

create an unnecessary burden to plant operations, and challenge control of plant evolutions required with OPPS enabled. Continued operation of North Anna Units 1 and 2 with P-T curves developed to satisfy ASME Code, Section XI, Appendix G, requirements without the relief provided by ASME Code Case N-641 would unnecessarily restrict the P-T operating window, especially at low temperature conditions.

Use of the K_{Ic} curve in determining the lower bound fracture toughness of RPV steels is more technically correct than use of the K_{Ia} curve since the rate of loading during a heatup or cooldown is slow and is more representative of a static condition than a dynamic condition. The K_{Ic} curve appropriately implements the use of static initiation fracture toughness behavior to evaluate the controlled heatup and cooldown process of a reactor vessel. The staff has required use of the conservatism of the K_{Ia} curve since 1974, when the curve was adopted by the ASME Code. This conservatism was initially necessary due to the limited knowledge of the fracture toughness of RPV materials at that time. Since 1974, additional knowledge has been gained about RPV materials, which demonstrates that the lower bound on fracture toughness provided by the K_{Ia} curve greatly exceeds the margin of safety required, and that the K_{Ic} curve is sufficiently conservative, to protect the public health and safety from potential RPV failure. Application of ASME Code Case N-641 will provide results that are sufficiently conservative to ensure the integrity of the reactor coolant pressure boundary while providing P-T curves that are not overly restrictive. Implementation of the proposed P-T curves, as allowed by ASME Code Case N-641, does not significantly reduce the margin of safety.

In the associated exemption, the NRC staff has determined that, pursuant to 10 CFR part 50, section 50.12(a)(2)(ii), the underlying purpose of the regulation will continue to be served by the implementation of ASME Code Case N-641.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the proposed action provides adequate margin of safety against brittle failure of the reactor coolant pressure boundary. The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site,

and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the “no-action” alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the North Anna Power Station, Units 1 and 2, dated April 1973.

Agencies and Persons Consulted

In accordance with its stated policy, on April 2, 2001, the staff consulted with the Virginia State official, Mr. J. Dekrafft of the Radiological Health Program of the Virginia Department of Health, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated June 22, 2000, as supplemented by letters dated January 4, February 14, March 13, and March 22, 2001. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public

Library component on the NRC Web site, <http://www.nrc.gov> (the Electronic Reading Room).

Dated at Rockville, Maryland, this 26th day of April 2001.

For the Nuclear Regulatory Commission.

Gordon E. Edison,

Senior Project Manager, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-482]

Wolf Creek Nuclear Operating Corporation, Wolf Creek Generating Station; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring of Kansas City Power & Light Company and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an order under 10 CFR 50.80 approving the indirect transfer of Facility Operating License No. NPF-42 for Wolf Creek Generating Station (WCGS) as held by Kansas City Power & Light Company (KCPL), one of three joint owners of WCGS, and Wolf Creek Nuclear Operating Corporation, the operator of the facility, to a new holding company for KCPL, to the extent such indirect transfer would occur in connection with a proposed restructuring of KCPL. The facility is located in Coffey County, Kansas.

According to the February 20, 2001, application filed by KCPL, which was supplemented by letters dated February 27, March 5, and March 8, 2001, from counsel for KCPL, the proposed restructuring of KCPL encompasses the formation of a newly formed holding company as yet unnamed (“*HoldingCo*”). Upon the proposed restructuring, KCPL will cease to be publicly-traded and become a wholly-owned subsidiary of *HoldingCo*, but it will retain ownership of its regulated electric power generation, transmission, and distribution assets, including its interests in WCGS and Wolf Creek Nuclear Operating Corporation (WCNOC). No direct transfer of the license as now held by KCPL and WCNOC to *HoldingCo* is being proposed.

WCNOC would remain as the managing agent for the joint owner licensees (KCPL, Kansas Gas and Electric Company, and Kansas Electric

Power Cooperative, Inc.) of the facility and would continue to have exclusive responsibility for the management, operation, and maintenance of WCGS as the non-owner operator licensee. The application does not propose a change in the rights, obligations, or interests of the licensees of WCGS. In addition, no physical changes to WCGS or operational changes are being proposed.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the underlying transaction that will effectuate the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By May 22, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon counsel for KCPL, Robert W. Warnement, Skadden, Arps, Slate, Meagher & Flom LLP, 1440 New York Avenue, NW., Washington, DC 20005–2111; the General Counsel, U.S. Nuclear

Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: ogcht@NRC.GOV); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by June 1, 2001, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the license transfer application filed by KCPL dated February 20, 2001, and the supplemental letters dated February 27, March 5, and March 8, 2001, from counsel for KCPL, which are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 26th day of April 2001.

For the Nuclear Regulatory Commission

Jack N. Donohew,

Senior Project Manager, Section 2, Project Directorate IV and Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste

Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 126th meeting on May 15–17, 2001, at 11545 Rockville Pike, Rockville, Maryland, Room T–2B3.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

Tuesday, May 15, 2001

- A. 8:30–10:15 a.m.: *Opening Statement/Planning and Procedures* (Open)—The Chairman will open the meeting with brief opening remarks. The Committee will then review items under consideration at this meeting and consider topics proposed for future ACNW meetings.
- B. 10:30–11:30 a.m. and 1:30–2:30 p.m.: *Key Technical Issues (KTIs)—Vertical Slice Report* (Open)—The Committee members will present a progress report on their assigned KTIs.
- C. 2:30–3:30 p.m.: *Break and Preparation of Draft ACNW Reports* (Open)—Cognizant ACNW members will prepare draft reports, as needed, for consideration by the full Committee.
- D. 3:30–5:30 p.m.: *Discussion of Proposed ACNW Reports* (Open)—The Committee will discuss proposed ACNW reports on Entombment, Proposed Revisions to 10 CFR Part 71, High Level Waste Chemistry and the Staff Requirements Memorandum (SRM) on the March 22, 2001, ACNW Commission briefing.

Wednesday, May 16, 2001

- E. 8:30–8:40 a.m.: *Opening Remarks by the ACNW Chairman* (Open)—The ACNW Chairman will make opening remarks regarding the conduct of the meeting.
- F. 8:40–10:15 a.m.: *Overview of Sequoyah Fuels* (Open)—The Committee will receive an information briefing from the NRC staff on the current status of activities at the Sequoyah Fuels Corporation Facility.
- G. 10:30–12 Noon.: *Yucca Mountain Draft Environmental Impact Statement (DEIS)* (tentative) (Open)—The Committee will receive an update from a DOE representative on the DEIS for the proposed high level waste repository at Yucca Mountain, Nevada.
- H. 1:00–2 p.m.: *Supplemental Draft Environmental Impact Statement*