

special circumstances are present since application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The foregoing exemption only modifies the methodology to be used by the licensee for demonstrating compliance with the requirements of Appendix G to 10 CFR Part 50, and does not exempt the licensee from meeting any other requirement of Appendix G to 10 CFR Part 50.

The underlying purpose of 10 CFR 50.61 is to establish requirements which ensure that a licensee's RPV will be protected from failure during a PTS event by evaluating the fracture toughness of RPV materials.

The licensee seeks an exemption to 10 CFR 50.61 requirement to use a methodology for the "determination of adjusted/indexing reference temperatures." The licensee proposes to use ASME Code Case N-629 and the methodology outlined in its submittal, which are based on the use of fracture toughness data, as an alternative to the Charpy V-notch and drop weight-based methodology required by 10 CFR 50.61 for establishing the PTS RT_{PTS}. The NRC staff has concluded that the exemption is justified based on the licensee utilizing the methodology specified in Appendix A of the NRC staff SE, dated May 1, 2001. The use of the methodology specified in Appendix A of the NRC staff SE will ensure the PTS evaluation developed for the KNPP RPV will continue to be based on an adequately conservative estimate of RPV material properties and ensure the RPV will be protected from failure during a PTS event. Also, when additional fracture toughness data relevant to the evaluation of the KNPP RPV circumferential weld is acquired as part of the KNPP surveillance program, this data must be incorporated into the evaluation of the KNPP RPV using the methodology of Appendix A of the NRC staff SE. With these conditions, which were as agreed to by licensee letter, dated March 12, 2001, the licensee's requested exemption from the use of the Charpy V-notch and drop weight-based methodology required by 10 CFR 50.61 may be granted in accordance with 10 CFR 50.12(ii) in that special circumstances are present since application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The foregoing exemption only modifies the methodology to be used by the licensee for demonstrating compliance with the requirements of 10 CFR 50.61, and does

not exempt the licensee from meeting any other requirement of 10 CFR 50.61.

Appendix H to 10 CFR Part 50 requires that, "[f]or each capsule withdrawal, the test procedures and reporting requirements must meet the requirements of ASTM E 185-82 [the 1982 edition] to the extent practicable for the configuration of the specimens in the capsule." ASTM Standard Practice E 185-82 requires Charpy V-notch impact testing, but does not address the testing of surveillance specimens for direct measurement of fracture toughness, either as a requirement or as an optional action. The exemption would permit the licensee to utilize alternative surveillance program testing requirements and permit the acquisition of fracture toughness data for the surveillance weld as the basis for the KNPP RPV surveillance program.

The underlying purpose of Appendix H to 10 CFR Part 50 is to acquire data to, "* * * monitor changes in the fracture toughness properties of ferritic materials in the reactor vessel beltline region of light water nuclear power reactors which result from exposure of these materials to neutron irradiation and the thermal environment." As discussed in the NRC staff SE, dated May 1, 2001, the licensee's alternate surveillance program requirements and the acquisition of data will adequately monitor the change in RPV fracture toughness and provide input to the approved fracture toughness-based methodology for RPV integrity. Therefore, the NRC staff concludes that this exemption may be granted because the special circumstances required by 10 CFR 50.12(a)(ii) are present in that application of the regulation [i.e., the Charpy V-Notch-based testing practices specified by Appendix H to 10 CFR Part 50] in the particular circumstances is not necessary to achieve the underlying purpose of the rule.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemptions are authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Therefore, the Commission hereby grants Nuclear Management Company, LLC, exemptions from portions of the requirements of Appendix G to 10 CFR Part 50; 10 CFR 50.61; and, Appendix H to 10 CFR Part 50, to allow an alternative methodology that is based on using of fracture toughness test data for evaluating the integrity of the KNPP RPV circumferential beltline weld with the following conditions:

(1) The licensee must utilize the methodology specified in Appendix A of the NRC staff SE, dated May 1, 2001;

(2) When additional fracture toughness data relevant to the evaluation of the KNPP RPV circumferential weld is acquired as part of the KNPP surveillance program, this data must be incorporated into the evaluation of the KNPP RPV using the methodology of Appendix A of the NRC staff SE; and

(3) The licensee must obtain the following regarding the next surveillance capsule: (a) a valid measurement of the fracture toughness-based T₀ parameter for the KNPP RPV surveillance weld, (b) an estimate of the Charpy V-notch 30 ft-lb transition temperature shift for the surveillance weld, and (c) an estimate of the upper shelf energy drop for the surveillance weld.

Pursuant to 10 CFR 51.32, an environmental assessment and finding of no significant impact has been prepared and published in the **Federal Register** (66 FR 21787). Accordingly, based upon the environmental assessment, the Commission has determined that the granting of this exemption will not result in any significant effect on the quality of the human environment.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 1st day of May 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01-11388 Filed 5-4-01; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Docket No. 72-5

Nuclear Management Corporation; Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the provisions of 10 CFR 72.48 to Nuclear Management Corporation (NMC). The requested exemption would allow NMC to implement the amended 10 CFR 72.48 requirements on September 7, 2001, for the Independent Spent Fuel Storage Installation (ISFSI) at the Point Beach Nuclear Plant (PBNP) in Manitowoc County, Wisconsin.

Environmental Assessment (EA)

Identification of Proposed Action: By letter dated March 20, 2001, as supplemented April 6, 2001, NMC requested a scheduler exemption from the implementation date of April 5, 2001, for the revised 10 CFR 72.48. NMC plans to implement its revised 10 CFR 50.59 and 10 CFR 72.48 programs simultaneously. The planned date for implementing the revised 10 CFR 50.59 requirements is September 7, 2001.

Need for Proposed Action: The applicant wants the implementation date of 10 CFR 50.59 and 10 CFR 72.48 to coincide. The applicant stated in the March 20, 2001, submittal that administering separate programs to satisfy the current 10 CFR 72.48 schedule could become burdensome and create confusion.

Environmental Impacts of the Proposed Action: There are no significant environmental impacts associated with the proposed action. The new revision of 10 CFR 72.48 is considered less restrictive than the current requirements, with the exception of the additional reporting requirements. Continued implementation of the existing 10 CFR 72.48 until September 7, 2001, is acceptable to the NRC as stated in Regulatory Issues Summary 2001-03 which states that it is the NRC's view that both the old rule and the new rule provide an acceptable level of safety. Extending the current requirements until September 7, 2001, has no significant impact on the environment.

Alternative to the Proposed Action: Since there are no environmental impacts associated with the proposed action, alternatives are not evaluated other than the no-action alternative. The alternative to the proposed action would be to deny approval of the scheduler exemption and, therefore, not allow NMC to implement the revised 10 CFR 72.48 requirements on the desired date, September 7, 2001. However, the environmental impacts of the proposed action and the alternative would be the same.

Agencies and Persons Consulted: On April 10, 2001, Wisconsin state official, Mr. Jeff Kitsemel, Nuclear Engineer, Public Service Commission of Wisconsin, was contacted regarding the environmental assessment for the proposed action and had no comment.

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 72.48, so that NMC may implement the amended requirements on September 7, 2001, will not significantly impact the quality of human environment. Accordingly, the Commission has determined that an environmental impact statement for the proposed action is not necessary.

The request for exemption was docketed under 10 CFR Part 72, Docket 72-5. For further details with respect to this action, see the exemption request dated March 20, 2001, as supplemented April 6, 2001, which is available for public inspection at the Commission's Public Document Room, One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland 20852, or from the publicly available records component of NRC's agencywide documents access and management system (ADAMS).

ADAMS is accessible from the NRC web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Dated at Rockville, Maryland, this 25th day of April 2001.

For the Nuclear Regulatory Commission.

E. William Brach,

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

[FR Doc. 01-11386 Filed 5-4-01; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION**Sunshine Act Meeting**

DATES: Weeks of May 7, 14, 21, 28, June 4, 11, 2001.

PLACE: Commission's Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of May 7, 2001

Thursday, May 10, 2001

10:25 a.m.
Affirmation Session (Public Meeting) (Tentative)

a: Northeast Nuclear Energy Company (Millstone Nuclear Power Station, Unit No. 3; Facility Operating License NPF-49) Partial Review of LBP-00-26 (10/26/00), as directed by CLI-01-03 (1/17/01) Regarding Interpretation of GDC 62, Prevention of Criticality in Fuel Storage & Handling

10:30 a.m.
Briefing on Office of Nuclear Regulatory Research (RES) Programs and Performance (Public

Meeting) (Contact: James Johnson, 301-415-6802)

Friday, May 11, 2001

10:30 a.m.

Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Contact: John Larkins, 301-415-7360)

Week of May 14, 2001—Tentative

There are no meetings scheduled for the Week of May 14, 2001.

Week of May 21, 2001—Tentative

There are no meetings scheduled for the Week of May 21, 2001.

Week of May 28, 2001—Tentative

Wednesday, May 30, 2001

10:25 a.m.

Affirmation Session (Public Meeting) (If needed)

Week of June 4, 2001—Tentative

Tuesday, June 5, 2001

9:25 a.m.

Affirmation Session (Public Meeting) (If needed)

2 p.m.

Discussion of Management Issues (Closed-Ex. 2)

Wednesday, June 6, 2001

10:30 a.m.

All Employees Meeting (Public Meeting)

1:30 p.m.

All Employees Meeting (Public Meeting)

Week of June 11, 2001—Tentative

Thursday, June 14, 2001

9:25 a.m.

Affirmation Session (Public Meeting) (If needed)

9:30 a.m.

Meeting with Nuclear Waste Technical Review Board (Public Meeting)

1:30 p.m.

Briefing on License Renewal Program (Public Meeting) (Contact: David Solorio, 301-415-1973)

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292. Contact person for more information: David Louis Gamberoni (301) 415-1651.

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/SECY/smj/schedule.htm>

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