

The EPA-required studies must evaluate the behavior of agricultural chemicals under normal agriculture conditions.

Dow AgroSciences is already authorized to conduct studies on greenhouse-grown plants with radiolabeled research chemicals at its Indianapolis research facility; however, this is not a viable alternative to collecting data generated by outdoor field studies. Greenhouse studies provide an unnaturally stable environment void of normal weathering field conditions, which traditionally leads to non-representative metabolic profiles. Photolysis, heat, humidity, and other conditions influence the degradative processes that occur in the soil and on the plant surface. EPA requires the identities of the degradates formed as a result of these natural outdoor conditions.

Agencies and Persons Contacted

NRC contacted Dow AgroSciences; the Bloomington, IN, field office of the U.S. Fish & Wildlife Service; the National Park Service Registry; the State of Indiana, Department of Resources, Division of Historical Preservation and Archaeology; and the State of Indiana, Department of Health, Indoor & Radiological Health Division. The U.S. Fish & Wildlife Service provided information regarding Federally listed endangered species. The National Park Service Registry and the State of Indiana, Department of Resources, provided information on registered historical and archaeological sites. The State of Indiana, Department of Health, Indoor & Radiological Health Division agrees with the proposed action and has no additional comments.

References

1. Letter dated September 10, 1999, from Dow AgroSciences to U.S. NRC Region III, Lisle, IL, requesting amendment of Byproduct Materials License Number 13-26398-01.
2. Letter dated May 3, 2000, from Dow AgroSciences to U.S. NRC, Washington, DC, providing clarification to the amendment request.
3. **Federal Register** notice, Volume 58, pages 28638-28645, "Environmental Assessment, Finding of No Significant Impact, and Notice of Opportunity for a Hearing Related to Amendment of Byproduct Materials License 13-26398-01, DowElanco," Washington, DC, 1993.
4. **Federal Register** notice, Volume 61, pages 16937-16940, "DowElanco, Environmental Assessment: Finding of No Significant Impact and Notice of Opportunity for Hearing Related to Amendment of Byproduct Materials License Number 13-26398-01," Washington, DC, 1996.
5. *Ground Water Atlas of the U.S.*, Segment 10, Hydrogeological Investigations Atlas 730-K, U.S. Geological Survey, 1995.

Finding of No Significant Impact

Pursuant to NEPA and the Commission's regulations in 10 CFR Part 51, the Commission has determined that there will not be a significant effect on the quality of the human environment resulting from the use of C-14 in field studies at the Dow AgroSciences' Midwest U.S. Research Center located in Fowler, Benton County, IN. Accordingly, the preparation of an Environmental Impact Statement is not required for the amendment to Byproduct Materials License 13-26398-01, which will authorize the use of C-14 in field studies at the Center. This determination is based on the foregoing EA performed in accordance with the procedures and criteria in Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions."

The Dow AgroSciences amendment request and related documents are available for inspection and copying for a fee in the Region III Public Document Room, 801 Warrenville Road, Lisle, IL 60532-4351. The documents may also be viewed on the Agency-wide Documents Access and Management System located on the NRC website at www.nrc.gov

Notice of Opportunity for a Hearing

Any person whose interest may be affected by the issuance of this action may file a request for a hearing. Any request for hearing must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 30 days of the publication of this notice in the **Federal Register**; be served on the NRC staff (Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852), and on the licensee (Dow AgroSciences, LLC, 9330 Zionsville Road, Indianapolis, IN 46268-1054); and must comply with the requirements for requesting a hearing set forth in the Commission's regulations, 10 CFR Part 2, Subpart L, "Information Hearing Procedures for Adjudications in Materials Licensing Proceedings."

These requirements, which the request must address in detail, are:

1. The interest of the requestor in the proceeding;
2. How that interest may be affected by the results of the proceeding (including the reasons why the requestor should be permitted a hearing);
3. The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request for hearing is timely—that is, filed within 30 days of the date of this notice.

In addressing how the requestor's interest may be affected by the proceeding, the request should describe the nature of the requestor's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding; the nature and extent of the requestor's property, financial, or other (i.e., health, safety) interest in the proceeding; and the possible effect of any order, that may be entered in the proceeding, on the requestor's interest.

Dated at Rockville, Maryland, this 5th day of April, 2001.

For The Nuclear Regulatory Commission.

John W. N. Hickey,

Chief, Material Safety and Inspection Branch, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01-8890 Filed 4-10-01; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket 72-37]

Exelon Generation Company, LLC Dresden Independent Spent Fuel Storage Installation; Issuance of Environmental Assessment and Finding of No Significant Impact

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), 72.212(b)(2)(i)(A), and 72.214 to Exelon Generation Company, LLC (EGC). The requested exemption would allow EGC to deviate from the requirements of Certificate of Compliance 1014 (the Certificate), Appendix B, Table 2.1-3, "BWR Fuel Assembly Characteristics," which describes the acceptable fuel design characteristics. Some of the fuel assemblies EGC plans to store in the HI-STORM casks have parameters outside those specified in the Certificate, Appendix B, Table 2.1-3. The requested exemption would allow, in addition to the parameters in Appendix B, Table 2.1-3, boiling water reactor (BWR) fuel assemblies with the following fuel assembly characteristics:

Fuel assembly maximum design initial uranium mass ≤ 110 kg/assembly
 Fuel assembly array/class 6x6A fuel rod clad ID ≤ 0.5105 inches
 Fuel assembly array/class 6x6A fuel pellet diameter ≤ 0.4980 inches
 Fuel assembly array/classes 6x6A and 6x6B fuel rod pitch ≤ 0.710 inches

Fuel assembly array/classes 6x6A, 6x6B, and 8x8A active fuel length \leq 120 inches

Fuel assembly array/classes 6x6A and 6x6B number of fuel rod locations "35 or 36"

Fuel assembly array/class 8x8A number of fuel rod locations "63 or 64"

Fuel assembly array/classes 6x6A, 6x6B, and 8x8A number of water rods "1 or 0"

Fuel assembly array/classes 6x6A, 6x6B, and 8x8A water rod thickness \geq 0 inches

The requested exemption would also allow EGC to deviate from the requirements of the Certificate, Appendix B, Items 3.4.6.a, 3.4.6.b and 3.4.6.d and place HI-STORM 100 Cask Systems, loaded with spent nuclear fuel, on a concrete storage pad with a concrete thickness of less than or equal to 28 inches, concrete compressive strength of less than or equal to 6,000 psi at 28 days, and soil effective modulus of elasticity of less than or equal to 16,000 psi at the Dresden Nuclear Power Station (Dresden) Independent Spent Fuel Storage Installation (ISFSI).

Environmental Assessment (EA)

Identification of Proposed Action: By letters dated January 11, February 16, and March 2, 2001, EGC requested an exemption from the requirements of 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A), and 72.214 to deviate from the requirements of Certificate of Compliance 1014, Appendix B, Table 2.1–3 and Items 3.4.6.a, 3.4.6.b and 3.4.6.d. EGC is a general licensee, authorized by NRC to use spent fuel storage casks approved under 10 CFR Part 72, Subpart K.

EGC plans to use the HI-STORM 100 Cask System to store spent nuclear fuel, generated at the Dresden Nuclear Power Station, at an ISFSI located in Morris, Illinois, on the Dresden Nuclear Power Station site. The Dresden ISFSI has been constructed for interim dry storage of spent nuclear fuel.

By exempting EGC from 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(B), and 72.214, EGC will also be authorized to load HI-STORM 100 Cask Systems with fuel assemblies with the following characteristics:

Fuel assembly maximum design initial uranium mass \leq 110 kg/assembly

Fuel assembly array/class 6x6A fuel rod clad ID \leq 0.5105 inches

Fuel assembly array/class 6x6A fuel pellet diameter \leq 0.4980 inches

Fuel assembly array/classes 6x6A and 6x6B fuel rod pitch \leq 0.710 inches

Fuel assembly array/classes 6x6A, 6x6B, and 8x8A active fuel length \leq 120 inches

Fuel assembly array/classes 6x6A and 6x6B number of fuel rod locations "35 or 36"

Fuel assembly array/class 8x8A number of fuel rod locations "63 or 64"

Fuel assembly array/classes 6x6A, 6x6B, and 8x8A number of water rods "1 or 0"

Fuel assembly array/classes 6x6A, 6x6B, and 8x8A water rod thickness \geq 0 inches

The fuel assembly characteristics specified above would be in addition to those specified in Certificate of Compliance 1014, Appendix B, Table 2.1–3.

By exempting EGC from 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(B), and 72.214, EGC will also be authorized to place loaded HI-STORM 100 Cask Systems on cask storage pads that include the following characteristics:

(1) Concrete Thickness: \leq 28 inches

(2) Concrete Compressive Strength: \leq 6,000 psi at 28 days

(3) Soil Effective Modulus of Elasticity: \leq 16,000 psi

The storage pad characteristics specified above would be in lieu of those specified in Certificate of Compliance 1014, Appendix B, Items 3.4.6.a, 3.4.6.b, and 3.4.6.d, respectively. The proposed action before the Commission is whether to grant this exemption under 10 CFR 72.7.

The NRC staff has reviewed the exemption requests and determined that loading fuel assemblies with the revised characteristics and placement of HI-STORM 100 Cask Systems on storage pads with the revised characteristics would have minimal impact on the design basis and would not be inimical to public health and safety.

Need for the Proposed Action: There are a number of Dresden Unit 1 spent fuel assemblies in the Dresden Unit 2 spent fuel pool. To maintain full core offload capability in the Dresden Unit 2 spent fuel pool once new fuel arrives in the Summer of 2001, EGC needs to begin loading spent fuel into storage casks in Spring of 2001. Unless the exemption is granted, the fuel assemblies and storage pads at the Dresden ISFSI will not be in full conformance with the Certificate. The NRC is proposing to grant this exemption based on the staff's technical review of information submitted by EGC.

Environmental Impacts of the Proposed Action: The potential environmental impact of using the HI-STORM 100 Cask System was initially presented in the Environmental Assessment (EA) for the Final Rule to add the HI-STORM 100 Cask System to

the list of approved spent fuel storage casks in 10 CFR 72.214 (65 FR 25241, 05/01/00). Furthermore, each general licensee must assess the environmental impacts of the specific ISFSI in accordance with the requirements of 10 CFR 72.212(b)(2). This section also requires the general licensee to perform written evaluations to demonstrate compliance with the environmental requirements of 10 CFR 72.104, "Criteria for radioactive materials in effluents and direct radiation from an ISFSI or MRS [Monitored Retrievable Storage Installation]."

The HI-STORM 100 Cask System is designed to mitigate the effects of design basis accidents that could occur during storage. Design basis accidents account for human-induced events and the most severe natural phenomena reported for the site and surrounding area. Postulated accidents analyzed for an ISFSI include tornado winds and tornado generated missiles, design basis earthquake, design basis flood, accidental cask drop, lightning effects, fire, explosions, and other incidents.

The HI-STORM 100 Cask System consists of a stainless steel multi-purpose canister and a concrete and steel overpack. The welded MPC provides confinement and criticality control for the storage and transfer of spent nuclear fuel. The overpack provides radiation shielding and structural protection of the MPC during storage. Special design feature requirements for the cask and for the site are specified in Certificate of Compliance 1014, Appendix B. These include the storage pad design characteristics.

Considering the specific cask and site design requirements for each accident condition, the design of the cask would prevent loss of containment, shielding, and criticality control. Without the loss of either containment, shielding, or criticality control, the risk to public health and safety is not compromised.

The staff performed a safety evaluation of the proposed exemption. The staff found that the proposed exemption is consistent with the criticality, shielding, thermal and cask drop and tipover analyses presented in the revised Safety Analyses Report for the HI-STORM 100 Cask System and does not reduce the safety margin. The staff has determined that loading fuel assemblies that include the following design characteristics does not pose any increased risk to public health and safety.

Fuel assembly maximum design initial uranium mass \leq 110 kg/assembly
Fuel assembly array/class 6x6A fuel rod clad ID \leq 0.5105 inches

Fuel assembly array/class 6x6A fuel pellet diameter ≤ 0.4980 inches
 Fuel assembly array/classes 6x6A and 6x6B fuel rod pitch ≤ 0.710 inches
 Fuel assembly array/classes 6x6A, 6x6B, and 8x8A active fuel length ≤ 120 inches
 Fuel assembly array/classes 6x6A and 6x6B number of fuel rod locations "35 or 36"
 Fuel assembly array/class 8x8A number of fuel rod locations "63 or 64"
 Fuel assembly array/classes 6x6A, 6x6B, and 8x8A number of water rods "1 or 0"
 Fuel assembly array/classes 6x6A, 6x6B, and 8x8A water rod thickness ≥ 0 inches

The staff has also determined that placement of loaded HI-STORM 100 Cask Systems on storage pads with a (1) concrete thickness of less than or equal to 28 inches, (2) concrete compressive strength of less than or equal to 6,000 psi at 28 days, and (3) soil effective modulus of elasticity less than or equal to 16,000 psi does not pose any increased risk to public health and safety. Furthermore, the proposed action now under consideration would not change the potential environmental effects assessed in the initial rulemaking (65 FR 25241, 05/01/00).

Therefore, the staff has determined that there is no reduction in the safety margin nor significant environmental impacts as a result of loading fuel assemblies with the revised characteristics (as specified above) and placing loaded HI-STORM 100 Cask Systems on storage pads with a concrete thickness of less than or equal to 28 inches, concrete compressive strength of less than or equal to 6,000 psi at 28 days, and soil effective modulus of elasticity less than or equal to 16,000 psi.

Alternative to the Proposed Action: Since there is no significant environmental impact associated with the proposed action, alternatives with

equal or greater environmental impact are not evaluated. The alternative to the proposed action would be to deny approval of the exemption. Denial of the exemption request will have the same environmental impact.

Agencies and Persons Consulted: On March 20, 2001, Mr. F. Niziolek, Reactor Safety Section Head, Illinois Department of Nuclear Safety, was contacted about the Environmental Assessment 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 upon the foregoing EA, the Commission finds that the proposed action of granting an exemption from 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A), and 72.214 so that EGC may load HI-STORM 100 Cask Systems with revised (as specified above) fuel assembly characteristics and place loaded HI-STORM 100 Cask Systems on concrete storage pads with a concrete thickness of less than or equal to 28 inches, concrete compressive strength of less than or equal to 6,000 psi at 28 days, and soil effective modulus of elasticity less than or equal to 16,000 psi at the Dresden ISFSI 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 exemption was docketed under 10 CFR Part 72, Docket 72-37. For further details with respect to this action, see the exemption requests dated January 11, February 16, and March 2, 2001, which are available for public inspection at the Commission's Public Document Room, One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland 20852, or from the publicly available

records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Dated at Rockville, Maryland, this 3rd day of April 2001.

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

Application for a License To Export Radioactive Waste

Pursuant to 10 CFR 110.70(b)(4) "Public notice of receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. Copies of the applications are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link <http://www.nrc.gov/NRC/ADAMS/index.htm> at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

The information concerning the application follows.

NRC EXPORT LICENSE APPLICATION

Name of applicant; date of application; date received; application No.	Description of material			Country of destination
	Material type	Total qty.	End use	
Framatome ANP, Richland, Inc., January 26, 2001, February 9, 2001, XW005.	Class A—Radioactive waste (slightly contaminated non-combustibles, consisting of glass/metal/slag).	20 kilograms low enriched uranium (approx. 600 kgs total net weight).	Return of waste material to Germany.	Germany.
Framatome ANP, Richland, Inc., January 26, 2001, February 9, 2001, XW006.	Class A—Radioactive waste (contaminated incinerator ash and noncombustibles consisting of metal).	20 kilograms low enriched uranium (approx. 1500 kgs net weight).	Return of waste material to Germany.	Germany.