brenda Jo. Shelton,**

*NRC Clearance Officer, Office of Information  
Services.*

[FR Doc. 05-3263 Filed 2-18-05; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-423]

### **Dominion Nuclear Connecticut, Inc.; 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 (NRC or the Commission)  
is considering issuance of an  
amendment to Facility Operating  
License No. NPF-49 issued to the  
Millstone Power Station, Unit No. 3 for  
operation in New London County,  
Connecticut.

The proposed amendment would  
revise Technical Specification 3/4.3.2,  
"Engineered Safety Features Actuation  
System Instrumentation," Table 3.3-3,  
extending the allowed outage time for  
the Emergency Generator Load  
Sequencer (EGLS) from 6 hours to 12  
hours. This extension was requested to  
support maintenance on the EGLS  
which would correct a recently  
identified failure of the automatic test  
circuit for the 'A' EGLS.

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.  
Pursuant to 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:

#### Criterion 1:

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

Response: No.

The proposed change increases the allowed  
time to restore the inoperable EGLS to  
operable status from 6 to 12 hours. The  
proposed change does not modify any plant  
equipment and does not impact any failure  
modes that could lead to an accident.  
Additionally, the proposed change has no  
effect on the consequence of any analyzed  
accident since the change does not affect the  
function of any equipment credited for  
accident mitigation. Based on this  
discussion, the proposed amendment does  
not increase the probability or consequences  
of an accident previously evaluated.

#### Criterion 2:

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

Response: No.

The proposed change increases the allowed  
time to restore the inoperable EGLS to  
operable status from 6 to 12 hours. It does not  
modify any plant equipment and there is no  
impact on the capability of existing  
equipment to perform its intended functions.  
No system setpoints are being modified and  
no changes are being made to the method in  
which plant operations are conducted. No  
new failure modes are introduced by the  
proposed changes. The proposed amendment  
does not introduce accident initiators or  
malfunctions that would cause a new or  
different kind of accident. Therefore, the  
proposed amendment does not create the  
possibility of a new or different kind of  
accident from any accident previously  
evaluated.

#### Criterion 3:

Does the proposed amendment involve a  
significant reduction in a margin of safety?

Response: No.

The proposed change increases the allowed  
time to restore the inoperable EGLS to  
operable status from 6 to 12 hours. The  
proposed change does not affect any of the  
assumptions used in the accident analysis,  
nor does it affect any operability  
requirements for equipment important to  
plant safety. Therefore, the proposed change  
will not result in a significant reduction in  
the margin of safety as defined in the Bases  
for Technical Specifications covered in this  
License Amendment Request.

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 the 30-day notice period.  
However, should circumstances change  
during the notice period such that  
failure to act in a timely way would  
result, for example, in derating or  
shutdown of the facility, the  
Commission may issue the license  
amendment before the expiration of the  
30-day notice period, provided that its  
final determination is that the  
amendment involves no significant  
hazards consideration. The final  
determination will consider all public  
and State comments received. Should  
the Commission take this action, it will  
publish in the **Federal Register** a notice  
of issuance and provide for opportunity  
for a hearing 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 6D22, 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, 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 Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically on the Internet at the NRC Web site <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. If there are problems in accessing the document, contact the Public Document Room Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). 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 2.309, 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 factors: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the petitioner's right under the Act to be made party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition must also set forth 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 shall provide a brief explanation of the bases of 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 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 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.

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.

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; or (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; or (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: Rulemaking and Adjudications Staff at (301) 415-1101, verification number is (301) 415-1966. A copy of the request for hearing 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 Lillian M. Cuoco, Senior Nuclear Counsel, Dominion Nuclear Connecticut, Inc., Rope Ferry Road,

Waterford, CT 06285, 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 2.309(c)(1)(i)-(viii).

For further details with respect to this action, see the application for amendment dated February 10, 2005, 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 (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 in Rockville, Maryland, this 14th day of February, 2005.

For the Nuclear Regulatory Commission.

**Victor Nerses,**

*Senior Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

### Request To Amend License To Import Radioactive Waste

Pursuant to 10 CFR 110.70(c) "Public notice of receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following request to amend an import license. Copies of the request are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link <http://www.nrc.gov/NRC/ADAMS/index.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