

White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852–2738, and at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html>, the NRC's Web site while the application is under review. The application may be accessed in ADAMS through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html> under ADAMS Accession Number ML082341038. As stated above, persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS may contact the NRC Public Document Room (PDR) Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail to PDR@nrc.gov.

The NRC staff has verified that a copy of the license renewal application is also available to local residents near KPS, at the Kewaunee Public Library, 822 Juneau St., Kewaunee, WI 54216.

Dated at Rockville, Maryland, this 25th day of September, 2008.

For the Nuclear Regulatory Commission.

Brian E. Holian,

Director, Division of License Renewal, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 40–3392]

Honeywell International, Inc.; Honeywell Metropolis Works; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from 10 CFR 30, Appendix C, for Materials License No. SUB–456, issued to Honeywell International, Inc. (Honeywell or the licensee), for operation of the Honeywell Metropolis Works, located in Metropolis, Illinois. As required by 10 CFR 51.21, the NRC has prepared this environmental assessment and finds that granting the exemption request will have no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would allow Honeywell an extension of a one-year exemption, previously granted by NRC via letter dated May 11, 2007, from a portion of the financial test in 10 CFR 30, Appendix C, which requires that Honeywell's year end tangible net worth be equal to at least ten times its total

decommissioning liabilities. The exemption granted by NRC allowed Honeywell to include goodwill in the determination of tangible net worth and was contained in License Condition (LC) –27 in its Materials License No. SUB–526 renewed on May 11, 2007. The proposed action is in accordance with the licensee's application dated April 11, 2008, as supplemented by letter dated May 15, 2008.

The Need for the Proposed Action

The proposed action would allow Honeywell an extension of a previously approved exemption from the same portion of the financial test in 10 CFR 30, Appendix C, until the earlier occurrence of (1) May 11, 2009, or (2) the effective date of a final rule amending 10 CFR Part 30 consistent with the proposed rule published in the **Federal Register** on January 22, 2008.

Since May 26, 1994, Honeywell has provided a corporate self-guarantee as financial assurance for decommissioning as required by 10 CFR Part 30 Appendix C (as made applicable by 10 CFR Part 40.36(e)(2)). However, in a letter dated November 3, 2006, Honeywell notified NRC that it was unable to meet the tangible net worth part of the financial test as required by 10 CFR Part 30 Appendix C. The regulations require, among other things, that the licensees have tangible net worth of at least 10 times the decommissioning obligation. Honeywell's tangible net worth no longer meets the 10 to 1 ratio test, which means that absent an exemption, it would no longer be eligible to use the self-guarantee. The regulations require that Honeywell provide alternate financial assurance within 120 days after notifying the NRC that it is no longer qualified to use the self-guarantee.

In a letter dated December 1, 2006, Honeywell submitted a request under the provisions of 10 CFR 40.14 for an exemption from 10 CFR 30, Appendix C, that it be allowed to include goodwill in the determination of tangible net worth for the purpose of the ratio test. On May 11, 2007, NRC approved the renewal of Honeywell Materials License No. SUB–456 and documented its review in a Safety Evaluation Report (SER) enclosed with the renewed license. In Section 11.5 of this SER, Honeywell was granted a one-year exemption from the tangible net worth portion of the financial test which is stipulated in 10 CFR Part 30 Appendix C, Section II. This exemption allowed Honeywell to use goodwill in its calculation of net worth. This exemption was granted based on many

factors that were documented in the SER including Honeywell's bond rating of "A" as assigned by Standard & Poor's. The SER outlined that a company with an "A" bond rating had a relatively low probability of default, and that this default rate was almost non-existent during any given one-year time period.

As Honeywell's one-year exemption expired on May 11, 2008, Honeywell seeks to extend this exemption until the earlier of (1) May 11, 2009 (*i.e.*, an additional one year period) or (2) the effective date of a final rule amending 10 CFR Part 30 consistent with the proposed rule published in the **Federal Register** on January 22, 2008.

Environmental Impacts of the Proposed Action

The NRC has completed its safety evaluation of the proposed action and concludes the proposed action to be acceptable. 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 request dated April 11, 2008.

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 additional licensee resources being expended on the alternate financial assurance methods which would increase the likelihood that funds for decommissioning will not be available when needed.

Alternative Use of Resources

The action does not involve the use of any different resources than those

previously considered in the Environmental Assessment for Renewal of NRC License No. SUB-526 for the Honeywell Specialty Materials Metropolis Work Facility, dated June 30, 2006.

Agencies and Persons Consulted

On August 6, 2008, the staff consulted with the Illinois State official, Gerald Steele of the Illinois Environmental Protection Agency, 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.

Further Information

For further details with respect to the proposed action, see the licensee's letter dated April 11, 2008, as supplemented on May 15, 2008. 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 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 at 1-800-397-4209, or 301-415-4737, or send an e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 22nd day of August 2008.

For the Nuclear Regulatory Commission

Michael D. Tschiltz,

Acting Director, Division of Fuel Cycle Safety and Safeguards, Office of Material Safety and Safeguards.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-413; Renewed License No. NPF-35]

In the Matter of Duke Energy Carolinas, LLC; North Carolina Electric Membership Corporation; Saluda River Electric Cooperative, Inc. (Catawba Nuclear Station, Unit 1); Order Approving Direct Transfer of License and Approving Conforming Amendment

I.

Duke Energy Carolinas, LLC (the licensee), the North Carolina Electric Membership Corporation (NCEMC/the licensee), and the Saluda River Electric Cooperative, Inc. (SREC), are the owners of Catawba Nuclear Station, Unit 1 (Catawba 1). With respect to their ownerships, they are coholders of Renewed Facility Operating License No. NPF-35. Catawba 1 is located in York County, South Carolina.

II.

By application dated December 20, 2007, as supplemented by letter dated May 29, 2008, Duke Energy Carolinas, LLC, requested on behalf of itself, NCEMC and SREC, pursuant to Title 10 of the Code of Federal Regulations (10 CFR), Section 50.80 (10 CFR 50.80), that the Nuclear Regulatory Commission (NRC) consent to certain license transfers to permit the direct transfer of the 18.75 percent undivided ownership interest of SREC in Catawba 1, to the Duke Energy Carolinas, LLC, a current owner and operator, and NCEMC, a current owner. According to the application for approval filed by the licensees, following approval, Duke Energy Carolinas, LLC will purchase 71.96 percent of the SREC's interest in Catawba 1 (*i.e.*, 13.49 percent of SREC's undivided ownership interest) and NCEMC will purchase 28.04 percent of SREC's interest in Catawba 1 (*i.e.*, 5.26 percent of SREC's undivided ownership interest). Duke Energy Carolinas, LLC will remain responsible for the operation and maintenance of Catawba 1.

Approval of the direct transfer of the facility operating license was requested by Duke pursuant to 10 CFR 50.80. A notice entitled, "Notice of Consideration of Approval of the Proposed Transfer of the Catawba Nuclear Station, Unit 1, Renewed Facility Operating License No. NPF-35 and Conforming Agreement, and Opportunity for a Hearing Regarding Transfer of the Saluda River Electric Cooperative, Inc.'s Undivided Ownership Interest in Catawba Nuclear

Station, Unit 1, to Duke Energy Carolinas, LLC, a Current Owner and Operator, and North Carolina Electric Membership Corporation, a Current Owner," was published in the **Federal Register** on July 21, 2008 (73 FR 42375). No comments or hearing requests were received.

Under 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the U.S. Nuclear Regulatory Commission (NRC) shall give its consent in writing. Upon review of the information in the licensees' application, and other information before the Commission, the NRC staff has determined that Duke Energy Carolinas, LLC, and NCEMC are qualified to hold the license to the extent proposed to permit the transfer of SREC's 18.75 percent undivided ownership interest in Catawba 1 to Duke Energy Carolinas, LLC, (13.49 percent) and NCEMC (5.26 percent), and that the transfers of the license are otherwise consistent with the applicable provisions of law, regulations, and orders issued by the NRC, pursuant thereto, subject to the conditions set forth below. The NRC staff has further found that the application for the proposed license amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I; the facilities will operate in conformity with the application, the provisions of the Act and the rules and regulations of the Commission; there is reasonable assurance that the activities authorized by the proposed license amendment can be conducted without endangering the health and safety of the public and that such activities will be conducted in compliance with the Commission's regulations; the issuance of the proposed license amendment will not be inimical to the common defense and security or to the health and safety of the public; and the issuance of the proposed amendment will be in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied. The findings set forth above are supported by a safety evaluation dated September 25, 2008.

III

Accordingly, pursuant to Sections 161b, 161i, 161.o, and 184 of the Atomic Energy Act of 1954, as amended (the Act), 42 U.S.C. 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, *it is hereby ordered* that the application regarding