NUCLEAR REGULATORY COMMISSION

[Docket No. 72–9]

U.S. Department of Energy; Fort St. Vrain Independent Spent Fuel Storage Installation; Exemption

I

Pursuant to 10 CFR 72.50, the U.S. Department of Energy (DOE) has applied for the transfer of Materials License SNM–2504 which authorizes receipt and storage of spent nuclear fuel at an independent spent fuel storage installation (ISFSI) located at the site of the former Fort St. Vrain (FSV) nuclear generating station. The facility is located in Weld County, Colorado.

II

Pursuant to 10 CFR 20.2301, the Nuclear Regulatory Commission (NRC) may grant exemptions from the requirements of the regulations in 10 CFR Part 20 as it determines are authorized by law and will not result in undue hazard to life or property.

Section 20.1501(c) states in part that ''All personnel dosimeters (except for direct and indirect reading pocket dosimeters used to measure the dose to the extremities) that require processing to determine the radiation dose....must be processed and evaluated by a dosimetry processor...(1) holding current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and (2) approved in this accreditation process for the type of radiation or radiations included in the NVLAP that most closely approximates the type of radiation or radiations for which the individual wearing the dosimetry is monitored.''

III

By letter dated December 17, 1996, DOE submitted a request to transfer Materials License SNM–2504 for the FSV ISFSI from Public Service Company of Colorado, the current licensee, to DOE. DOE's request is currently under NRC staff review. The completion of this review and transfer of the license is anticipated in early 1999. As part of its license transfer application, DOE described how it planned to demonstrate compliance with applicable NRC regulations, including regulations in 10 CFR Part 20. In a December 10, 1997, supplement to its application, DOE requested an exemption, pursuant to 10 CFR 20.2301, from the requirements of 10 CFR 20.1501(c) described above. In its request for exemption, DOE requested that use of a DOE laboratory accreditation program (DOELAP) be authorized as an alternative to the requirement to use the NVLAP.

The NRC staff has examined both the NVLAP and DOELAP processes and standards. The two laboratory accreditation programs are based on similar criteria and standards. Both programs have incorporated similar test categories (types of radiation and energy levels), tolerance levels, bias, and performance criteria. The staff concluded that the DOELAP process is at least as stringent as the NVLAP process and concludes that, for the FSV ISFSI, the DOELAP is an acceptable alternative to the NVLAP process required by 10 CFR 20.1501(c).

IV

Accordingly, NRC has determined, in accordance with 10 CFR 20.2301, that this exemption is authorized by law and will not result in undue hazard to life or property. Therefore, NRC hereby grants DOE an exemption from the dosimetry processing accreditation requirements of 10 CFR 20.1501(c) as requested by DOE in its letters dated December 10, 1997, and December 9, 1998. The exemption granted herein applies only to the FSV ISFSI.

The documents related to this proposed action are available for public inspection and for copying at the NRC Public Document Room, 2120 L Street, NW, Washington, DC 20555. Pursuant to 10 CFR 51.32, NRC has determined that granting this exemption will have no significant impact on the quality of the human environment (64 FR 10330).

This exemption is effective upon transfer of Materials License SNM–2504 to the DOE.

Dated at Rockville, Maryland, this 12th day of March 1999.

For the Nuclear Regulatory Commission.

E. William Brach,

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

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NUCLEAR REGULATORY COMMISSION

[Docket 72–13]

Entergy Operations, Inc., Arkansas Nuclear One Power Plant; Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Proposed Exemption From Certain Requirements of 10 CFR Part 72

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) and 72.214 to Entergy Operations, Inc. (Entergy). The requested exemption would allow Entergy to store burnable poison rod assemblies (BPRAs) in Ventilated Storage Cask–24 (VSC–24) systems at the Arkansas Nuclear One (ANO) Independent Spent Fuel Storage Installation (ISFSI).

Environmental Assessment (EA)

Identification of Proposed Action: By letter dated January 18, 1999, Entergy requested an exemption from the requirements of 10 CFR 72.214 to store BPRAs in VSC–24s at the ANO ISFSI. ANO is a general licensee, authorized by NRC to use spent fuel storage casks approved under 10 CFR Part 72, Subpart K. Furthermore, ANO is using the VSC–24 design approved by NRC under COC No. 1007 to store spent fuel at the ISFSI.

For the NRC to permit ANO to store BPRAs in the VSC–24s, the NRC, on its own initiative, must also grant ANO an exemption from the general license conditions of 10 CFR 72.212(a)(2). Section 72.212(a)(2) states that the general license for storage of spent fuel at power reactor sites is limited to storage of spent fuel in casks approved under the provisions in 10 CFR Part 72. By exempting ANO from both 10 CFR 72.214 and 72.212(a)(2), ANO will be authorized to use its general license to store spent fuel in casks approved under Part 72, as exempted, to allow storage of BPRAs. The proposed action before the Commission is whether to grant these exemptions under 10 CFR 72.7.

The ISFSI is located 6 miles west-northwest of Russellville, Arkansas, on the ANO Power Plant site. The ANO ISFSI is an existing facility constructed for interim dry storage of spent ANO nuclear fuel.

On December 30, 1998, the cask designer, Sierra Nuclear Corporation (SNC) (also known as Pacific Sierra Nuclear Associates), submitted a COC amendment request to NRC to address the storage of Babcock and Wilcox (B&W) 15x15 fuel with BPRAs. The NRC