

issuing this environmental assessment and finding of no significant impact.

### Environmental Assessment

#### *Identification of the Proposed Action*

The proposed action would allow CP&L to use American Society of Mechanical Engineers (ASME) Code Case N-640 as the basis for establishing the fracture toughness values used in pressure-temperature (P-T) limit calculations. Code Case N-640 permits application of the lower bound static initiation fracture toughness value equation ( $K_{Ic}$  equation) as the basis for establishing the P-T curves in lieu of using the lower bound crack arrest fracture toughness value equation (i.e., the  $K_{Ia}$  equation, the method invoked by Appendix G to Section XI of the ASME Code) as the basis for the curves.

The proposed action is in accordance with the licensee's application dated May 1, 2001, as supplemented by letter dated August 20, 2001.

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

10 CFR 50.60 requires that all light-water nuclear power reactors must meet the fracture toughness requirements of Appendix G of 10 CFR 50. 10 CFR Part 50, Appendix G requires P-T limit curves to be at least as conservative as limits obtained by following the methods of analysis and the margins of safety of Appendix G of Section XI of the ASME Code. Requests for exemptions to the requirements of 10 CFR Part 50, Appendices G and H, may be submitted pursuant to 10 CFR 50.60(b), which allows licensees to use alternatives to the respective fracture toughness and reactor vessel material surveillance program requirements of the appendices, if an exemption to use the alternatives is granted by the Commission pursuant to 10 CFR 50.12. According to 10 CFR 50.12(a)(1), the Commission may grant exemptions to the requirements of 10 CFR Part 50 if the exemptions are authorized by law, and will not present an undue risk to the public health and safety, and are consistent with the common defense and security.

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

The NRC has completed its evaluation of the proposed action and concludes that the proposed action involves an administrative activity (a recalculation of a required table in technical specifications.)

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, 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 the Brunswick Steam Electric Plant, dated January 1974.

#### *Agencies and Persons Consulted*

On August 27, 2001, the staff consulted with Mr. Johnny James of the North Carolina Department of Environment and Natural Resources, 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 May 1, 2001, as supplemented by letter dated August 20, 2001. 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 ADAMS Public Library component on the NRC Web site, <http://www.nrc.gov> (the Public Electronic Reading Room). If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1-800-397-4209, or 301-415-4737, or by e-mail at [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 27th day of September 2001.

For the Nuclear Regulatory Commission.

**Richard P. Correia,**

*Chief, Section 2, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 01-24705 Filed 10-2-01; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### [Docket 72-12]

### **Entergy Nuclear Operations, Inc. James A. Fitzpatrick Nuclear Power Plant; Independent Spent Fuel Storage Installation Issuance of Environmental Assessment; and Finding of No Significant Impact**

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), 72.212(b)(2)(i)(A), 72.212(b)(7) and 72.214 to Entergy Nuclear Operations, Inc. (Entergy). The requested exemption would allow Entergy to deviate from the condition in Certificate of Compliance 1014, Appendix A, Surveillance Requirement 3.2.3.1 and Figure 3.2.3-1, for the HI-STORM 100 Cask System, listed in 10 CFR 72.214, at the James A. FitzPatrick Independent Spent Fuel Storage Installation (ISFSI). This exemption would allow alternative surveillance requirements to be used rather than those specified in the HI-STORM 100 Cask System Certificate of Compliance.

### **Environmental Assessment**

#### *Identification of Proposed Action*

By letter dated August 24, 2001, Entergy requested an exemption from the requirements of 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A), and 72.214 to deviate from the requirements of Certificate of Compliance 1014, Appendix A, Surveillance Requirement 3.2.3.1 and Figure 3.2.3-1, for the HI-STORM 100 Cask System, authorized by NRC to use spent fuel storage casks approved under 10 CFR Part 72, Subpart K. The staff is

also considering an exemption to 10 CFR 72.212(b)(7).

Entergy plans to use the HI-STORM 100 Cask System to store spent nuclear fuel, generated at the James A. FitzPatrick Nuclear Power Plant, at an ISFSI located in Oswego, New York, on the James A. FitzPatrick Nuclear Power Plant site. The FitzPatrick ISFSI has been constructed for interim dry storage of spent nuclear fuel.

By exempting Entergy from 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A), 72.212(b)(7) and 72.214, Entergy will be authorized to perform the following surface dose measurements on the loaded HI-STORM 100 Cask Systems:

A minimum of 12 dose rate measurements shall be taken on the side of the OVERPACK in three sets of four measurements. One measurement set shall be taken approximately at the cask mid-height plane, 90 degrees apart around the circumference of the cask. The second and third measurement sets shall be taken approximately 60 inches above and below the mid-height plane, respectively, also 90 degrees apart around the circumference of the cask. The average of the 12 dose rate measurements shall be compared to the limit specified in LCO 3.2.3.a.

A minimum of five (5) dose rate measurements shall be taken of the top of the OVERPACK. One dose rate measurement shall be taken at approximately the center of the lid and four measurements shall be taken at locations on the top concrete shield, approximately half way between the center and the edge of the top shield, 90 degrees apart around the circumference of the lid. The average of the five (5) dose rate measurements shall be compared to the limit specified in LCO 3.2.3.b.

A dose rate measurement shall be taken adjacent to each inlet and outlet vent duct. The average of the eight (8) inlet and outlet duct dose rates shall be compared to the limit specified in LCO 3.2.3.c.

The surface dose measurement locations specified above would be in lieu of those specified in Certificate of Compliance 1014, Appendix A, Surveillance Requirement 3.2.3.1 and Figure 3.2.3-1, for the HI-STORM 100 Cask System, authorized by NRC to use spent fuel storage casks approved under 10 CFR Part 72, Subpart K. This figure shows the required surface dose rate measurement locations on a Holtec HI-STORM 100 cask. To replace the figure, the applicant added verbiage to SR 3.2.3.1, to direct users to the proper locations for taking dose rate measurements necessary to demonstrate compliance with Limiting Condition for

Operation (LCO) 3.2.3. The new verbiage added to SR 3.2.3.1, along with the deletion of Figure 3.2.3-1, results in the same performance of average surface dose rate measurement determinations as is currently approved. The proposed action before the Commission is whether to grant this exemption under 10 CFR 72.7.

The NRC staff has reviewed the Entergy application, evaluated the public health and safety and environmental impacts of the proposed exemption and determined that revised surface dose measurement surveillance is acceptable because the revised surveillance results in the same performance of average surface dose rate measurement determinations as is currently approved. NRC staff has determined that the revised surface dose measurement surveillance is acceptable and granting the exemption would not result in any significant impacts. Additionally, the NRC staff has found that use of the revised surveillance would have minimal impact on the design basis and would not be inimical to public health and safety.

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

The James A. FitzPatrick Nuclear Power Plant will lose full core off-load capability in the James A. FitzPatrick spent fuel pool after the upcoming refueling outage in the fall of 2002. In order to ensure that full core off-load capability in the James A. FitzPatrick spent fuel pool is maintained after the refueling outage, Entergy must load three 68 assembly multi-purpose canisters. Unless the exemption is granted or the Certificate is amended, Entergy will not be in full conformance with the Certificate and not be able to load the multi-purpose canisters. On July 3, 2001, the cask designer, Holtec International (Holtec) submitted to the NRC an application to amend Certificate of Compliance 1014 (HI-STORM Amendment 1). The application includes a request to revise the surveillance requirements. Because NRC review and the 10 CFR Part 72 rulemaking to amend the Certificate will not be completed prior to the date that Entergy plans to begin loading HI-STORM 100 Cask Systems, the NRC is granting this exemption based on the staff's technical review of information submitted by Entergy.

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

The potential environmental impact of using the HI-STORM 100 Cask System was initially presented in the Environmental Assessment (EA) for the Final Rule to add the HI-STORM 100

Cask System to the list of approved spent fuel storage casks in 10 CFR 72.214 (65 FR 25241, dated May 1, 2000). The revised surveillance does not increase the probability or consequence of accidents. No changes have been requested to the types or quantities of any radiological effluents that may be released offsite, and there is not significant increase in occupational or public radiation exposure. There are no significant radiological environmental impacts associated with the proposed action. The HI-STORM 100 Cask System is 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. Considering the specific cask and site 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. Therefore, the staff has determined that there is no reduction in the safety margin nor significant environmental impacts as a result of revising the surface dose surveillance.

#### *Alternative to the Proposed Action*

Since there is no significant environmental impact associated with the proposed action, alternatives with equal or greater environmental impact are not evaluated. The alternative to the proposed action would be to deny approval of the exemption. Denial of the exemption request will have the same environmental impact.

#### *Agencies and Persons Consulted*

On September 4, 2001, Mr. J. Spath of the New York State Energy Research and Development Authority, was contacted about the Environmental Assessment for the proposed action and had no comments.

#### **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), 72.212(b)(2)(i)(A), 72.212(b)(7) and 72.214 so that Entergy may utilize

modified surveillance requirements for the HI-STORM 100 Cask Systems at the FitzPatrick ISFSI 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.

The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/NRC/ADAMS/index.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 17th day of September 2001.

For the Nuclear Regulatory Commission.

**E. William Brach,**

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

[FR Doc. 01-24706 Filed 10-2-01; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Nuclear Waste; Procedures for Meetings

#### Background

This notice describes procedures to be followed with respect to meetings conducted pursuant to the Federal Advisory Committee Act by the Nuclear Regulatory Commission's (NRC's) Advisory Committee on Nuclear Waste (ACNW). These procedures are set forth so that they may be incorporated by reference in future notices for individual meetings.

The ACNW advises the Nuclear Regulatory Commission on nuclear waste disposal issues. This includes facilities covered under 10 CFR parts 60, 61, and 63 and other applicable regulations and legislative mandates, such as the Nuclear Waste Policy Act, the Low-Level Radioactive Waste Policy Act and amendments, and the Uranium Mill Tailings Radiation Control Act, as amended. The Committee's reports become a part of the public record.

The ACNW meetings are normally open to the public and provide opportunities for oral or written statements from members of the public to be considered as part of the Committee's information gathering process. The meetings are not

adjudicatory hearings such as those conducted by the NRC's Atomic Safety and Licensing Board Panel as part of the Commission's licensing process. ACNW meetings are conducted in accordance with the Federal Advisory Committee Act.

### General Rules Regarding ACNW Meetings

An agenda is published in the **Federal Register** for each full Committee meeting and is available on the Internet at <http://www.nrc.gov/ACRSACNW>. There may be a need to make changes to the agenda to facilitate the conduct of the meeting. The Chairman of the Committee is empowered to conduct the meeting in a manner that, in his/her judgment, will facilitate the orderly conduct of business, including making provisions to continue the discussion of matters not completed on the scheduled day during another meeting. Persons planning to attend the meeting may contact the Designated Federal Official specified in the individual **Federal Register** Notice prior to the meeting to be advised of any changes to the agenda that may have occurred. This individual can be contacted between 7:30 a.m. and 3:30 p.m., Eastern Time.

The following requirements shall apply to public participation in ACNW meetings:

(a) Persons wishing to submit written comments regarding the agenda items may do so by sending a readily reproducible copy addressed to the Designated Federal Official specified in the **Federal Register** Notice for the individual meeting in care of the Advisory Committee on Nuclear Waste, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments should be in the possession of the Designated Federal Official prior to the meeting to allow time for reproduction and distribution. Comments should be limited to topics being considered by the Committee. Written comments may also be submitted by providing a readily reproducible copy to the Designated Federal Official at the beginning of the meeting.

(b) Persons desiring to make oral statements at the meeting should make a request to do so to the Designated Federal Official. If possible, the request should be made five days before the meeting, identifying the topics to be discussed and the amount of time needed for presentation so that orderly arrangements can be made. The Committee will hear oral statements on topics being reviewed at an appropriate time during the meeting as scheduled by the Chairman.

(c) Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled and the time allotted to present oral statements can be obtained by contacting the Designated Federal Official between 7:30 a.m. and 3:30 p.m., Eastern Time.

(d) During the ACNW meeting presentations and discussions, questions may be asked by ACNW members, Committee consultants, NRC staff, and the ACNW staff.

(e) The use of still, motion picture, and television cameras will be permitted at the discretion of the Chairman and subject to the condition that the physical installation and presence of such equipment will not interfere with the conduct of the meeting. The Designated Federal Official will have to be notified prior to the meeting and will authorize the installation or use of such equipment after consultation with the Chairman. The use of such equipment will be restricted as is necessary to protect proprietary or privileged information that may be in documents, folders, etc., in the meeting room. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

(f) A transcript is kept for certain open portions of the meeting and will be available in the NRC Public Document Room, One White Flint North, Room O-1F21, 11555 Rockville Pike, Rockville, MD 20852-2738, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room). A copy of the certified minutes of the meeting will be available at the same location on or before three months following the meeting. Copies may be obtained upon payment of appropriate reproduction charges. ACNW meeting agenda, meeting transcripts, and letter reports are available for downloading or viewing on the Internet at <http://www.nrc.gov/ACRSACNW>.

(g) Video teleconferencing service is available for observing open sessions of some ACNW meetings. Those wishing to use this service for observing ACNW meetings should contact Mr. Theron Brown, ACNW Audio Visual Technician, (301-415-8066) between 7:30 a.m. and 3:30 p.m. Eastern Time at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they