

The Licensee may elect to either maintain the 30-minute time limit for indication of hydrogen in containment, as described by TMI Action Plan Item IL.F.1, Attachment 6, in NUREG-0737 and required by the Confirmatory Order of March 14, 1983, or modify the time limit in the manner specified in Section II of this Order.

The Director, Office of Nuclear Reactor Regulation, may, in writing, relax or rescind the above condition upon demonstration by the Licensee of good cause.

## IV

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Rulemakings and Adjudications Staff, Washington, DC 20555-0001. Copies of the hearing request shall also be sent to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; to the Deputy Assistant General Counsel for Hearings and Enforcement at the same address; to the Regional Administrator, NRC Region II, 61 Forsyth Street, SW., Suite 23T85, Atlanta, Georgia 30303; and to R. Alexander Glenn, General Counsel, Florida Power Corporation, MAC-A5A, P.O. Box 14042, St. Petersburg, Florida 33733-4042, attorney for the Licensee. If such a person requests a hearing, that person will set forth with particularity the manner in which his interest is adversely affected by this Order and will address the criteria set forth in 10 CFR 2.714(d).

If the hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing will be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section III above will be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the

provisions specified in Section III will be final when the extension expires if a hearing request has not been received.

Dated at Rockville, Maryland this 16th day of September, 1999.

For the Nuclear Regulatory Commission.

**Roy P. Zimmerman,**

*Acting Director, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket 72-1025]

### NAC International, Inc.; Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Proposed Exemption From Requirements of 10 CFR Part 72

By letter dated August 2, 1999, NAC International, Inc. (NAC or applicant) requested an exemption, pursuant to 10 CFR 72.7, from the requirements of 10 CFR 72.234(c). NAC, located in Norcross, Georgia, is seeking Nuclear Regulatory Commission (NRC or the Commission) approval to procure materials for and fabricate 15 transportable storage canisters (TSCs), 15 vertical concrete casks (VCCs), and 1 transfer cask prior to receipt of the Certificate of Compliance (CoC) for the NAC Multi-Purpose Canister (MPC). The MPC TSC, VCC, and transfer cask are basic components of the MPC system, a cask system designed for the dry storage and transportation of spent fuel. The MPC system is intended for use under the general license provisions of Subpart K of 10 CFR part 72 by Yankee Atomic Power Company (YAPC) at the Yankee Rowe Atomic Power Station (Yankee Rowe), located in Bolton, MA. The application for the CoC was submitted by NAC to the Commission on April 29, 1997, as supplemented.

### Environmental Assessment (EA)

#### Identification of Proposed Action

NAC is seeking Commission approval to procure materials and fabricate 15 TSCs, 15 VCCs, and 1 transfer cask prior to receiving the CoC. The applicant is requesting an exemption from the requirements of 10 CFR 72.234(c), which states that "Fabrication of casks under the Certificate of Compliance must not start prior to receipt of the Certificate of Compliance for the cask model." The proposed action before the Commission is whether to grant this exemption under 10 CFR 72.7.

### Need for the Proposed Action

NAC requested the exemption from 10 CFR 72.234(c) to ensure the availability of storage casks so that Yankee Rowe can decommission as scheduled. Yankee Rowe's decommissioning schedule is based on initiating spent fuel loading operations in October 2000 using the MPC system. The MPC CoC application is under consideration by the Commission. A draft CoC and safety evaluation report (SER) have been prepared. It is anticipated that the final COC and SER, if approved, would not be issued before February 2000.

To support training and dry run operations, NAC indicated that the first of the MPC TSCs, VCCs and the transfer cask are required by October 2000. NAC stated that procurement of the TSCs, VCCs, and transfer cask material must begin by September 1999 to meet the Yankee Rowe decommissioning schedule; that delivery times for these materials are on the order of four to six months; and that upon receipt of the materials, the fabrication and acceptance schedule is approximately six to eight months. Thus, NAC could need to commence fabrication of the casks prior to receipt of the COC.

The proposed fabrication exemption will not authorize use of the MPC system to store spent fuel. That will occur only when, and if, a CoC is issued. NRC approval of the fabrication exemption request should not be construed as an NRC commitment to favorably consider NAC's application for a CoC. NAC will bear the risk of all activities conducted under the exemption, including the risk that the 15 TSCs, 15 VCCs, and 1 transfer cask that NAC plans to construct may not be usable as a result of not meeting specifications or conditions delineated in a CoC that the NRC may ultimately approve.

### Environmental Impacts of the Proposed Action

The Environmental Assessment for the final rule, "Storage of Spent Nuclear Fuel in NRC-Approved Storage Casks at Nuclear Power Reactor Sites" (55 FR 29181 (1990)), considered the potential environmental impacts of casks which are used to store spent fuel under a CoC and concluded that there would not be significant environmental impacts. The proposed action now under consideration would not permit use of the MPC system, only fabrication. There are no radiological environmental impacts from fabrication since the TSC, VCC, and transfer cask fabrications do not involve radioactive materials. The major non-radiological environmental

impacts involve use of natural resources due to fabrication. Each TSC weighs approximately 24,130 pounds and consists mainly of steel. Each VCC weighs approximately 155,000 pounds and is made primarily of concrete. The transfer cask weighs approximately 80,800 pounds and consists mainly of steel.

The amount of steel required for the TSCs and transfer casks is expected to have an insignificant impact on the steel industry. Fabrication of the TSCs and transfer cask would be at a metal fabrication facility and is insignificant compared to the amount of metal fabrication performed annually in the United States. If the TSCs and transfer cask are not usable, they could be disposed of or recycled. The amount of material disposed of would be insignificant compared to the amount of steel that is disposed of annually in the United States. Based upon this information, the fabrication of the canisters and transfer cask will have no significant impact on the environment since no radioactive materials are involved and the amount of natural resources used is minimal.

The amount of concrete required for the VCCs is expected to have an insignificant impact on the concrete industry. Fabrication of the VCCs would be in the vicinity of the reactor site and is insignificant compared to the amount of concrete fabrication performed annually in the United States. If the VCCs are not usable, they could be disposed of or recycled. The amount of material disposed of would be insignificant compared to the amount of concrete that is disposed of annually in the United States. Based upon this information, the fabrication of the VCCs will have no significant impact on the environment since no radioactive materials are involved and the amount of natural resources used is minimal.

#### *Alternative to the Proposed Action*

Since there is no significant environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact are not evaluated. The alternative to the proposed action would be to deny approval of the exemption and, therefore, not allow fabrication of the TSCs, VCCs, and transfer cask until a CoC is issued. This alternative would have the same environmental impact.

Given that there are no significant differences in environmental impacts between the proposed action and the alternative considered and that the applicant has a legitimate need to procure materials and fabricate prior to certification and is willing to assume

the risk that any TSC, VCC, or transfer cask fabricated may not be approved or may require modification, the Commission concludes that the preferred alternative is to approve the fabrication request and grant the exemption from the prohibition on fabrication prior to receipt of a CoC.

#### *Agencies and Persons Contacted*

Mr. James Muckerheide from the Massachusetts Emergency Management Agency was contacted about the EA for the proposed action and had no comments.

#### **Finding of No Significant Impact**

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51. Based on the forgoing EA, the Commission finds that the proposed action of granting an exemption from 10 CFR 72.234(c) so that NAC may fabricate 15 TSCs, 15 VCCs, and 1 transfer cask prior to issuance of a CoC for the MPC system will not significantly impact the quality of the human environment.

Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

The request for the exemption from 10 CFR 72.234(c) was filed by NAC on August 2, 1999. For further details with respect to this action, see the application for a CoC for the MPC system dated April 29, 1997, as supplemented. The exemption request and CoC application are docketed under 10 CFR part 72, Docket 72-1025. The exemption request and the non-proprietary version of the CoC application are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, DC 20555.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 13th day of September, 1999.

**E. William Brach,**

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

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## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-41877; File No. SR-Amex-99-32]

### **Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange LLC Amending MOC and LOC Order Entry and Cancellation Procedures During Regulatory Halts**

September 14, 1999.

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 August 13, 1999, the American Stock Exchange LLC ("Amex" or "Exchange") 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 the Amex. On September 13, 1999, the Exchange submitted Amendment No. 1.<sup>3</sup> 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**

The Amex proposes to amend its market-on-close ("MOC") and limit-on-close ("LOC") order entry and cancellation procedures in the event of a regulatory trading halt and procedures relating to the publication of order imbalances following any type of trading halt.<sup>4</sup> The text of the proposed rule change is available at the Office of the Secretary, the Amex and at the Commission.

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

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed

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

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

<sup>3</sup> Letter from Michael Cavalier, Associate General Counsel, Legal & Regulatory Policy, Amex, to Richard Strasser, Assistant Director, Division of Market Regulation, SEC, dated September 9, 1999 ("Amendment No. 1"). In Amendment No. 1, the Exchange clarified the purpose of the proposed rule change and provided a definition of regulatory trading halt.

<sup>4</sup> The changes proposed in this filing are identical to those the Commission recently approved for the New York Stock Exchange. See Exchange Act Release No. 41497 (June 9, 1999), 64 FR 32595 (June 17, 1999) (SR-NYSE-99-42).