

Connecticut Yankee Atomic Power Company 2002b, Haddam Neck License Termination Plan, Revision 1, Haddam Neck Plant, East Hampton, Conn., August 20, 2002. (CYAPCO, 2002b)

Connecticut Yankee Atomic Power Company, 2002b, Haddam Neck License Termination Plan, Revision 1a, Haddam Neck Plant, East Hampton, Conn., October 10, 2002. (CYAPCO, 2002c)

Fetherston, N.W., 2002, letter from Fetherston (Site Manager, CYAPCO, East Hampton, Conn.) to U.S. Nuclear Regulatory Commission, Washington, D.C., June 19, 2002. (Fetherston, 2002)

Maddox, D., 1998, letter from Maddox (Deputy State Historic Preservation Officer, Connecticut Historical Commission, Hartford, Conn.) to J. Borne (Northeast Utilities Service Company, Hartford, Conn.), June 1, 1998. (Maddox, 1998)

Maddox, D., 2001, letter from Maddox (Deputy State Historic Preservation Officer, Connecticut Historical Commission, Hartford, Conn.) C.E. Abrams (Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, Washington, D.C.), January 8, 2001. (Maddox, 2001)

Malcolm Pirnie, Inc., 1999, Groundwater Monitoring Report, Connecticut Yankee Atomic Power Station, Haddam Neck, Connecticut, Final Report, Malcolm Pirnie, Inc., Middletown, Conn., September 1999. (Malcolm Pirnie, 1999)

McKay, D.M., 1997, letter from McKay (Department of Environmental Protection, Natural Resources Center, Hartford, Conn.) to P. Jacobson (Northeast Utilities Service Company, Hartford, Conn.) January 6, 1997. (McKay, 1997)

Rosenstein, M., 2002, letter from Rosenstein (U.S. Environmental Protection Agency, Region 1, Boston, MA) to J. Donoghue (Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, Washington, D.C.), June 24, 2002. (Rosenstein, 2002)

U.S. Atomic Energy Commission, 1973, Final Environmental Statement, Haddam Neck (Connecticut Yankee) Nuclear Power Plant, Connecticut Yankee Atomic Power Company, Docket No. 50-2123, Directorate of Licensing, Washington, D.C., October 1973. (USAEC, 1973)

U.S. Nuclear Regulatory Commission, 1988, Final Generic Environmental Impact Statement on the Decommissioning of Nuclear Facilities, NUREG-0586, Office of Nuclear Regulatory Research, Washington D.C. (NRC, 1988)

U.S. Nuclear Regulatory Commission, 1997, Final Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities, NUREG-1496; Office of Nuclear Regulatory Research, Washington, D.C. (GEIS, 1997)

U.S. Nuclear Regulatory Commission, 2001, Generic Environmental Impact Statement on the Decommissioning of Nuclear Facilities; Draft Supplement Dealing with Decommissioning of Nuclear Power Reactors, NUREG-0586 Supplement 1, Office of Nuclear Reactor Regulation, Washington, D.C. (NRC, 2001)

U.S. Nuclear Regulatory Commission, 2002, Safety Evaluation Related to Amendment to Facility Operating License No. DPR-61, Connecticut Yankee Atomic Power Company, Haddam Neck Plant, Docket No. 50-213, Office of Nuclear Material Safety and Safeguards, Washington, D.C., to be issued in November 2002. (NRC, 2002)

Wilds, E., 2002, letter from Wilds (Department of Environmental Protection, Hartford, Conn.) to J.E. Donoghue (U.S. Nuclear Regulatory Commission, Washington, D.C.), June 3, 2002. (Wilds, 2002)

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## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Nuclear Waste Meeting on Planning and Procedures; Notice of Meeting

The ACNW will hold a Planning and Procedures meeting on November 20, 2002, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

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. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACNW, 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:

*Wednesday, November 20, 2002—8:30 a.m.–10:00 a.m.*

The Committee will discuss proposed ACNW activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and 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 Chairman; written statements will be accepted and made available to the Committee. 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. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

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, Howard J. Larson (telephone: 301/415-6805) between 7:30 a.m. and 4:15 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes in the proposed agenda.

Dated: October 29, 2002.

**Sher Bahadur,**

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

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## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards

#### Subcommittee Meeting on Future Plant Designs; Notice of Meeting

The ACRS Subcommittee on Future Plant Designs will hold a meeting on November 21, 2002, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

*Thursday, November 21, 2002—8:30 a.m. Until the Conclusion of Business*

The Subcommittee will review the draft commission paper being prepared by the Office of Nuclear Regulatory Research regarding the options on policy issues for advanced reactor designs. The purpose of this meeting is to gather information, analyze relevant issues and facts, and 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. 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. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary

views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and 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. Medhat M. El-Zeftawy (telephone 301-415-6889) between 7:30 a.m. and 5 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes to the agenda.

Dated: October 29, 2002.

**Sher Bahadur,**

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

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 72-12 and 50-333; License  
No. DPR-59]

### **Entergy Nuclear Operations, Inc.; James A. Fitzpatrick Nuclear Power Plant; Notice of Issuance of Director's Decision Under 10 CFR 2.206**

Notice is hereby given that the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission (NRC), has issued a Director's Decision with regard to a Petition dated February 21, 2002, filed by Mr. Timothy Judson of the Citizens Awareness Network, *et al.*, hereinafter referred to as the "Petitioner." The Petition concerns the operation of Entergy's James A. FitzPatrick Interim Spent Fuel Storage Installation (ISFSI). The Petitioner requested the following:

1. That the NRC order Entergy to suspend the dry cask storage program at the FitzPatrick reactor.
2. That the NRC require Entergy to:
  - Demonstrate that the proposed fuel storage program presents no increased risks to the national security or worker or public health and safety beyond what is contemplated in the Certificate of Compliance and General License, pursuant to § 72.212(4)-(5);
  - Submit its proposed design changes for technical review in the form of a

license amendment application and seek regulatory approval for them pursuant to § 72.244;

- Evaluate its use of the HI-TRAC 100 transfer cask for ALARA standards, per § 50, Appendix I;
- Provide more substantial physical and structural protection of the irradiated fuel and ISFSI to satisfy the requirements of §§ 73.51, 73.55; and
- Demonstrate the use of the HI-STORM 100 can satisfy these requirements at FitzPatrick, or demonstrate countervailing and compelling reasons to utilize the HI-STORM 100 at FitzPatrick, as opposed to any other casks certified by NRC.

3. That all documents and information filed in relation to the selection of storage casks and the implementation of dry storage at FitzPatrick be put on the docket for public inspection.

4. That the Petition Review Board (PRB) submit this Petition to the NRC's Office of the Inspector General (OIG) for review of the Spent Fuel Project Office's compliance with regard to NRC regulations in terms of design changes, licensing, amendments, exemptions and ALARA in its permitting process relating to the use of dry cask storage at FitzPatrick. Additionally, that a review be conducted to determine whether NRC staff in the Spent Fuel Project Office are complicit or misguided in permitting design changes to these casks without submission of a license amendment.

5. That the NRC conduct an investigation to determine whether Entergy has deliberately circumvented the appropriate technical and regulatory review required to protect worker and public health and safety and the environment.

As the basis for the February 21, 2002, request, the Petitioner states several safety concerns related to the design changes associated with the HI-STORM 100 cask design, as well as safety concerns related to national security.

The Petitioner addressed the PRB on March 29, 2002, in a telephone conference call to clarify the bases for the Petition. The meeting gave the Petitioner and the licensee an opportunity to provide additional information and to clarify issues raised in the Petition.

The NRC sent a copy of the proposed Director's Decision to the Petitioner and to the licensee for comment on August 13, 2002. The Petitioner responded with comments on August 27, 2002, and the licensee responded on August 28, 2002. The comments and the NRC staff's response to them are Enclosures to the Director's Decision.

The Director of the Office of Nuclear Material Safety and Safeguards has determined that the safety concerns the Petitioner raised related to the modified HI-STORM 100 cask design at FitzPatrick were reviewed, and determined not to pose an immediate safety issue. Therefore, the request to require that an order be issued to Entergy to suspend the dry cask storage program at FitzPatrick was denied. In response to the Petitioner's request that Entergy submit an additional safety demonstration of the FitzPatrick storage facility, it was determined, through the NRC inspection program, that Entergy has demonstrated that the proposed fuel storage program presents no increased risks to the national security or worker or public health and safety beyond what is contemplated in the Certificate of Compliance and General License, pursuant to § 72.212(4)-(5). The NRC denied the Petitioner's request that Entergy submit a license amendment, ALARA review, and various other safety evaluations and justifications to the NRC for review for the reasons noted in the detailed discussion in the Director's Decision. The Petitioner's request to require Entergy to provide more substantial physical and structural protection of the irradiated fuel and ISFSI was also denied, as existing security measures, including issuance of an NRC Order to Entergy on October, 16, 2002, have been determined to be adequate. The Petitioner requested that all documents and information filed in relation to the selection of storage casks and the implementation of dry storage at FitzPatrick be put on the docket for public inspection. Documents and information filed in relation to the selection of storage casks and the implementation of dry storage at FitzPatrick were put on the docket for public inspection by letter dated May 10, 2002, and the additional information was released to the public at that time. The Petitioner's request that the PRB submit this Petition to the OIG for review of the SFPO was granted, as noted in the letter dated April 12, 2002. In response to the Petitioner's request to investigate whether Entergy deliberately circumvented the regulatory process, the NRC staff review of Entergy's 10 CFR 72.48 evaluation concluded that the proper regulatory process was followed by Entergy, and no further investigation was warranted. The reasons for these decisions are explained in the Director's Decision pursuant to 10 CFR 2.206 (DD-02-02), the complete text of which is available for inspection at the Commission's Public Document Room, located at One