

## Environmental Assessment

### Identification of the Proposed Action

The proposed action would exempt TMI-1 from certain requirements of 10 CFR 50.44; 10 CFR part 50, appendix A, General Design Criterion 41; and part 10 CFR 50, appendix E, section VI, pertaining to the hydrogen control system requirements (i.e., containment post-accident hydrogen monitors, recombiners, and hydrogen purge system); and remove these requirements from the TMI-1 design basis. The licensee's request for an exemption from the functional requirement for hydrogen monitoring is not being approved. The NRC staff's position, with respect to each of the licensee's specific exemption requests, will be documented in the exemption. Consequently, this environmental assessment addresses only the exemption from the requirements related to the recombiners and the hydrogen purge system and the removal of these requirements from the TMI-1 design basis.

The proposed action is in accordance with the licensee's letter dated September 20, 2000, as supplemented by letters dated August 2 and September 28, 2001.

### The Need for the Proposed Action

The proposed exemption from the requirements pertaining to recombiners and the hydrogen purge system, and their associated removal from the design basis, would improve the safety focus at TMI-1 during an accident, and provide for a more effective and efficient method of maintaining adequate protection of public health and safety by simplifying the Emergency Plan and Emergency Plan Implementing Procedures. This would reduce the operators' post-accident burden and allow them to give higher priority to more important safety functions following postulated plant accidents.

### Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes, as set forth below, that there are no environmental impacts associated with the removal of the recombiners and hydrogen purge system from the TMI-1 design basis.

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 involve 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.

### Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC 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 resources not previously considered in the Final Environmental Statement for TMI-1, dated December 1972.

### Agencies and Persons Consulted

On December 11, 2001, the staff consulted with the Pennsylvania State official, Mr. Michael Murphy of the Pennsylvania Bureau of Radiation 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 September 20, 2000, as supplemented by letters dated August 2 and September 28, 2001. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, 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 Library component on the NRC Web site, <http://www.nrc.gov> (the Public Electronic Reading Room). 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 at [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 8th day of January 2002.

For the Nuclear Regulatory Commission.

**Timothy G. Colburn,**

Senior Project Manager, Section 1, Project Directorate 1, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02-848 Filed 1-11-02; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards: Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on January 24-26, 2002, Hawthorn Suites, 6435 Westwood Blvd., Orlando, Florida, in Conference Room Magnolia A.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552(b)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

*Thursday, January 24, 2002—8:30 a.m. until the conclusion of business*

The Subcommittee will discuss matters related to future plant designs, including: regulatory challenges associated with the licensing of future plant designs (e.g., Pebble Bed Modular Reactor and Gas Turbine Modular Helium Reactor); use of PRA and defense-in-depth concept for advanced reactor designs; and issues related to Westinghouse AP1000 design. Also, it will discuss the NRC Safety Research Program, including proposed advanced reactor research plan, new areas of research, and draft ACRS report to the Commission on the NRC Safety Research Program.

*Friday, January 25, 2002—8:30 a.m. until the conclusion of business*

The Subcommittee will discuss the use of formal decision analysis and the role of SAPHIRE Code in the risk-informed regulatory structure. Also, it will discuss matters associated with core power uprates, including: use of risk information in evaluating power

update applications; criteria to be used by the ACRS in endorsing power updates including PWR power updates expected in the future; and lessons learned from the review of power update applications.

*Saturday, January 26, 2002—8:30 a.m.—12:30 p.m.*

The Subcommittee will discuss the significance determination process (SDP), including: need for an SDP based on low-power and shutdown operations PRAs or other shutdown management tools; peer review of SPAR models and SDP worksheets; and thresholds for performance indicators. Also, the Subcommittee will discuss adequacy of the process for conducting ACRS business.

The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee.

Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Official named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the Designated Federal Official, Dr. John T. Larkins (telephone: 301/415-7360) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: January 8, 2002.

**Sher Bahadur,**

*Associate Director for Technical Support, ACRS/ACNW.*

[FR Doc. 02-846 Filed 1-11-02; 8:45 am]

**BILLING CODE 7590-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-45239; File No. SR-NASD-95]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to the Adoption of Interpretive Material Regarding Interfering With the Transfer of Customer Accounts

January 4, 2002.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on December 21, 2001, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), through its wholly owned subsidiary, NASD Regulation, Inc. ("NASD Regulation"), filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD Regulation. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation proposes to interpret NASD Rule 2110 to prohibit members from interfering with a customer's request to transfer his or her account in connection with the change in employment of the customer's registered representative, provided that the account is not subject to any lien for monies owed by the customer or other bona fide claim.

The text of the proposed rule change appears below. New text is in *italic*.

\* \* \* \* \*

#### *IM 2110-7. Interfering With the Transfer of Customer Accounts in the Context of Employment Disputes*

*It shall be inconsistent with just and equitable principles of trade for a member or person associated with a member to interfere with a customer's request to transfer his or her account in connection with the change in employment of the customer's registered representative, provided that the account is not subject to any lien for monies owed by the customer or other bona fide claim. Prohibited interference includes, but is not limited to, seeking a judicial order or decree that would bar*

*or restrict the submission, delivery or acceptance of a written request from a customer to transfer his or her account. Nothing in this interpretation shall affect the operation of Rule 11870.*

\* \* \* \* \*

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD Regulation has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### *A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

###### 1. Purpose

NASD Regulation represents that, as a condition of employment, certain members require their registered representatives to sign employment contracts in which each registered representative agrees that when he or she leaves the firm, he or she will not take, copy, or share with others any firm records. In addition, NASD Regulation asserts that the registered representative may agree that, for a certain period of time following his or her departure from the firm, he or she will not solicit the firm's customers for business. Nonetheless, NASD Regulation represent when a registered representative leaves his or her firm for a position at a different firm, clients serviced by the registered representative may request that the registered representative's former firm transfer their accounts to the registered representative's new firm so that the clients may continue their relationship with the registered representative. NASD Regulation asserts that the registered representative's former firm, concerned that its former employee may have breached his or her employment contract by sharing client information with the new employer, or soliciting clients to transfer their accounts to the registered representative's new firm, sometimes seeks a court order to prevent the transfer of accounts to the registered representative's new firm.<sup>3</sup>

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> NASD Code of Arbitration Procedure Rule 10335 permits the parties to arbitration disputes to