

On July 17, 2003, Mr. Wolfe again tested positive for an illegal substance in response to a random fitness-for-duty test. The test results were confirmed positive on July 21, 2003. On July 25, 2003, Mr. Wolfe's employment with Entergy Operations, Inc., was terminated. On August 21, 2003, Entergy Operations, Inc., requested that Mr. Wolfe's NRC operator's license be terminated. On August 26, 2003, the NRC terminated Mr. Wolfe's senior operator's license.

### III

The NRC holds licensed reactor operators to high performance standards and entrusts them with assuring the public health and safety in the operation of nuclear power plants. Licensed reactor operators are expected to comply with all NRC requirements, including the fitness-for-duty requirements of the NRC (10 CFR part 26) and the facility at which they are employed. Mr. Wolfe's actions have violated the NRC's and the public's trust and demonstrated that he can not be relied upon to comply with fitness-for-duty requirements.

Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the health and safety of the public will be protected if Mr. Wolfe were permitted at this time to hold an NRC operator's license pursuant to 10 CFR part 55. Therefore, the public health, safety and interest require that Mr. Wolfe be prohibited from applying for or holding an NRC operator's license for a period of three years from the date of this Order. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. Wolfe's conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

### IV

Accordingly, pursuant to sections 107, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR part 55, and 10 CFR part 26, *it is hereby ordered, effective immediately, that:* Scott P. Wolfe is prohibited for three years from the date of this Order from applying for or holding an NRC license to operate a nuclear power plant pursuant to 10 CFR part 55.

The Director, OE, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Wolfe of good cause.

### V

In accordance with 10 CFR 2.202, Scott P. Wolfe must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Mr. Wolfe or other person adversely affected relies and the reasons as to why the Order should not have been issued.

Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attn: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, and to Mr. Wolfe if the answer or hearing request is by a person other than Mr. Wolfe. Because of continuing disruptions in delivery of mail to United States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101 or by e-mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov) and also to the Office of the General Counsel either by means of facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Mr. Wolfe, or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Mr. Wolfe may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

Dated this 10th day of December, 2003.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Deputy Executive Director for Reactor Programs.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-423]

### **Dominion Nuclear Connecticut, Inc.; Millstone Power Station, Unit No. 3 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) § 54.17(c) for Facility Operating License No. NPF-49, issued to Dominion Nuclear Connecticut, Inc. (DNC), for operation of Millstone Power Station, Unit No. 3 (MP3), located in Waterford, Connecticut. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

### **Environmental Assessment**

#### *Identification of the Proposed Action*

The proposed action would grant a scheduler exemption from the provision of 10 CFR 54.17(c), which stipulates that a licensee may not apply for a renewed operating license earlier than 20 years before the current license expires. The exemption would allow DNC to submit a renewal application for MP3 earlier

than 20 years before expiration of its operating license.

#### *The Need for the Proposed Action*

The proposed action would allow DNC to submit one application for renewal of the operating licenses of both nuclear units located at the site, with the goal of attaining efficiencies for preparation and review of the application.

#### *Environmental Impacts of the Proposed Action*

The NRC has completed its evaluation of the proposed action and concludes that the issuance of the proposed exemption will not have a significant environmental impact. The proposed schedular exemption pertains solely to the future submission of an application to renew the MP3 operating license. It causes no changes to the current design or operation of MP3, and imparts no prejudice in the future review of the application for license renewal.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types or amounts of radiological effluents that may be released off site, and 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 nonradiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological 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 resource than those previously considered in the Final Environmental Statement for MP3, dated December 1984.

#### *Agencies and Persons Consulted*

On November 5, 2003, the NRC staff consulted with the Connecticut official, Mr. Michael Firsick of the Connecticut Department of Environmental Protection, 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 December 13, 2002, as supplemented on April 28, 2003, and September 3, 2003. 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 by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 22nd day of December, 2003.

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 WASTE TECHNICAL REVIEW BOARD**

### **Panel Meetings**

January 20 and 21, 2004—Las Vegas, Nevada: The U.S. Nuclear Waste Technical Review Board's panel on the Engineered Barrier System and Panel on the Waste Management System will meet to discuss issues related to the proposed repository at Yucca Mountain in Nevada, including design of the engineered system and information needed to plan for a system to transport

high-level radioactive waste spent nuclear fuel to the proposed repository.

Pursuant to its authority under section 5051 of Public Law 100-203, Nuclear Waste Policy Amendments Act of 1987, members of the U.S. Nuclear Waste Technical Review Board's Panel on the Engineered Barrier system and Panel on the Waste Management System will meet in Las Vegas, Nevada, on Tuesday, January 20, and Wednesday, January 21, 2004, respectively. The panels will discuss issues related to the proposed repository at Yucca Mountain in Nevada, including design of the engineered system and information needed as the Department of Energy (DOE) plans a system for transporting high-level radioactive waste and spend nuclear fuel to the proposed repository. The meetings will be open to the public, and opportunities for public comment will be provided. The Board is charged by Congress with reviewing the technical and scientific validity of activities undertaken by the DOE as stipulated in the Nuclear Waste Policy Amendments Act.

The panel meetings will be held at the Crowne Plaza Hotel, 4255 South Paradise Road, Las Vegas, NV 89109; (tel.) 702-369-4400; (fax) 702-369-3770. The Panel on the Engineered Barrier System is scheduled to meet from 8:30 a.m. to 5 p.m. on Tuesday, January 20. The Panel on the Waste Management System is scheduled to meet from 8 a.m. to 6 p.m. on Wednesday, January 21. Meeting times will be confirmed when agendas are issued, approximately one week before the meeting dates.

At the Engineered Barrier System Panel meeting on Tuesday, the DOE will begin with a project update, followed by presentations on preclosure safety analysis and surface and subsurface facility design. In the afternoon, the DOE will present information on the design of the waste package, the drip shield, and the invert. Representatives of Nye County, Nevada, will then present an update on county oversight activities related to the engineered system. The final presentation of the day will be an update on the Office of Civilian Radioactive Waste Management's science and technology program.

On Wednesday, the Waste Management System Panel will consider the information the DOE will need as it plans its transportation system. Invited participants include representatives of the DOE and state and local governments; utilities; truck, rail, and barge operators; and those involved in other transportation campaigns, including WIPP and naval spent fuel.