NUCLEAR REGULATORY COMMISSION

[Docket No. 50–528–OLA; ASLBP No. 03–804–01–OLA]

Arizona Public Service Company, Palo Verde Nuclear Generating Station, Unit 1; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28,710 (1972), and sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721, and 2.772(j) of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to preside over the following proceeding:

Arizona Public Service Company, Palo Verde Nuclear Generating Station, Unit 1.

This Board is being established pursuant to a notice of consideration of issuance of operating license amendment, proposed no significant hazards consideration determination, and opportunity for a hearing published in the **Federal Register** (67 FR 62,079 (Oct. 3, 2002)). The proceeding involves a petition for intervention submitted October 14, 2002, by the National Environmental Protection Center challenging a request by the Arizona Public Service Company to amend the operating license for the Palo Verde Nuclear Generating Station, Unit 1. The amendment would change a facility technical specification to revise the scope of the required inspection of the tube in the steam generator tubesheet region.

The Board is comprised of the following administrative judges:

Ann M. Young, Chair, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Thomas D. Murphy, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

All correspondence, documents, and other materials shall be filed with the administrative judges in accordance with 10 C.F.R. 2.701.

Issued at Rockville, Maryland, this 5th day of November, 2002.

G. Paul Bollwerk, III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 02–28671 Filed 11–8–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–143]

Nuclear Fuel Services, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance; correction.

SUMMARY: This notice corrects a previous notice appearing in the **Federal Register** on October 30, 2002 (67 FR 66172), that considers issuance of an amendment of Materials License SNM–124. This notice is necessary to correct an erroneous Agencywide Documents Access and Management System (ADAMS) accession number, and to add the address of the attorney for the licensee.

FOR FURTHER INFORMATION CONTACT: Mary Adams, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–7249, e-mail: *mta@nrc.gov.*

SUPPLEMENTARY INFORMATION: On page 66172, in the third column, in the second complete paragraph, the ADAMS accession number is changed from ''ML02730343,'' to read ''ML020730343''. Also, on page 66173, second column, fifth paragraph should be changed from ''(1) The applicant, Nuclear Fuel Services, 1205 Banner Hill Road, Erwin, Tennessee, 37650–9718. A copy of the request for hearing should also be sent to the attorney for the licensee;'' to ''(1) The applicant, Nuclear Fuel Services, 1205 Banner Hill Road, Erwin, Tennessee, 37650–9718. A copy of the request for hearing should also be sent to the attorney for the licensee, Daryl Shapiro, c/o Shaw Pittman, L.L.P., 2300 N. Street, NW., Washington, DC 20037;''.

Dated in Rockville, Maryland, this 5th day of November, 2002.

For the U.S. Nuclear Regulatory Commission.

Daniel Gillen, Chief,

Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Materials Safety and Safeguards.

[FR Doc. 02–28670 Filed 11–8–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 70–7001 and 70–7002]

Paducah Gaseous Diffusion Plant; Portsmouth Gaseous Diffusion Plant; United States Enrichment Corporation; Notice of Approval of Request for Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of approval of request for exemption.

SUMMARY: The Nuclear Regulatory Commission (Commission) is approving, upon publication of this notice, a request for an exemption from the requirement to submit written event follow-up reports within 30 days for the Paducah Gaseous Diffusion Plant and the Portsmouth Gaseous Diffusion Plant operated by the United States Enrichment Corporation (USEC). The exemption will allow up to 60 days for submitting written event follow-up reports, instead of the 30 days specified in 10 CFR 76.120(d)(2). The NRC has prepared an environmental assessment with a finding of no significant impact on the request.

FOR FURTHER INFORMATION CONTACT: Dan E. Martin, Project Manager, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 415–7254, e-mail *dem1@nrc.gov.*

SUPPLEMENTARY INFORMATION: The Commission is approving the issuance of an exemption from the requirement to submit written event follow-up reports in 30 days, pursuant to 10 CFR part 76, for the Paducah Gaseous Diffusion Plant (PGDP) and the Portsmouth Gaseous Diffusion Plant (PORTS), both operated by USEC. Both facilities are authorized to use Special Nuclear Material (SNM) in the enrichment of natural uranium to prepare low-enriched uranium to be used by others in the fabrication of nuclear fuel pellets and fuel assemblies, although enrichment operations have ceased at PORTS. The PGDP facility is located near Paducah, Kentucky, and the PORTS facility is located near Piketon, Ohio.

Pursuant to 10 CFR part 76.120(a), (b), and (c), certain events are required to be reported to the NRC within 1, 4, or 24 hours, respectively. For example, an inadvertent criticality event must be reported to NRC within 1 hour. In such cases, Section 76.120(d)(2) requires that a written event follow-up report be submitted within 30 days of the initial

report. Written event follow-up reports must include: (1) A description of the event, including the probable cause and the manufacturer and model number of any equipment that failed; (2) the exact location of the event; (3) a description of the isotopes, quantities, and chemical and physical form of the material involved; (4) the date and time of the event; (5) the causes, including the direct cause, the contributing cause, and the root cause; (6) corrective actions taken or planned and the results of any evaluations or assessments; (7) the extent of exposure of individuals to radiation or to radioactive materials; and (8) lessons learned from the event.

Because of the comprehensive nature of event follow-up reports, the initial 30-day report is often incomplete because event analysis and root cause determinations are not completed within 30 days. In these cases, a supplemental report must be submitted when information is complete. In recognition of this, the NRC revised 10 CFR part 50, for nuclear power reactors, to allow 60 days for submitting event follow-up reports (**Federal Register**, October 25, 2000, Volume 65, No. 207, pp. 63769–63789). Considerations mentioned in connection with revising Part 50 included that the increased time would allow for completion of required engineering evaluations after event discovery, provide for more complete and accurate event reports, and result in fewer event report revisions and supplemental reports. Similar considerations apply to the Paducah and Portsmouth GDPs and the NRC staff has determined that the exemption should be granted. The NRC staff has prepared an environmental assessment of the proposed action and made a finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would allow written event follow-up reports required pursuant to 10 CFR 76.120(d)(2) to be submitted within 60 days instead of the 30 days specified in the regulation, for the Paducah and Portsmouth GDPs operated by USEC. The proposed action is in accordance with USEC's request for exemption dated September 5, 2001.

Need for the Proposed Action

The proposed action is needed to reduce the number of revised and supplemental written event reports made necessary because complete information is not available within the 30 days allowed by the regulation. USEC has provided data for the Paducah GDP indicating that, since NRC began regulating the facility in March 1997, 21 of a total of 84 written event follow-up reports would have been unnecessary if the requirement for submittal of written event follow-up reports had been 60 days instead of the current 30-day requirement. USEC stated that these 21 reports were submitted only to meet the 30-day requirement, and, in each case, the root cause analysis was ongoing at the time the 30-day report was submitted and a subsequent report was required when the root cause analysis was completed. Similar data for the Portsmouth facility has not been requested or provided since it would not be useful in view of the recent termination of virtually all NRC-regulated operations at the Portsmouth facility. However, the same general considerations apply for Portsmouth, but at a reduced scale since the number of reportable events is expected to be decreased but not eliminated altogether.

Environmental Impacts of the Proposed Action

The proposed action would not materially affect the responsiveness of USEC or the NRC to events that do occur and are reported. Changing the time limit from 30 days to 60 days for events reported under Part 76 does not imply that USEC should take longer to develop and implement corrective actions, which should continue to be taken on a time scale commensurate with the safety significance of the issue. It has no impact on initial notifications to the NRC as the change only applies to written event follow-up reports. Also, the NRC will continue to have resident inspectors at the Paducah facility to provide monitoring and evaluation of USEC's responses to events as they are implemented. One reason the NRC scrutinizes written event reports is to evaluate the potential for generic safety concerns that might exist at other, similar facilities. Since the Paducah facility has no comparable counterpart other than the Portsmouth facility, which has terminated all enrichment and most other operations, the potential for identifying generic safety concerns is severely limited. On balance, the NRC believes the reduction in burden on USEC and NRC achieved by reducing the number of revised and supplemental event reports will be the primary impact of granting the requested exemption.

The proposed exemption should have no impact on the effectiveness of USEC's response to reportable events. The proposed action should not increase the probability or consequences of accidents as there is no change in the time period for taking corrective action. No changes are being made in the amounts or types of any effluents that could be released offsite, and there is no increase in individual or cumulative radiation exposure. Accordingly, the Commission concludes that there are no significant radiological impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological 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. Denial of the proposed action would result in no change in environmental impacts and would result in hardship to USEC. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The proposed action does not involve the use of any resources beyond those already necessary to prepare and submit event follow-up reports, and would likely reduce the expenditure of such resources by reducing the number of revised and supplemental event reports required to be submitted.

Agencies and Persons Consulted

In accordance with its stated policy, the NRC staff consulted with: (1) State of Illinois official Thomas Ortciger, Director, Illinois Department of Nuclear Safety; (2) State of Kentucky official Janice H. Jasper, Radiation Health and Toxic Agents Branch, Cabinet for Health Services; (3) State of Ohio official, Carol O'Claire, Supervisor, Radiological Branch, Ohio Emergency Management Agency; and (4) U.S. Department of Energy official Randall M. DeVault, Group Leader, Transition and Technology Group, Office of Nuclear Fuel Security and Uranium Technology, regarding the environmental impact of the proposed action. No objections were received.

Consultations with the U.S. Fish and Wildlife Service and the State Historic Preservation Officer were not performed because of the lack of any conceivable impact to fish and wildlife or historic assets.

Finding of No Significant Impact

Based on the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the

Commission has determined not to prepare an environmental impact statement for the proposed action.

List of Preparers

This document was prepared by Dan E. Martin, Project Manager, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards. Mr. Martin is the Project Manager for the Paducah Gaseous Diffusion Plant.

For further details with respect to the proposed action, see the USEC letter request dated September 5, 2001, and USEC's response to a request for additional information, dated October 2, 2002, available for public inspection at the Commission's Public Document Room at One White Flint North, 11555 Rockville Pike (first floor), Rockville, MD, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov/reading-rm/adams.html*).

Dated at Rockville, Maryland this 24th day of October, 2002.

For the Nuclear Regulatory Commission.

Daniel M. Gillen,

Chief, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 02–28669 Filed 11–8–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 138th meeting on November 19–21, 2002, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

Tuesday, November 19, 2002, NRC Auditorium, 11545 Rockville Pike, Rockville, MD

A. *8:30–8:40 a.m.: Introductory Comments, Statement of Objectives and Overview* (Open)—The Chairman will open the meeting and then turn it over to the Working Group Chairman who will state the objectives of the Workshop and provide an overview of the sessions.

Transportation Working Group Workshop

B. *8:40–5:45 p.m.: Transportation Working Group Workshop* (Open)—The Committee will hear presentations from and hold discussions with staff, industry, and government representatives regarding testing and analysis performed to assess the safety of spent fuel transportation packages.

Wednesday, November 20, 2002, Conference Room 2B3, Two White Flint North, Rockville, Maryland

C. *10–10:05 a.m.: Opening Statement* (Open)—The Chairman will make opening remarks regarding the conduct of today's sessions.

D. *10:05–11:30 a.m.: Igneous Activity Update* (Open)—The Committee will hear a presentation by a representative of the NRC staff updating the Committee on recent activities on the igneous activity issue at Yucca Mountain.

E. *12:30–12:35 p.m.: Opening Remarks* (Open)—The Working Group Chairman will provide opening remarks for this session.

F. *12:35—6:30 p.m.: Transporation Working Group Workshop (Continued)* (Open)–The Committee will hear presentations from and hold discussions with staff, industry, and government representatives regarding spent fuel transportation safety in the U.S.

Thursday, November 21, 2002, Conference Room 2B3, Two White Flint North, Rockville, Maryland

G. *8:30–8:35 a.m.: Opening Statement* (Open)—The Chairman will make opening remarks regarding the conduct of today's sessions.

H. *8:35–10:30 a.m.: Commission Presentation* (Open)—The Committee will discuss its presentation for the December 18, 2002 public meeting with the Commission. Topics proposed:

- HLW Program Risk Insights Initiative
- Spent Fuel Transportation
- Waste Package Performance
- Igneous Activity at Yucca Mountain
- Yucca Mountain Review Plan

I. *10:45–3 p.m.: Preparation of ACNW Reports* (Open)—The Committee will discuss proposed reports on the following topics:

- Principal Observations from September Trip to Yucca Mountain and Environs
- Observations from October Trip to Swedish Waste
- Management Facilities and Berlin Quadripartite Meeting
- Comparison of TSPA and TPA Results
- Conclusions Regarding the Safety of Spent Nuclear Fuel Transporation

J. *3–3:15 p.m.: Miscellaneous* (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on October 11, 2002 (67 FR 63459). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify Mr. Howard J. Larson, ACNW (Telephone 301/415–6805), between 7:30 a.m. and 4 p.m. EST, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the ACNW office, prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Howard J. Larson as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by contacting Mr. Howard J. Larson.

ACNW meeting notices, meeting transcripts, and letter reports are now available for downloading or viewing on the Internet at *http://www.nrc.gov/ACRSACNW.*

Videoteleconferencing service is available for observing open sessions of ACNW meetings. Those wishing to use this service for observing ACNW meetings should contact Mr. Theron Brown, ACNW Audiovisual Technician (301/415–8066), between 7:30 a.m. and 3:45 p.m. EST, at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.