

2001, to FEMA, requested the cancellation from FEMA for the State and the five local authorities. The State requested that the next biennial full participation exercise to be held at SONGS with NRC/FEMA participation be conducted in 2003. Although the requests from the State and local authorities do not come under the responsibility and authority of the Commission, the Commission realizes that the full participation exercise required by Appendix E would require the participation of the State and these local authorities. The State's letter is addressed in the safety evaluation dated December 21, 2001.

Based on the safety evaluation dated December 21, 2001, the Commission concludes that the licensee's request for an exemption should be denied. However, because the scheduled 2001 full participation exercise to meet the regulations was canceled for good cause; there is insufficient time before January 1, 2002, when the licensee would be in violation of the regulations, to prepare and conduct the exercise; and the licensee has provided sufficient information for a one-year schedular extension to the requirements in the regulations, the Commission concludes that such a schedular exemption to the biennial exercise requirements in Sections IV.F.b and c of Appendix E to 10 CFR Part 50 should be granted to SONGS.

The Commission, pursuant to 10 CFR 50.12(a)(1), may grant exemptions from the requirements of 10 CFR Part 50 that are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security. The Commission, however, pursuant to 10 CFR 50.12(a)(2), will not consider granting an exemption unless special circumstances are present. Under 10 CFR 50.12(a)(2)(v), special circumstances are present whenever the exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

III

The revised exemption is a one-time postponement of the 2001 full participation exercise for SONGS. The full participation exercise may be conducted in 2002. It is requested that the exercise be conducted as soon as practical, but the challenges of rescheduling the exercise are recognized and the exemption is not predicated on the early conduct of the exercise. Subsequent full participation exercises for SONGS would be scheduled at no

greater than 2-year intervals in accordance with 10 CFR part 50, appendix E, Section IV.F.2.c. The calendar biennium for SONGS would not be affected by this schedular exemption and the next full participation exercise would be required to be performed in 2003. Accordingly, the exemption would provide only temporary relief from that regulation.

As indicated in the licensee's request for an exemption of September 18, 2001, the licensee had originally scheduled a full participation exercise for September 12, 2001. As further set forth in that letter, as a result of the national security events occurring in the United States on September 11, 2001, this exercise was canceled. Accordingly, the licensee made a good faith effort to comply with the schedular requirements of Appendix E for full participation exercises.

The NRC staff has completed its evaluation of the revised exemption. The NRC staff, having considered the schedule and resource issues resulting from this schedular exemption and the fact that the licensee successfully conducted the last full participation exercise for SONGS on October 27, 28, and 29, 1999, which was evaluated by the NRC and FEMA, and conducted a full participation "dress rehearsal" exercise on August 8, 2001, in preparation for the September 12, 2001, exercise that was canceled, finds the request for a schedular exemption for rescheduling the 2001 biennial full participation exercise acceptable. The inspection/evaluation by NRC and FEMA indicated that the performance demonstrated during the 1999 exercise was a satisfactory test of the EPP. In its letter, the licensee stated that it successfully conducted the "dress rehearsal" exercise on August 8, 2001, with the same emergency planning elements that were planned for the September 12, 2001, exercise. The NRC staff also recognizes that it was not appropriate to conduct an exercise during the period of disruption and heightened security directly after the national emergency of September 11, 2001. However, in this period of heightened security concerns regarding nuclear plant vulnerability, it is prudent to conduct the full participation exercise as soon as practical to demonstrate and maintain readiness.

IV

The Commission has determined that, pursuant to 10 CFR Part 50, Appendix E, this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security, and is otherwise in the

public interest. Further, the Commission has determined, pursuant to 10 CFR 50.12(a), that special circumstances of 10 CFR 50.12(a)(v) are applicable in that the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation. Therefore, the Commission hereby grants a one year schedular exemption from Sections IV.F.2.b and c of Appendix E to 10 CFR Part 50.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (66 FR 66000).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 21st day of December 2001.

For the Nuclear Regulatory Commission

Ledyard B. Marsh,

Acting Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01-32061 Filed 12-28-01; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Revised

The 131st ACNW meeting scheduled to be held on January 8-10, 2002, has been *changed to a two-day meeting, which will be held on January 8-9, 2002.* The ACNW meeting with the NRC Commissioners scheduled to be held between 9:30 and 11:30 a.m. on January 9, 2002 has been canceled, and will be rescheduled for March 20, 2002. Notice of this meeting was previously published in the **Federal Register** on Wednesday, December 19, 2001, (66 FR 65522). A revised agenda is provided below.

Tuesday, January 8, 2002

A. 8:30—10:45 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. 11:00—12:00 Noon: Proposed Amendment to 10 CFR Part 63 (Open)—The staff will provide an information briefing on the proposed amendment to 10 CFR Part 63, that would clarify the types of features, events, and processes that must be considered in performance analyses of human intrusion and

groundwater protection at the Yucca Mountain repository.

C. 1:00—4:45 P.M.: *Preparation of ACNW Reports* (Open)—The Committee will discuss proposed reports on the following topics:

- ACRS/ACNW November 14, 2001 Joint Subcommittee Meeting on Risk-Informed Regulation in NMSS
- Annual Research Report to the Commission
- Proposed Rule on Probability of an Unlikely Event
- Conservatism

D. 5:00—6:00 P.M.: *Planning for ACNW Retreat* (Open)—The Committee will finalize plans for its February 27—28—March 1, 2002 retreat.

Wednesday, January 9, 2002

E. 8:30—8:35 A.M.: *Opening Remarks by the ACNW Chairman* (Open)—The ACNW Chairman will make opening remarks regarding the conduct of the meeting.

F. 8:35—3:00 P.M.: *Discussion of Key Technical Issue (KTI) Status* (Open)—The Committee will be briefed on the status of the KTIs for the proposed repository at Yucca Mountain, NV.

G. 3:00—6:00 P.M.: *ACRS/ACNW Office Retreat* (Open)—The Committee will meet with the ACNW technical and operational staffs to discuss issues arising from the ACRS/ACNW Office retreat held on September 19–21, 2001.

H. 6:00—6:15 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.

Note: The 132nd ACNW Meeting scheduled for February 7, 2002, has been tentatively rescheduled for February 5–7, 2002.

For further information contact: Mr. Howard J. Larson, ACNW (Telephone 301/415–6805), between 8:00 A.M. and 4:00 P.M. EST.

Dated: December 21, 2001.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 01–32050 Filed 12–28–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Board Meeting: January 29–30, 2002—Pahrump, Nevada: The Nuclear Waste Technical Review Board Will Hold a Meeting To Discuss Issues Related to the Department of Energy's (DOE) Characterization of a Potential Repository Site at Yucca Mountain, Nevada. A Program Overview and Scientific Updates Will Be Presented. Other Topics Included recently Issued DOE Documents Related to Site Recommendation and Analyses of the DOE's Total System Performance Assessment

Pursuant to its authority under section 5051 of Public Law 100–203, Nuclear Waste Policy Amendments Act of 1987, on Tuesday, January 29, and Wednesday, January 30, 2002, the Nuclear Waste Technical Review Board (Board) will hold a meeting in Pahrump, Nevada, to discuss the status of U.S. Department of Energy (DOE) efforts to characterize a site at Yucca Mountain, Nevada, as the possible location of a permanent repository for spent nuclear fuel and high-level radioactive waste. Among other things, representatives of the DOE and other agencies and groups will present scientific updates on research related to Yucca Mountain and on the results of recently issued studies related to the technical basis for a decision by the Secretary of Energy on whether to recommend Yucca Mountain for repository development. The meeting is open to the public, and opportunities for public comment will be provided. The Board is charged by Congress with reviewing the technical and scientific validity of DOE activities related to managing spent nuclear fuel and high-level radioactive waste.

The meeting will be held at the Bob Ruud Community Center, 150 North Highway 160, Pahrump, Nevada 89048. The pay-phone number for the community center is (775) 727–9991. The meeting sessions will begin at 8:30 a.m. on both days.

The full-day session on Tuesday will begin with a general overview of the DOE program and a briefing on the regulatory framework for a site recommendation. These presentations will be followed by scientific updates in several areas, including fluid inclusions, chlorine-36 studies, saturated zone modeling, and other scientific investigations. Discussions of findings of the U.S. Geological Survey, and comments on the DOE's Total System Performance Assessment by the Nuclear Regulatory Commission's (NRC's) Advisory Committee on Nuclear Waste,

an international peer review group, and others, will follow.

On Wednesday, discussions will continue on recently released documents, including a report by the DOE on uncertainty and the DOE's Technical Update Information Letter Report. Following these presentations, representatives of the NRC will comment on the NRC's "sufficiency" review. The meeting is scheduled to adjourn at approximately 12:30 p.m.

Opportunities for public comment will be provided before lunch on Tuesday and before adjournment on both days. Those wanting to speak during the public comment periods are encouraged to sign the "Public Comment Register" at the check-in table. A time limit may have to be set on individual remarks, but written comments of any length may be submitted for the record. Interested parties also will have the opportunity to submit questions in writing to the Board. As time permits, the questions will be answered during the meeting. In addition, on Wednesday, from 7:30 a.m. to 8:15 a.m., Board members will host a "coffee and donuts" get together for members of the public attending the meeting at the Bob Ruud Community Center.

A detailed agenda will be available approximately one week before the meeting. Copies of the agenda can be requested by telephone or obtained from the Board's Web site at www.nwtrb.gov. Beginning on March 4, 2002, transcripts of the meeting will be available on the Board's Web site, via e-mail, on computer disk, and on a library-loan basis in paper format from Davonya Barnes of the Board staff.

A block of rooms has been reserved at the Best Western Pahrump Station, 1101 South Highway 160, Pahrump, Nevada 89048; (tel) 775–751–5100; (fax) 775–751–1325. When making a reservation, please state that you are attending the Nuclear Waste Technical Review Board meeting.

For more information, contact the NWTRB; Karyn Severson, External Affairs; 2300 Clarendon Boulevard, Suite 1300; Arlington, VA 22201–3367; (tel) 703–235–4473; (fax) 703–235–4495; (e-mail) info@nwtrb.gov.

The Nuclear Waste Technical Review Board was created by Congress in the Nuclear Waste Policy Amendments Act of 1987. The Board's purpose is to evaluate the technical and scientific validity of activities undertaken by the Secretary of Energy related to managing the disposal of the nation's spent nuclear fuel and high-level radioactive waste. In the same legislation, Congress directed the DOE to characterize a site