

amount of indemnification provided under subsection 170d. of the Atomic Energy Act of 1954 (AEA), 42 U.S.C. 2210d., commonly known as the Price-Anderson Act. Subsection 170t. of the AEA requires an inflation adjustment of the indemnification amount at least once during each 5-year period following July 1, 2003, in accordance with the aggregate percentage change in the Consumer Price Index (CPI). This notice announces \$12,697,798,000 as the second inflation-adjusted amount based on the aggregate percentage change in the CPI during the 5-year period from July 2008 to July 2013.

**DATES:** This action is effective September 16, 2013.

**FOR FURTHER INFORMATION CONTACT:**

Sophia Angelini, Attorney Advisor (GC-52), Office of the General Counsel, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, (202) 586-0319.

**SUPPLEMENTARY INFORMATION:** The Price-Anderson Act, section 170 of the AEA (42 U.S.C. 2210), establishes a system of financial protection for persons who may be liable for a “nuclear incident,” as defined at section 11q. of the AEA (42 U.S.C. 2014q.). The Price-Anderson Act is administered by the DOE with respect to the nuclear activities of contractors acting on DOE’s behalf. Subsection 170d. provides that the Secretary of Energy shall enter into agreements of indemnification with any person who may conduct activities under a contract with DOE that involve the risk of public liability and that are not subject to the financial protection requirements of the Nuclear Regulatory Commission system. DOE’s Price-Anderson Act indemnification contract provisions are codified in the Department of Energy Acquisition Regulation (DEAR), which sets forth a standard nuclear indemnification clause, the Nuclear Hazard Indemnity Clause at 48 CFR 952.250-70, that is incorporated into all DOE contracts and subcontracts involving source, special nuclear, or by-product material.

Subsection 170t.(2) of the AEA requires that the Secretary adjust for inflation the amount of indemnification provided under an indemnification agreement pursuant to subsection 170d. at least once during each 5-year period following July 1, 2003, in accordance with the aggregate percentage change in the Consumer Price Index (CPI). The CPI is defined in subsection 170t.(3) to mean the CPI for all urban consumers published by the Secretary of Labor. DOE’s initial adjustment increased the indemnification amount to \$11.961 billion, 74 FR 52793 (October 14, 2009).

This notice announces DOE’s second periodic inflation adjustment for the 5-year period following July 1, 2013 based on the aggregate percentage change in the CPI between July 1, 2008 and July 1, 2013.

The CPI in July 2008 was 219.964. In June 2013, the CPI was 233.504. This difference represents an increase of approximately 6.16%. Application of this increase to the initial inflation-adjusted \$11.961 billion DOE indemnification amount results in an inflation-adjusted indemnification amount rounded to the nearest thousand of \$12,697,798,000.

The inflation adjustment under AEA, subsection 170t., applies only to a nuclear incident within the United States. There is no corresponding inflation adjustment for a nuclear incident outside the United States. Accordingly, the indemnification amount for a nuclear incident outside the United States continues to be \$500 million.

The next inflation adjustment will be based on the incremental change in the CPI between July 1, 2013 and the date of the adjustment, which will be no later than July 1, 2018.

This notice of indemnification inflation adjustment is a “rule” as defined in the Administrative Procedure Act (APA) (5 U.S.C. 551(4)). However, the APA (5 U.S.C. 553(b)(B)) does not require an agency to use the public notice and comment process “when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.” In this instance, DOE has concluded that solicitation of public comment is unnecessary. Congress has required DOE to adjust the amount of indemnification provided under an agreement of indemnification pursuant to section 170d. to reflect inflation in the initial and each subsequent 5-year period following July 1, 2003. The statute provides no discretion regarding the substance of the adjustment. DOE is required only to perform a ministerial computation to determine the relevant amount. On the same basis, DOE finds good cause, pursuant to 5 U.S.C. 553(d)(3) to waive the requirement for a 30-day delay in the effective date for this rule. As such, this rule is effective September 16, 2013.

DOE has determined that this notice of indemnification inflation adjustment is the type of action that does not individually or cumulatively have a significant impact on the human environment as set forth in DOE’s

regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, the rule is covered under the categorical exclusion in paragraph A6 of Appendix A to subpart D, 10 CFR part 1021, which applies to rulemakings that are strictly procedural. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

Issued in Washington, DC, on September 6, 2013.

**Ernest J. Moniz,**

*Secretary of Energy.*

[FR Doc. 2013-22494 Filed 9-13-13; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Nuclear Infrastructure Programmatic Environmental Impact Statement Supplement Analysis Determination for Plutonium-238 Production for Radioisotope Power Systems

**AGENCY:** Department of Energy.

**ACTION:** Notice of availability of supplement analysis and determination.

**SUMMARY:** The Department of Energy (DOE) has completed the Supplement Analysis (SA) of the *Programmatic Environmental Impact Statement for Accomplishing Expanded Civilian Nuclear Energy Research and Development and Isotope Production Missions in the United States, Including the Role of the Fast Flux Test Facility* (Nuclear Infrastructure or NI PEIS) (DOE/EIS-0310) published in December 2000. In accordance with DOE’s National Environmental Policy Act (NEPA) Implementing Procedures at 10 CFR 1021.314, DOE has determined that the SA has not identified substantial changes to the original proposal for production of Pu-238 analyzed in the NI PEIS or significant new circumstances or information relevant to environmental concerns which would warrant preparation of a supplement to the NI PEIS or a new EIS and that the NI PEIS Record of Decision (ROD) published on January 26, 2001 (66 FR 7877) may be implemented without any additional NEPA review.

**FOR FURTHER INFORMATION CONTACT:** For further information on the Pu-238 Production Program, please contact: Ms. Rebecca Onuschak, Pu-238 Production Program Manager, Office of Space and Defense Power Systems (NE-75), Office of Nuclear Energy, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, Phone 301-903-0023, [Rebecca.onuschak@nuclear.energy.gov](mailto:Rebecca.onuschak@nuclear.energy.gov).

For copies of the SA and the Determination or information on NEPA analysis for Pu-238 production, please contact:

Dr. Rajendra Sharma, NEPA Compliance Officer, Office of Nuclear Energy (NE-31), U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, Phone 301-903-2899, [rajendra.sharma@nuclear.energy.gov](mailto:rajendra.sharma@nuclear.energy.gov).

For general information on the DOE NEPA process, please contact: Ms. Carol Borgstrom, Director, Office of NEPA Policy and Compliance (GC-54), U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, Phone 202-586-4600; leave a message at 1-800-472-2756; facsimile 202-586-7031; or send email to: [asknepa@hq.doe.gov](mailto:asknepa@hq.doe.gov).

#### SUPPLEMENTARY INFORMATION

##### Background

DOE published a **Federal Register** notice (78 FR 1848) on January 9, 2013, to announce its intent to implement the decision made in 2001 for production of Pu-238, which was based on the analyses conducted in the NI PEIS (DOE/EIS-0310) issued in 2000. Because the NI PEIS was published 13 years ago, the Department decided to conduct a supplement analysis of the NI PEIS to ascertain if there are significant new circumstances or new information relevant to environmental concerns which should be analyzed prior to implementing the 2001 decision.

This NI PEIS SA (DOE/EIS-0310-SA-02) was prepared in accordance with DOE's NEPA Implementing Procedures at 10 CFR 1021.314. The relevant environmental aspects analyzed in the NI PEIS were re-analyzed, as necessary, with updated information. The Department also analyzed the alternatives which were evaluated in the NI PEIS, including any additional reasonable alternatives that may warrant analysis and consideration in the SA. The proposed action as analyzed in the NI PEIS has not changed except for the change in storage location of neptunium-237 (Np-237, the target material) from the Oak Ridge National Laboratory (ORNL) in Tennessee to the Materials and Fuels Complex at the Idaho National Laboratory (INL) in Idaho. After completing an earlier SA (DOE/EIS-0310-SA-01), the Department published an Amended Record of Decision for this change of storage location in August 2004 (69 FR 50180). After completing this SA, the Department has determined that the analysis contained in the NI PEIS, including the analysis of alternatives, is still valid. There are no significant new

circumstances or information relevant to environmental concerns which would warrant preparation of a supplement to the NI PEIS or a new EIS. Therefore, the Department reaffirms the decision made in the NI PEIS ROD (January 26, 2001; 66 FR 7877) for production of up to five kilograms of Pu-238 per year using the Advanced Test Reactor at INL and the High Flux Isotope Reactor at ORNL to irradiate Np-237 targets, and using the Radiochemical Engineering Development Center (REDC) at ORNL to fabricate Np-237 targets and isolate Pu-238. The processing of Pu-238 into fuel pellets at the Los Alamos National Laboratory (LANL) in New Mexico and assembly and testing of radioisotope power systems (RPSs) at INL in existing facilities will continue as ongoing operations. The RPSs are used to support the National Aeronautics and Space Administration and national security missions.

The NI PEIS SA, including the determination, has been posted on the DOE NEPA Web site at <http://energy.gov/nepa/supplement-analyses-sa>, with internet links provided on the Office of Nuclear Energy (<http://energy.gov/ne/>), Idaho Operations Office (<http://www.id.energy.gov/insideNEID/PublicInvolvement.htm>), and Oak Ridge Office (<http://www.oakridge.doe.gov/external/>) Web sites. Copies of the SA and the determination have been placed in the DOE public reading room(s) in Washington, DC; Idaho Falls, Idaho; and Oak Ridge, Tennessee; for a reasonable period of time. Copies may also be requested from Dr. Rajendra Sharma at the address provided above.

Issued in Washington, DC, on September 10, 2013.

**Peter B. Lyons,**

*Assistant Secretary for Nuclear Energy.*

[FR Doc. 2013-22452 Filed 9-13-13; 8:45 am]

**BILLING CODE 6450-01-P**

#### DEPARTMENT OF ENERGY

##### DOE/NSF Nuclear Science Advisory Committee

**AGENCY:** Office of Science, Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the DOE/NSF Nuclear Science Advisory Committee (NSAC). The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

**DATES:** Monday, October 7, 2013, 9:00 a.m.–5:00 p.m.

**ADDRESSES:** Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, Maryland 20878, 301-590-0044.

**FOR FURTHER INFORMATION CONTACT:** Brenda L. May, U.S. Department of Energy; SC-26, Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585-1290; Telephone: 301-903-0536

#### SUPPLEMENTARY INFORMATION:

*Purpose of Meeting:* To provide advice and recommendations to the Department of Energy and the National Science Foundation on scientific priorities within the field of basic nuclear science research.

*Tentative Agenda:* Agenda will include discussions of the following:

#### Monday, October 7, 2013

- Perspectives from Department of Energy and National Science Foundation
- Update from the Department of Energy and National Science Foundation's Nuclear Physics Office's
- The 2013 ONP Comparative Research Review
- Presentation of the Charge on Neutrino-less Double Beta
- Presentation of the Charge on NNSA Development of Mo-99 Domestic Supply
- Public Comment (10-minute rule)

**Note:** The NSAC Meeting will be broadcast live on the Internet. You may find out how to access this broadcast by going to the following site prior to the start of the meeting. A video record of the meeting, including the presentations that are made will be archived at this site after the meeting ends: [www.tvworldwide.com/events/doe/131007](http://www.tvworldwide.com/events/doe/131007).

*Public Participation:* The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact Brenda L. May by telephone at: 301-903-0536 or [Brenda.May@science.doe.gov](mailto:Brenda.May@science.doe.gov) (email). You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

*Minutes:* The minutes of the meeting will be available on the U.S. Department of Energy's Nuclear Science Advisory Committee Web site—<http://science.energy.gov/np/nsac>.