

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of NSHC. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves NSHC, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. Because of the continuing disruptions in delivery of mail to United States Government offices, it is requested that petitions for leave to intervene and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101 or by e-mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov). A copy of the petition for leave to intervene and request for hearing should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and because of continuing disruptions in delivery of mail to United States Government offices, it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). A copy of the request for hearing and petition for leave to intervene should also be sent to Lillian M. Cuoco, Senior Nuclear Counsel, Dominion Nuclear Connecticut, Inc., Rope Ferry Road, Waterford, CT 06385, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the

presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated July 19, 2002, which is available for public inspection at the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 16th day of August, 2002.

For the Nuclear Regulatory Commission.

**Richard B. Ennis,**

*Senior Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-272 and 50-311]

### PSEG Nuclear LLC; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of PSEG Nuclear LLC (the licensee) to withdraw its August 17, 2001, application for proposed amendment to Facility Operating License Nos. DPR-70 and DPR-75 for the Salem Nuclear Generating Station, Unit Nos. 1 and 2, located in Salem County, New Jersey.

The proposed amendment would have revised Salem Technical Specification (TS) Surveillance Requirement 4.6.2.3, and its associated TS Bases. Specifically, the proposed change would have modified the current acceptance criterion for the service water flow rate through the Containment Fan Coil Units from  $\geq 2,550$  gallons per minute (gpm) to  $\geq 2,300$  gpm.

The Commission had previously issued a Notice of Consideration of

Issuance of Amendment published in the **Federal Register** on October 17, 2001 (66 FR 52802). However, by letter dated August 15, 2002, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated August 17, 2001, and the licensee's letter dated August 15, 2002, which withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams/html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 16th day of August, 2002.

For the Nuclear Regulatory Commission.

**Robert J. Fretz,**

*Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-261]

### Carolina Power & Light Company, H.B. Robinson Steam Electric Plant, Unit No. 2; Notice of Intent to Prepare an Environmental Impact Statement and Conduct Scoping Process

Carolina Power & Light Co. (CP&L) has submitted an application for renewal of Facility Operating License DPR-23 for an additional 20 years of operation at the H. B. Robinson Steam Electric Plant (Robinson), Unit No. 2. Robinson is located in Darlington County, South Carolina, approximately 5 miles north-northwest of Hartsville, South Carolina. The application for renewal was submitted by letter dated June 17, 2002, pursuant to 10 CFR part 54. A notice of receipt of application, including the environmental report (ER), was published in the **Federal Register** on July 18, 2002 (67 FR 47410). A notice of acceptance for docketing of

the application for renewal of the facility operating license was published in the **Federal Register** on August 16, 2002 (67 FR 53626). The purpose of this notice is to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an environmental impact statement (EIS) in support of the review of the license renewal application and to provide the public an opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29.

In accordance with 10 CFR 54.23 and 10 CFR 51.53(c), CP&L submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR Part 51 and is available for public inspection at the NRC Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at <http://www.nrc.gov/reading-rm/adams.html>, which provides access through the NRC's Public Electronic Reading Room (PERR) link. If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). The application may also be viewed on the Internet at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications/robinson.html>. In addition, the Hartsville Memorial Library, located at 147 West College Avenue, Hartsville, South Carolina 29550, has agreed to make the ER available for public inspection.

This notice advises the public that the NRC intends to gather the information necessary to prepare a plant-specific supplement to the Commission's "Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants," (NUREG-1437) in support of the review of the application for renewal of the Robinson operating license for an additional 20 years. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. Section 51.95 of 10 CFR requires that the NRC prepare a supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with the National Environmental Policy Act (NEPA) and the NRC's regulations found in 10 CFR part 51.

The NRC will first conduct a scoping process for the supplement to the GEIS

and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in the scoping process by members of the public and local, State, and Federal government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

- a. Define the proposed action which is to be the subject of the supplement to the GEIS.

- b. Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth.

- c. Identify and eliminate, from detailed study, those issues that are peripheral or that are not significant.

- d. Identify any environmental assessments and other EISs that are being or will be prepared that are related to, but are not part of the scope of the supplement to the GEIS being considered.

- e. Identify other environmental review and consultation requirements related to the proposed action.

- f. Indicate the relationship between the timing of the preparation of the environmental analyses and the Commission's tentative planning and decision-making schedule.

- g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS to the NRC and any cooperating agencies.

- h. Describe how the supplement to the GEIS will be prepared, and include any contractor assistance to be used.

The NRC invites the following entities to participate in the scoping process:

- a. The applicant, Carolina Power & Light Co.

- b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved, or that is authorized to develop and enforce relevant environmental standards.

- c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards.

- d. Any affected Indian tribe.

- e. Any person who requests or has requested an opportunity to participate in the scoping process.

- f. Any person who intends to petition for leave to intervene.

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC has decided to hold

public meetings for the Robinson license renewal supplement to the GEIS. The scoping meetings will be held in the C.W. Coker Auditorium of Davidson Hall on the campus of Coker College in Hartsville, South Carolina, on Wednesday, September 25, 2002. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will convene at 7 p.m. with a repeat of the overview portions of the meeting and will continue until 10 p.m., as necessary. Both meetings will be transcribed and will include (1) an overview by the NRC staff of the NEPA environmental review process, the proposed scope of the supplement to the GEIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the supplement to the GEIS. Additionally, the NRC staff will host informal discussions one hour before the start of each session in Davidson Hall. No comments on the proposed scope of the supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meetings or in writing, as discussed below. Persons may register to attend or present oral comments at the meetings on the scope of the NEPA review by contacting Mr. Richard L. Emch, Jr., by telephone at 1-800-368-5642, extension 1590, or by Internet to the NRC at [RobinsonEIS@nrc.gov](mailto:RobinsonEIS@nrc.gov) no later than September 20, 2002. Members of the public may also register to speak at the meeting within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the supplement to the GEIS. Mr. Emch will need to be contacted no later than September 20, 2002, if special equipment or accommodations are needed to attend or present information at the public meeting, so that the NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the environmental scope of the Robinson license renewal review to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of

Administration, Mailstop T-6 D 59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. during Federal workdays. To be considered in the scoping process, written comments should be postmarked by October 25, 2002. Electronic comments may be sent by the Internet to the NRC at [RobinsonEIS@nrc.gov](mailto:RobinsonEIS@nrc.gov). Electronic submissions should be sent no later than October 25, 2002, to be considered in the scoping process. Comments will be available electronically and accessible through the NRC's PERR link <http://www.nrc.gov/reading-rm/adams.html>.

Participation in the scoping process for the supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Notice of opportunity for a hearing regarding the renewal application was the subject of the aforementioned **Federal Register** notice of acceptance for docketing. Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

At the conclusion of the scoping process, the NRC will prepare a concise summary of the determination and conclusions reached, including the significant issues identified, and will send a copy of the summary to each participant in the scoping process. The summary will also be available for inspection through the PERR link. The staff will then prepare and issue, for comment, the draft supplement to the GEIS, which will be the subject of separate notices and separate public meetings. Copies will be available for public inspection at the above-mentioned addresses, and one copy per request will be provided free of charge. After receipt and consideration of the comments, the NRC will prepare a final supplement to the GEIS, which will also be available for public inspection.

Information about the proposed action, the supplement to the GEIS, and the scoping process may be obtained from Mr. Emch at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 16th day of August, 2002.

For the Nuclear Regulatory Commission.

**Samson S. Lee,**

*Acting Program Director, License Renewal and Environmental Impacts Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

### Notice of Receipt of Supplemental Environmental Report for the Mixed Oxide Fuel Fabrication Facility and Notice of Public Meetings

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of receipt and notice of public meetings.

**SUMMARY:** On July 11, 2002, the U.S. Nuclear Regulatory Commission (NRC) received a supplemental Environmental Report (ER) from Duke COGEMA Stone & Webster (DCS), for the proposed Mixed Oxide (MOX) Fuel Fabrication Facility. The need for the supplemental ER arose, in January 2002, when the U.S. Department of Energy (DOE) announced its decision to alter its planned hybrid approach for surplus weapons plutonium disposition [65 FR 1608]. The Plutonium Immobilization Plant (PIP) that DOE had planned to build and operate as part of its hybrid approach will not be built. Instead, DOE decided that 34 metric tons of surplus weapons plutonium would be converted into MOX fuel at the proposed MOX facility. DOE's decision not to build the Plutonium Immobilization Plant (PIP) and convert all of the plutonium into MOX fuel requires design changes to the proposed MOX facility. The NRC staff found that due to these changes, DCS would be required to submit a supplemental ER. A notice of delay in issuance of the Draft and Final Environmental Impact Statements (EIS) for the proposed MOX facility was published in the **Federal Register** on April 24, 2002 (67 FR 20183). This **Federal Register** notice also discussed changes to the proposed MOX facility and DOE surplus disposition program.

The NRC will host three public meetings. The meetings are part of the continuing process to keep affected stakeholders and the public informed of plans, schedules and important issues related to the preparation of the EIS, and to answer questions. The purpose of the meetings will be to inform the public of changes in the supplemental ER and the DOE surplus disposition program. NRC staff will also discuss how these

changes have affected the scope of the Draft EIS summarized in the Scoping Summary Report dated August 2001. In the April 24, 2002 **Federal Register** notice, public comment was solicited on two issues.

(1) How the immobilization of surplus plutonium as a No Action Alternative should be discussed in the DEIS, since DOE has canceled plans to build the Plutonium Immobilization Plant.

(2) Whether there are additional reasonable alternatives not identified during scoping that should be considered in the DEIS, in light of the changes described above. As discussed in the Scoping Summary Report, NRC is considering the environmental impacts of the proposed action (construction and operation of the proposed MOX fuel fabrication facility), continued storage of surplus plutonium at existing DOE sites, and immobilization of surplus plutonium. If the immobilization alternative is not considered, then the DEIS would only evaluate the proposed action and one No Action Alternative.

NRC staff will summarize the responses received and solicit views of people at the meetings. Information will be provided on the EIS review process and stakeholders will be updated on the revised EIS schedule. The meeting dates, times and locations are listed below:

Tuesday, September 17, 2002, 7 p.m. to 10 p.m., North Augusta Community Center, 495 Brookside Avenue, North Augusta, South Carolina.

Wednesday, September 18, 2002, 7 p.m. to 10 p.m., Coastal Georgia Center, 305 Fahm Street, Savannah, Georgia.

Thursday, September 19, 2002, 7 p.m. to 10 p.m., Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, North Carolina.

**FOR FURTHER INFORMATION CONTACT:** For general information on the NRC NEPA process, please contact: Tim Harris at (301) 415-6613. For general or technical information associated with the proposed MOX facility, please contact: Tim Johnson at (301) 415-7299, or Drew Persinko at (301) 415-6522.

### Availability of Documents for Review

Information on the supplemental ER and other documents associated with the proposed MOX project are available for public review through our electronic reading room: <http://www.nrc.gov/reading-rm.html> or the MOX web page: <http://www.nrc.gov/materials/fuel-cycle-fac/MOX/licensing.html>. Documents may also be obtained from NRC's Public Document Room at U.S. Nuclear Regulatory Commission, Public Document Room, Washington, DC 20555.

Signed in Rockville, MD, this 15th day of August, 2002.