

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 72-9]

**U.S. Department of Energy; Fort St. Vrain Independent Spent Fuel Storage Installation; Exemption****I**

Pursuant to 10 CFR 72.50, the U.S. Department of Energy (DOE) has applied for the transfer of Materials License SNM-2504 which authorizes receipt and storage of spent nuclear fuel at an independent spent fuel storage installation (ISFSI) located at the site of the former Fort St. Vrain (FSV) nuclear generating station. The facility is located in Weld County, Colorado.

**II**

Pursuant to 10 CFR 20.2301, the Nuclear Regulatory Commission (NRC) may grant exemptions from the requirements of the regulations in 10 CFR Part 20 as it determines are authorized by law and will not result in undue hazard to life or property.

Section 20.1501(c) states in part that "All personnel dosimeters (except for direct and indirect reading pocket dosimeters used to measure the dose to the extremities) that require processing to determine the radiation dose....must be processed and evaluated by a dosimetry processor...(1) holding current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and (2) approved in this accreditation process for the type of radiation or radiations included in the NVLAP that most closely approximates the type of radiation or radiations for which the individual wearing the dosimetry is monitored."

**III**

By letter dated December 17, 1996, DOE submitted a request to transfer Materials License SNM-2504 for the FSV ISFSI from Public Service Company of Colorado, the current licensee, to DOE. DOE's request is currently under NRC staff review. The completion of this review and transfer of the license is anticipated in early 1999. As part of its license transfer application, DOE described how it planned to demonstrate compliance with applicable NRC regulations, including regulations in 10 CFR Part 20. In a December 10, 1997, supplement to its application, DOE requested an exemption, pursuant to 10 CFR 20.2301, from the requirements of 10 CFR

20.1501(c) described above. In its request for exemption, DOE requested that use of a DOE laboratory accreditation program (DOELAP) be authorized as an alternative to the requirement to use the NVLAP.

The NRC staff has examined both the NVLAP and DOELAP processes and standards. The two laboratory accreditation programs are based on similar criteria and standards. Both programs have incorporated similar test categories (types of radiation and energy levels), tolerance levels, bias, and performance criteria. The staff concluded that the DOELAP process is at least as stringent as the NVLAP process and concludes that, for the FSV ISFSI, the DOELAP is an acceptable alternative to the NVLAP process required by 10 CFR 20.1501(c).

**IV**

Accordingly, NRC has determined, in accordance with 10 CFR 20.2301, that this exemption is authorized by law and will not result in undue hazard to life or property. Therefore, NRC hereby grants DOE an exemption from the dosimetry processing accreditation requirements of 10 CFR 20.1501(c) as requested by DOE in its letters dated December 10, 1997, and December 9, 1998. The exemption granted herein applies only to the FSV ISFSI.

The documents related to this proposed action are available for public inspection and for copying at the NRC Public Document Room, 2120 L Street, NW, Washington, DC 20555. Pursuant to 10 CFR 51.32, NRC has determined that granting this exemption will have no significant impact on the quality of the human environment (64 FR 10330).

This exemption is effective upon transfer of Materials License SNM-2504 to the DOE.

Dated at Rockville, Maryland, this 12th day of March 1999.

For the Nuclear Regulatory Commission.

**E. William Brach,**

*Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.*

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**NUCLEAR REGULATORY COMMISSION**

[Docket 72-13]

**Entergy Operations, Inc., Arkansas Nuclear One Power Plant; Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Proposed Exemption From Certain Requirements of 10 CFR Part 72**

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the provisions of 10 CFR 72.212(a)(2) and 72.214 to Entergy Operations, Inc. (Entergy). The requested exemption would allow Entergy to store burnable poison rod assemblies (BPRAs) in Ventilated Storage Cask-24 (VSC-24) systems at the Arkansas Nuclear One (ANO) Independent Spent Fuel Storage Installation (ISFSI).

**Environmental Assessment (EA)**

*Identification of Proposed Action:* By letter dated January 18, 1999, Entergy requested an exemption from the requirements of 10 CFR 72.214 to store BPRAs in VSC-24s at the ANO ISFSI. ANO is a general licensee, authorized by NRC to use spent fuel storage casks approved under 10 CFR Part 72, Subpart K. Furthermore, ANO is using the VSC-24 design approved by NRC under COC No. 1007 to store spent fuel at the ISFSI.

For the NRC to permit ANO to store BPRAs in the VSC-24s, the NRC, on its own initiative, must also grant ANO an exemption from the general license conditions of 10 CFR 72.212(a)(2). Section 72.212(a)(2) states that the general license for storage of spent fuel at power reactor sites is limited to storage of spent fuel in casks approved under the provisions in 10 CFR Part 72. By exempting ANO from both 10 CFR 72.214 and 72.212(a)(2), ANO will be authorized to use its general license to store spent fuel in casks approved under Part 72, as exempted, to allow storage of BPRAs. The proposed action before the Commission is whether to grant these exemptions under 10 CFR 72.7.

The ISFSI is located 6 miles west-northwest of Russellville, Arkansas, on the ANO Power Plant site. The ANO ISFSI is an existing facility constructed for interim dry storage of spent ANO nuclear fuel.

On December 30, 1998, the cask designer, Sierra Nuclear Corporation (SNC) (also known as Pacific Sierra Nuclear Associates), submitted a COC amendment request to NRC to address the storage of Babcock and Wilcox (B&W) 15x15 fuel with BPRAs. The NRC

staff has reviewed the application and determined that storing B&W 15x15 fuel with BPRAs in the VSC-24 would have minimal impact on the design basis and would not be inimical to public health and safety.

*Need for the Proposed Action:* ANO has lost full core offload reserves in the Unit 1 spent fuel pool. ANO Unit 1 is scheduled for a refueling outage in September 1999. Because the 10 CFR Part 72 rulemaking to amend the COC will not be completed prior to the date that ANO needs to begin loading the VSC-24s with fuel containing BPRAs, the staff requested Commission approval to grant this exemption based on the staff's technical review of information submitted by ANO and SNC.

*Environmental Impacts of the Proposed Action:* The potential environmental impact of using the VSC-24 system was initially presented in the EA for the Final Rule to add the VSC-24 to the list of approved spent fuel storage casks in 10 CFR 72.214 (58 FR 17948 (1993)). Furthermore, each general licensee must assess the environmental impacts of the specific ISFSI in accordance with the requirements of 10 CFR 72.212(b)(2)(iii). This section requires the general licensee to perform written evaluations to demonstrate compliance with the environmental requirements of 10 CFR 72.104, "Criteria for radioactive materials in effluents and direct radiation from an ISFSI or MRS [Monitored Retrievable Storage Installation]."

VSC-24s are designed to mitigate the effects of design basis accidents that could occur during storage. Design basis accidents account for human-induced events and the most severe natural phenomena reported for the site and surrounding area. Postulated accidents analyzed for an ISFSI include tornado winds and tornado generated missiles, design basis earthquake, design basis flood, accidental cask drop, lightning effects, fire, explosions, and other incidents.

Special cask design features include a double-closure welded steel multi-assembly sealed basket (MSB) made from SA-516 Gr 70 pressure vessel steel to contain the spent fuel. This MSB is up to 181-inches long, 62.5 inches in diameter, with 1.0-inch thick walls. The MSB is placed inside of a Ventilated Concrete Cask (VCC) and positioned for storage on the concrete ISFSI pad. The VCC is up to 213-inches long, 132 inches in diameter, and 31.75-inches thick. The VCC wall consists of a 1.75-inch thick steel inner liner surrounded

by reinforced concrete and steel ducts for a passive ventilation system.

Considering the specific design requirements for each accident condition, the design of the cask would prevent loss of containment, shielding, and criticality control. Without the loss of either containment, shielding, or criticality control, the risk to public health and safety is not compromised.

Storage of B&W 15x15 fuel containing BPRAs would increase the maximum potential cask dose rates by no more than 13 percent at any location on a loaded VSC-24 system. For a VSC-24 loaded with fuel containing BPRAs, the highest dose would be found at the top center of the cask. This dose was calculated to increase from 30 mrem/hr without BPRAs to 32.2 mrem/hr with BPRAs. The occupational exposure is not significantly increased and off-site dose rates remain well within the 10 CFR Part 20 limits. Therefore, the proposed action now under consideration would not change the potential environmental effects assessed in the initial rulemaking (58 FR 17948).

Therefore, the staff has determined that there is no reduction in the safety margin nor significant environmental impacts as a result of storing B&W 15x15 fuel with BPRAs in the VSC-24 system.

*Alternative to the Proposed Action:* The staff evaluated other alternatives involving removal of the BPRAs from the fuel assemblies and found that these alternatives produced a greater occupational exposure and an increased environmental impact as a result of handling the BPRAs separately as low-level waste. The alternative to the proposed action would be to deny approval of the exemption and, therefore, require ANO to disassemble and store the BPRAs as low-level waste in separate containers.

*Agencies and Persons Consulted:* On February 17, 1999, Bernard Bevill from the Division of Radiation Control and Emergency Management, Arkansas Department of Health, was contacted about the EA for the proposed action and had no concerns.

#### **Finding of No Significant Impact**

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR Part 51. Based upon the foregoing EA, the Commission finds that the proposed action of granting an exemption from 10 CFR 72.212(a)(2) and 72.214 so that ANO may store B&W 15x15 fuel containing BPRAs in VSC-24s will not significantly impact the quality of the human environment. Accordingly, the Commission has

determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this exemption request, see the Entergy exemption request dated January 18, 1999, which is docketed under 10 CFR Part 72, Docket No 72-13. The exemption request is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, DC, 20555 and the Local Public Document Room located at Tomlinson Library, Arkansas Tech University, Russellville, AR, 72801.

Dated at Rockville, Maryland, this 12th day of March 1999.

For the Nuclear Regulatory Commission.

#### **E. William Brach,**

*Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.*

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## **NUCLEAR REGULATORY COMMISSION**

[NUREG-1701]

### **Standard Review Plan for the Review of License Applications for the Advanced Vapor Laser Isotope System (AVLIS) Facility; Notice of Availability**

**AGENCY:** Nuclear Regulatory Commission

**ACTION:** Notice of availability.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) has issued draft NUREG-1701 entitled "Standard Review Plan for the Review of a License Application for the Advanced Vapor Laser Isotope System (AVLIS) Facility" for review and comment.

**DATES:** Submit comments by June 17, 1999. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** Mail written comments to: Chief, Rules and Directives Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Hand deliver comments to 11545 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. during Federal workdays.

Draft NUREG-1701 is available for inspection and copying for a fee at the NRC Public Document Room (PDR), 2120 L Street, NW, Washington, DC 20555-0001.

A free single copy of draft NUREG-1701, to the extent of supply, may be requested by writing to U. S. Nuclear Regulatory Commission, Distribution