

replace existing requirements where rock dust, water cars, and other water storage equipped with three (3) ten quart pails is not practical. The petitioner proposes to use two (2) fire extinguishers near the slope bottom and an additional portable fire extinguisher within 500 feet of the working face for equivalent fire protection for the Mercury Slope Mine. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

4. White County Coal, LLC

[Docket No. M-2002-010-C]

White County Coal, LLC, 1525 County Road 1300 N, P.O. Box 457, Carmi, Illinois 62821 has filed a petition to modify the application of 30 CFR 75.701 (Grounding metallic frames, casings, and other enclosures of electric equipment) to its Pattiki II Mine (I.D. No. 11-03058) located in White County, Illinois. The petitioner proposes to use a 200KW, 480-volt, diesel powered generator set with an approved diesel drive engine to move equipment in, out, and around the mine and to perform work in areas outby section loading points where equipment is not required to be maintained permissible. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

5. Hobet Mining, Inc.

[Docket No. M-2002-011-C]

Hobet Mining, Inc., P.O. Box 305, Madison, West Virginia 25130 has filed a petition to modify the application of 30 CFR 77.206(c) (Ladders; construction; installation and maintenance) to its Beth Station No. 79 Preparation Plant (I.D. No. 46-05398) located in Boone County, West Virginia. The petitioner proposes to use a SAF-T-CLIMB fall prevention system on its counterweight tower structure for the overland system at the Beth Station No. 9 Preparation Plant in lieu of using a vertical ladder. The petitioner states that the counterweights are located inside the framework of a structure that is approximately 30 feet high, that the use of the SAF-T-CLIMB system would ensure the safety of individuals working around the counterweights, and that the SAF-T-CLIMB system would be installed so that it would be in compliance with OSHA regulations 29 CFR 1910.27. The petitioner asserts that application of the existing standard would result in a diminution of safety to the miners.

6. Energy West Mining Company

[Docket No. M-2002-012-C]

Energy West Mining Company, P.O. Box 310, Huntington, Utah 84528 has filed a petition to modify the application of 30 CFR 75.350 (Air courses and belt haulage entries) to its Deer Creek Mine (I.D. No. 42-00121) located in Emery County, Utah. The petitioner requests that Item IV(d)(3) & (4) of the proposed decision and order for its previously granted petition for modification, docket number M-1999-044-C be amended to allow the use of a non-approved diesel grader in the two-entry section with miners inby for maintenance purposes only. The petitioner asserts that the specific terms and conditions listed in this petition would be met before implementing its proposed amendments and that the proposed alternative method would provide at least the same measure of protection as the existing standard.

7. Snyder Coal Company

[Docket No. M-2002-013-C]

Snyder Coal Company, 66 Snyder Lane, Hegins, Pennsylvania 17938 has filed a petition to modify the application of 30 CFR 75.1100-2(a) (Quantity and location of firefighting equipment) to its N & L Slope Mine (I.D. No. 36-02203) located in Northumberland County, Pennsylvania. The petitioner requests a modification of the standard to permit use of only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage equipped with three (3) ten quart pails is not practical. The petitioner proposes to use two (2) fire extinguishers near the slope bottom and an additional portable fire extinguisher within 500 feet of the working face for equivalent fire protection for the N & L Slope Mine. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

Request for Comments

Persons interested in these petitions are encouraged to submit comments via e-mail to comments@msha.gov, or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 22, 2002. Copies of these petitions are available for inspection at that address.

Dated at Arlington, Virginia this 15th day of March 2002.

Marvin W. Nichols, Jr.,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 02-6796 Filed 3-20-02; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-029]

Yankee Atomic Electric Company, Yankee Nuclear Power Station (ROWE); Exemption

1.0 Background

The Yankee Atomic Electric Company (YAEC or the licensee) is the holder of Possession Only License No. DPR-3, which authorizes possession and maintenance of the Yankee Nuclear Power Station (YNPS or plant). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC or the Commission) now or hereafter in effect. The facility is a permanently shutdown pressurized-water reactor (PWR) currently in the process of decommissioning and is located on the licensee's site in Franklin County, Massachusetts.

On February 27, 1992, the licensee submitted written certifications to the Commission that it had decided to permanently cease operations at YNPS and that all fuel had been permanently removed from the reactor. The NRC in a license amendment dated August 5, 1992, modified License No. DPR-3 to a Possession Only License (POL). The license is conditioned so that YAEC is not authorized to operate the reactor and fuel may not be placed in the reactor vessel, thus formalizing the YAEC commitment to permanently cease power operations. The YNPS spent nuclear fuel is currently being stored in the spent fuel pool, which is protected by a physical protection system meeting the requirements of 10 CFR 73.55, "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage," with exemptions as previously issued by the NRC. To complete the plant site decommissioning process, the spent fuel will be removed from the spent fuel pool and transferred to an onsite independent spent fuel storage installation (ISFSI) for interim storage.

Pursuant to 10 CFR part 72, "Licensing Requirements for the Independent Storage of Spent Nuclear

Fuel and High-Level Radioactive Waste,” an ISFSI may be licensed either under a general or a specific license. Under a general license, a licensee can construct and operate an ISFSI in accordance with the requirements of 10 CFR 72.212, “Conditions of general license issued under § 72.210 [,”General license issued”],” without staff approval. Pursuant to 10 CFR 72.212(b)(5), a licensee must protect the spent fuel at the ISFSI against the design basis threat (DBT) of radiological sabotage in accordance with the same provisions and requirements as are set forth in the licensee’s 10 CFR 73.55 physical security plan, with additional conditions and exceptions.

Alternatively, an ISFSI can be constructed under a 10 CFR part 72 specific license, which requires a licensee to develop a detailed security plan in accordance with 10 CFR 73.51, “Requirements for the physical protection of stored spent nuclear fuel and high-level radioactive waste.” The design objective of 10 CFR 73.51 is to protect against a loss of control of the facility that could be sufficient to cause radiation exposure exceeding the dose as described in 10 CFR 72.106, “Controlled area of an ISFSI or MRS (monitored retrievable storage).”

In an August 21, 2000, **Federal Register** notice (65 FR 50606), the Commission clarified portions of 10 CFR part 72, stating that the requirements of 10 CFR 72.106 apply to ISFSIs with either general or specific licenses. The offsite dose limits of 10 CFR 72.106 are defined such that any individual on or beyond the nearest boundary of the controlled area may not receive from any design basis accident the more limiting of a total effective dose equivalent of 0.05 Sv (5 rem) or the sum of the deep-dose equivalent and the committed dose equivalent to any individual organ or tissue of 0.5 Sv (50 rem).

2.0 Request

Pursuant to 10 CFR 72.212(b)(5), licensees who store their spent fuel under the provisions of 10 CFR part 72, subpart K, “General License for Storage of Spent Fuel at Power Reactor Sites,” as YAEAC proposes to do, are required to “Protect the spent fuel against the design basis threat of radiological sabotage in accordance with the same provisions and requirements as are set forth * * *” in 10 CFR 73.55.

By letter dated September 28, 2000, as supplemented by letters dated October 12, 2000, April 18, 2001, May 29, 2001, June 28, 2001, and March 4, 2002, the licensee requested an exemption from certain requirements of 10 CFR 73.55.

YAEAC proposed alternative approaches to meet the provisions of portions of 10 CFR 73.55(b) through (h) related to the security organization, physical barriers, access requirements, detection aids, communications, and response requirements. By this same correspondence, the licensee also requested a license amendment that would revise Facility Operating License No. DPR-3 to reference the revisions of the Physical Security Plan, Guard Training and Qualification Plan, and Safeguards Contingency Plan, and made available a copy of the YAEAC plans to assist the staff in its review of the exemption and amendment requests.

3.0 Discussion

Pursuant to 10 CFR 72.7, “Specific exemptions,” and 10 CFR 73.5, “Specific exemptions,” the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations that it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. Pursuant to 10 CFR 73.55(a), the Commission may authorize a licensee to provide measures for protection against radiological sabotage other than those specified in the regulations if the licensee demonstrates that the measures have the same high assurance objective as specified in 10 CFR 73.55(a) and that the overall level of system performance provides protection against radiological sabotage equivalent to that which could be provided by paragraphs (b) through (h) of 10 CFR 73.55.

The staff has reviewed the proposed YAEAC ISFSI and Fuel in Transit (FIT) Physical Protection Programs against the requirements of each section of 10 CFR 73.55 to determine whether the alternative measures that YAEAC proposed should be authorized pursuant to 10 CFR 73.55(a), or whether specific exemptions should be granted from the requirements of these regulations. As part of its review, the staff evaluated the offsite dose that would result from unimpeded access by the DBT of radiological sabotage without protracted loss of control of the facility. On the basis of YAEAC’s plan in the ISFSI Physical Protection Program to maintain the boundary of its controlled area at a minimum of 300 meters from the dry cask storage installation and provisions in the ISFSI Physical Protection Program that provide the capability to summon off-site local law-enforcement agency response forces to preclude a protracted loss of control of the facility, the staff concluded that the DBT of

radiological sabotage would result in an offsite dose well below the 10 CFR 72.106(b) limits. The staff therefore concluded that the alternative measures proposed by YAEAC are authorized pursuant to 10 CFR 73.55(a), with one exception. With regard to the requirements of 10 CFR 73.55(d)(5), the staff concluded that the measures proposed by YAEAC did not meet the criteria of 10 CFR 73.55(a) to be authorized as alternative measures. However, the staff concluded that pursuant to 10 CFR 72.7 and 10 CFR 73.5, the proposed alternatives to the requirements of 10 CFR 73.55(d)(5) that YAEAC requested could be granted as an exemption. A detailed discussion of the staff’s evaluation is contained in the safety evaluation supporting these findings dated March 13, 2002, which safeguards information in accordance with 10 CFR 73.21 and therefore, is not available to the public.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 72.7 and 10 CFR 73.5, exemption from the requirements of 10 CFR 73.55(d)(5) related to access requirements is authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest.

Pursuant to 10 CFR 51.32, “Finding of no significant impact,” the Commission has previously determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 48720, dated September 21, 2001).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 13th day of March 2002.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

Public Meeting on an Overview of Recent Activities Related to the Potential High-Level Waste Repository at Yucca Mountain, Nevada

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public meetings in Beatty, Tonopah, and Ely, Nevada.