

firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: August 28, 2002.

**Laura M. Nagel,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 02-26681 Filed 10-18-02; 8:45 am]

**BILLING CODE 4410-09-M**

## **MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION**

### **Sunshine Act; Meeting**

**TIME AND DATE:** 9 a.m. to 12 p.m., Monday, November 18, 2002.

**PLACE:** The offices of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, 110 South Church Avenue, Suite 3350, Tucson AZ 85701.

**STATUS:** This meeting will be open to the public, unless it is necessary for the Board to consider items in executive session.

**MATTERS TO BE CONSIDERED:** (1) A report on the U.S. Institute for Environmental Conflict Resolution; (2) a report from the Udall Center for Studies in Public Policy; (3) a report on the Native Nations Institute; (4) program reports; (5) a report on the Udall Archives; and (6) a report from the Management Committee.

**PORTIONS OPEN TO THE PUBLIC:** All sessions with the exception of the session listed below.

**PORTIONS CLOSED TO THE PUBLIC:** Executive session.

**CONTACT PERSON FOR MORE INFORMATION:** Christopher L. Helms, Executive Director, 110 South Church Avenue, Suite 3350, Tucson, AZ 85701, (520) 670-5529.

Dated: October 16, 2002.

**Christopher L. Helms,**

*Executive Director, Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and Federal Register Liaison Officer.*

[FR Doc. 02-26788 Filed 10-17-02; 10:05 am]

**BILLING CODE 6820-FN-M**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 50-346, License No. NPF-3]**

### **FirstEnergy Nuclear Operating Company; Davis-Besse Nuclear Power Station, Unit 1; Notice of Issuance of Director's Decision Under 10 CFR 2.206**

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision with regard to a Petition dated April 24, 2002, filed by David Lochbaum on behalf of multiple organizations, hereinafter referred to as the "Petitioners." The Petition was supplemented on May 9, 2002. The Petition concerns the operation of the Davis-Besse Nuclear Power Station, Unit 1, operated by FirstEnergy Nuclear Operating Company.

The Petition requested that the U.S. Nuclear Regulatory Commission (NRC) issue an Order to FirstEnergy Nuclear Operating Company (the licensee), requiring a verification by an independent party (VIP) for issues related to the reactor pressure vessel (RPV) head problem at Davis-Besse, Unit 1, and that the VIP be tasked with the following:

1. Verifying the adequacy of the problem identification and resolution (PIR) process.
2. Verifying the root cause evaluation prepared by the licensee for the damage to the RPV head.
3. Verifying that the long-term accumulation of boric acid within the reactor containment did not impair the function of safety-related systems, structures, and components (SSCs).
4. Verifying that the licensee has taken appropriate actions in response to NRC generic communications.
5. Verifying that the licensee has not deferred other plant modifications without appropriate justification.
6. Verifying that all entities responsible for safety reviews (e.g., Quality Assurance, INPO, the nuclear insurer, the plant operating review committee, the offsite safety review committee, etc.) are properly in the loop and functioning adequately.
7. Documenting its work in a publicly available report.
8. Presenting its conclusions to the NRC in a public meeting conducted near the plant site.

In support of their request, the Petitioners cite the Order issued by the NRC on August 14, 1996, to Northeast Nuclear Energy Company, the owner of the Millstone Nuclear Power Station in Connecticut, as a recent and relevant precedent for the action they requested.

The Petitioners consider that restarting the Davis-Besse plant before an independent team of experts has examined the safety issues related to the RPV head problem would be potentially unsafe and in violation of Federal regulations.

The Petition of April 24, 2002, raises concerns originating in the licensee's identification of extensive degradation to the pressure boundary material of the RPV head on March 6, 2002. The VIP requested by the Petitioners would provide an independent program to verify the adequacy of plant owner performance and to reassure the public that all reasonable safety measures have been taken prior to plant restart.

On May 9, 2002, the Petitioners and the licensee met with the staff's Petition Review Board. The meeting gave the Petitioners and the licensee an opportunity to provide additional information and to clarify issues raised in the Petition.

The NRC sent a copy of the proposed Director's Decision to the Petitioners and to the licensee for comment on August 16, 2002. The Petitioners responded with comments on August 29, 2002, and the licensee responded on August 30, 2002. The comments and the NRC staff's response to them are included in the Director's Decision.

The Director of the Office of Nuclear Reactor Regulation has denied the request to issue an Order. The reasons for this decision are explained in Director's Decision DD-02-01 pursuant to 10 CFR 2.206, the complete text of which is available for inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville, Maryland, and on the NRC's Web site <http://www.nrc.gov/reading-rm/adams.html> (the Electronic Reading Room), via the NRC's Agencywide Documents Access and Management System (ADAMS) under Accession No. ML022620366.

The NRC staff finds that its ongoing actions are sufficient to verify the adequacy of the licensee's performance related to RPV head degradation issues and to reassure the public that all reasonable safety measures have been taken prior to plant restart. The establishment of the Augmented Inspection Team and the Inspection Manual Chapter (IMC) 0350 Oversight Panel, as well as the comprehensive technical reviews being performed by the staff and investigations being performed by the NRC's Office of Investigations, are responsive to the degradation problem at Davis-Besse. The staff has adequate expertise and resources to monitor the licensee's corrective and preventative actions.

Thus, the enforcement-related action requested by the Petitioners for a VIP is not warranted. Additionally, the licensee is already taking action to provide an adequate level of independent verification for restart activities. Therefore, the Petitioners' request that the NRC issue an Order to the licensee requiring the establishment of a VIP is denied. If further assessment by the IMC 0350 Oversight Panel identifies new and/or different issues that would warrant consideration of an enforcement-related action similar to that used at Millstone, a change to the current staff regulatory approach would be considered.

A copy of the Director's Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206 of the Commission's regulations. As provided for by this regulation, the Director's Decision will constitute the final action of the Commission 25 days after the date of the decision, unless the Commission, on its own motion, institutes a review of the Director's Decision in that time.

Dated at Rockville, Maryland, this 15th day of October, 2002.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 02-26707 Filed 10-18-02; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 70-7001]

### Paducah Gaseous Diffusion Plant, United States Enrichment Corp.; Notice of Approval of Request for Temporary Exemption

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of approval of request for temporary exemption.

**SUMMARY:** The Nuclear Regulatory Commission (Commission) is approving, upon publication of this notice, a request for a temporary exemption from the requirement to perform an emergency preparedness (EP) exercise every 2 years for the Paducah Gaseous Diffusion Plant operated by the United States Enrichment Corporation (USEC). The temporary exemption is needed because USEC needs to concentrate available resources on prompt implementation of requirements in the Commission's Security Order issued June 17, 2002, and postponement of the

EP exercise until after implementation of the Security Order requirements will provide a better indication of preparedness under the new requirements. USEC requested authorization to conduct the EP exercise on September 10, 2003, a delay of approximately 10 months from the currently scheduled exercise date of November 13, 2002. However, the Commission is requiring USEC to conduct the exercise no earlier than July 15, 2003, and no later than August 15, 2003. USEC will then return to the normal biennial schedule with the next exercise being conducted in September 2004. The NRC has prepared an environmental assessment with a Finding Of No Significant Impact (FONSI) 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 a temporary exemption from the requirement to perform an emergency preparedness exercise every 2 years, pursuant to 10 CFR part 76, for the Paducah Gaseous Diffusion Plant (PGDP), operated by USEC. The facility is 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 and operates near Paducah, Kentucky.

The PGDP facility was scheduled to conduct an EP exercise on November 13, 2002. USEC has requested an exemption to allow postponement of the exercise until September 10, 2003, a delay of about 10 months. The delay is requested in order to allow USEC to concentrate available resources on implementation of requirements in the Security Order issued by the Commission on June 17, 2002. The Security Order compels a variety of actions to increase security in light of the terrorist attacks on the United States that occurred on September 11, 2001, and is not subject to public disclosure. USEC also wishes to postpone the exercise until after the Security Order requirements are implemented because the exercise will then provide a better indication of preparedness under the new requirements. The Commission is requiring USEC to conduct the exercise no earlier than July 15, 2003, and no later than August 15, 2003.

The last biennial EP exercise conducted at the PGDP facility was conducted on September 21, 2000. USEC's Emergency Plan, in accordance with 10 CFR 76.91(l), requires that plant personnel plan and conduct biennial EP exercises. Because USEC needs to schedule the next exercise beyond the end of calendar year 2002, USEC has requested a temporary exemption from the requirement to conduct biennial EP exercises. USEC requested authorization to conduct the EP exercise on September 10, 2003. However, the Commission is requiring USEC to conduct the exercise no earlier than July 15, 2003, and no later than August 15, 2003. The Commission is also requiring USEC to offer and conduct training for off-site responders, before the exercise is conducted, to familiarize them with the new security requirements. USEC will then return to the normal biennial schedule with the next exercise being conducted in September 2004. The NRC staff has prepared an environmental assessment of the proposed action and reached a finding of no significant impact.

### Environmental Assessment

#### *Identification of the Proposed Action*

The proposed action would grant temporary scheduler relief from the requirement of 10 CFR 76.91(l) to perform a biennial EP exercise during calendar year 2002. The proposed action would require USEC to conduct the PGDP 2002 biennial exercise no earlier than July 15, 2003, and no later than August 15, 2003, and would require USEC to offer and conduct training for off-site responders to familiarize them with the new security requirements before the exercise is conducted. The proposed action is otherwise in accordance with USEC's request dated August 28, 2002.

#### *Need for the Proposed Action*

The proposed action is necessary to support a request by USEC that the EP exercise scheduled for November 13, 2002, be postponed beyond calendar year 2002, to the summer of 2003. The delay is needed to allow USEC to concentrate available resources on implementation of requirements in the Security Order issued by the Commission on June 17, 2002, until completion. The Security Order compels a variety of actions to increase security in light of the terrorist attacks on the United States that occurred on September 11, 2001, and is not subject to public disclosure. Among the actions that USEC is required to take are substantial plant modifications, training