

Agenda

Day 1: Education and Diversity Subcommittee Meeting, Division Subcommittee Meetings.

Day 2: Directorate activities and plans, Education, Human Resources, and Diversity.

Day 3: Information Exchange, GPRA.

Dated: April 2, 2002.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 02-8256 Filed 4-4-02; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

1. *Type of submission, new, revision, or extension:* Revision.
2. *The title of the information collection:* Proposed rule, Compatibility with IAEA Transportation Safety Standards (TS-R-1) and Other Transportation Safety Amendments (10 CFR part 71).
3. *The form number, if applicable:* Not applicable.
4. *How often the collection is required:* Biennial and on occasion.
5. *Who will be required or asked to report:* NRC licensees, Certificate of Compliance (CoC) holders, and applicants for a CoC.
6. *An estimate of the number of responses:* 83 (A total of 37 responses [8 for CoC holders and applicants and 29 annualized one-time responses from licensees] plus 46 recordkeepers).
7. *The estimated number of annual respondents:* 75 (46 CoC holders and applicants and an annualized 29 one-time licensee respondents).
8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 1,505 hours (676 hours for reporting and 829 hours for recordkeeping).
9. *An indication of whether Section 3507(d), Pub. L. 104-13 applies:* Applicable.

10. *Abstract:* The proposed rule amends NRC regulations on packaging and transporting radioactive material to be compatible with the International Atomic Energy Agency (IAEA) standards and to codify other applicable requirements. The proposed rule would add CoC holders and applicants to the list of regulated entities subject to mandatory requirements such as quality assurance program and reporting. A new subpart I, Type B(DP) Package Approval, is being created to achieve a parallel regulatory structure with part 72 regulations and to provide an alternative approach for approving Type B(DP) dual purpose packages used for storage and transport of spent fuels. If used, subpart I will reduce burden, improve effectiveness and efficiency, and ensure consistency between parts 71 and 72 requirements.

Submit, by May 6, 2002, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the burden estimate accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the submittal may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room 0-1F23, Rockville, MD 20852. The proposed rule indicated in "Compatibility with IAEA Transportation Safety Standards (TS-R-1) and Other Transportation Safety Amendments" is or has been published in the **Federal Register** within several days of the publication date of this **Federal Register** Notice. The OMB clearance package and rule are available at the NRC worldwide web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html> for 60 days after the signature date of this notice and are also available at the rule forum site, <http://ruleforum.llnl.gov>.

Comments and questions should be directed to the OMB reviewer by May 6, 2002:

Bryon Allen, Office of Information and Regulatory Affairs (3150-0008), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 28th day of March, 2002.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Office.

[FR Doc. 02-8245 Filed 4-4-02; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 71-0122, Approval No. 0122 EA-01-164]

In the Matter of J.L. Shepard & Associates, San Fernando, CA; Confirmatory Order Relaxing Order (Effective Immediately)

I

J.L. Shepherd & Associates (JLS&A) was the holder of Quality Assurance (QA) Program Approval for Radioactive Material Packages No. 0122 (Approval No. 0122), issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 71, subpart H. QA activities authorized by Approval No. 0122 include: design, procurement, fabrication, assembly, testing, modification, maintenance, repair, and use of transportation packages subject to the provisions of 10 CFR part 71. Approval No. 0122 was originally issued January 17, 1980. In addition to having a QA program approved by the NRC to satisfy the provisions of 10 CFR part 71, subpart H, to transport or deliver for transport licensed material in a package, JLS&A is required by 10 CFR part 71, Subpart C, to have and comply with the package's Certificate of Compliance (CoC) issued by the NRC. Based on JLS&A's failure to comply with 10 CFR part 71, QA Program Approval No. 0122 was withdrawn, by the immediately effective NRC Order, dated July 3, 2001, (66 FR 36603, July 12, 2001).

II

The NRC lacked confidence that JLS&A would implement the QA Program approved by the NRC in accordance with 10 CFR part 71, Subpart H, in a manner that would assure the required preparation and use of transportation packages in full conformance with the terms and conditions of an NRC CoC and with 10 CFR part 71. JLS&A's QA Approval No. 0122 was withdrawn by an immediately effective Order issued July 3, 2001, (July 2001 Order).

By letters dated August 16, and September 13, 2001, JLS&A responded to the July 2001 Order, and requested

that provisions of the Order be relaxed based on a showing of good cause. Specifically, JLS&A requested interim relief from the July 2001 Order based on JLS&A's proposed Near-Term Corrective Action Plan, to allow 68 shipments to 16 customers, in U.S. Department of Transportation specification packaging designated as 20WC. The NRC issued a Confirmatory Order Relaxing Order, dated September 19, 2001 (66 FR 49708, September 28, 2001), granting interim relief to allow 68 shipments to 16 customers in 20 WC packages in accordance with JLS&A's Near-Term Corrective Action Plan, through March 2002, provided JLS&A's satisfactory completion of certain commitments.

By letters dated December 7 and 10, 2001, JLS&A requested that provisions of the July 2001 Order be relaxed based on a showing of good cause. Specifically, JLS&A requested interim relief to ship an irradiator to Surry Nuclear Power Station and return the replaced unit to JLS&A's facility in California. JLS&A proposed to use the Near-Term Corrective Action Plan specified in the September 19, 2001, Confirmatory Order to allow these two shipments in U.S. Department of Transportation specification packaging designated as 20WC. The NRC issued a Confirmatory Order Relaxing Order dated December 13, 2001 (66 FR 67556, December 31, 2001), granting interim relief to allow two shipments to one customer in 20 WC packages in accordance with JLS&A's Near Term Corrective Action Plan, provided JLS&A's satisfactory completion of certain commitments.

III

By letters dated February 26, 2002, as supplemented March 13, 18, and 25, 2002, JLS&A requested that provisions of the July 2001 Order be further relaxed based on a showing of good cause. Specifically, JLS&A requested an extension of the shipment period authorized in the September 19, 2001, Order from March 31, 2002, to June 30, 2002, to allow JLS&A to complete shipment of Type B quantities of radioactive material in U. S. Department of Transportation 20WC specification packaging that was authorized by the September 19, 2001, Order. This extension of the expiration date is necessary since many of the customers did not obtain the necessary licensing approvals or to complete needed facility modifications to possess the radioactive material in time for the shipments to be completed by March 31, 2002. In addition, JLS&A requested authorization to make additional shipments to customers not approved by the

September 19, 2001, Order. JLS&A proposes to use the Near-Term Corrective Action Plan specified in the September 19, 2001, Confirmatory Order. JLS&A committed to: (1) inspect the 20WC package (both shield and overpack); (2) document the inspection in a separate report; (3) perform the shipping and inspection function only by trained personnel; and (4) have the Independent Auditor verify compliance of each shipment with the foregoing commitments and certify such compliance in the monthly reports to the NRC.

In addition, on February 26, 2002, JLS&A consented to issuance of this Confirmatory Order granting interim relief from the July 2001 Order subject to the foregoing commitments, as set forth in Section IV below, and agreed that this Confirmatory Order is to be effective upon issuance, and agreed to waive its right to a hearing on this action. Implementation of these commitments will provide assurance that sufficient resources will be applied to the QA program, and that the program will be conducted safely and in accordance with NRC requirements.

I find that JLS&A's commitments as set forth in Section IV are acceptable and necessary and conclude that with these commitments the public health and safety are reasonably assured. The NRC staff reviewed JLS&A's relief request to determine whether to grant the requested relief with assurances that public health and safety are maintained. In view of the foregoing, I have determined that the public health and safety require that JLS&A's commitments be confirmed by this Confirmatory Order. This Confirmatory Order only grants additional time to complete the shipments previously authorized by the September 30, 2001, Order. Based on the above and JLS&A's consent, this Confirmatory Order is effective immediately upon issuance.

IV

Accordingly, pursuant to Sections 62, 81, 161b, 161i, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Section 2.202 and 10 CFR parts 71 and 110, *it is hereby ordered*, effective immediately, that the July 3, 2001, *order is relaxed* to grant interim relief, through June 30, 2002, to complete shipments to customers previously authorized by the September 30, 2001 order and identified in enclosure 1 to the March 14, 2002 supplement entitled "NT-CAP1: Shipments Contracted for Prior to July 3, 2001", in accordance with JLS&A's near-term corrective action plan, provided:

1. JLS&A uses the implementing procedures for the 1995 QA program plan, as revised, and the Near-Term Corrective Action Plan to complete an inspection of the 20WC packages involved in the shipments. The inspection will confirm that the packages and associated procedures are in conformance with 49 CFR 178.362, "Specification 20WC wooden protective jacket." Each inspection will include, at a minimum, actual physical measurements, and visual inspections for damage, corrosion, or other potentially unacceptable conditions;

2. JLS&A documents the results of each inspection in separate reports approved by the QA Administrator and prepared in accordance with the revised 1995 QA program plan and implementing procedures. The report will include the list of attributes verified, the acceptance criteria, and the results for each attribute;

3. JLS&A uses JLS&A's staff, contractors, and sub-contractors, trained in the Near-Term Corrective Action Plan and the revised 1995 QA program plan and implementing procedures for conducting the inspections listed in the above condition; and,

4. JLS&A uses the Independent Auditor to ensure that the three conditions listed above have been completed. Additionally, the Independent Auditor shall conduct monthly QA program audits and will provide NRC with a report by the 20th of each month. The Independent Auditor shall verify the compliance of each shipment with the three Conditions listed above and certify to the Commission in its monthly reports.

The Director, Office of Enforcement, or the Director, Office of Nuclear Material Safety and Safeguards, may in writing, relax or rescind this Confirmatory Order upon demonstration of good cause by the JLS&A.

V

In accordance with 10 CFR 2.202, any person, other than JLS&A, adversely affected by this Confirmatory Order may request a hearing within 20 days of its issuance.

Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC

20555. Copies of the hearing request also should be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Director, Office of Nuclear Material Safety and Safeguards at the same address, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011, and to JLS&A. If such person requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this

Confirmatory Order and shall address the criteria set forth in 10 CFR 2.714(d). If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Confirmatory Order without further Order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received.

A request for hearing shall not stay the immediate effectiveness of this confirmatory order.

Dated this 29th day of March 2002.

For the Nuclear Regulatory Commission.

James G. Luehman,

Deputy Director, Office of Enforcement.

[FR Doc. 02-8244 Filed 4-4-02; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-461]

AmerGen Energy Company, LLC; Clinton Power Station, Unit 1 Environmental Assessment and Finding of No Significant Impact; Related to a Proposed License Amendment To Increase the Maximum Thermal Power Level

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. NPF-62, issued to AmerGen Energy Company, LLC (AmerGen, the licensee) for the operation of the Clinton Power Station,

Unit 1 (CPS), located on Clinton Lake in DeWitt County, Illinois. Therefore, pursuant to 10 CFR 51.21 and 51.35, the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would allow AmerGen, the operator of CPS, to increase its electrical generating capacity at CPS by raising the maximum reactor core power level from 2894 MWt to 3473 MWt. This change is approximately 20 percent above the current licensed maximum power level for CPS. The change is considered an extended power uprate (EPU) because it would raise the reactor core power level more than 7 percent above the original licensed maximum power level. CPS has not submitted a previous power uprate application. A power uprate increases the heat output of the reactor to support increased turbine inlet steam flow requirements and increases the heat dissipated by the condenser to support increased turbine exhaust steam flow requirements. The licensee with input from the plant designer, General Electric Company, evaluated the proposed EPU from a safety perspective and concluded that sufficient safety and design margins exist so that the proposed increase in core thermal power level can be achieved without any risk to health and safety of the public or impact on the environment.

The proposed action is in accordance with the licensee's application for amendment dated June 18, 2001, a letter providing initial environmental information dated September 7, 2001, and additional environmental information provided in a letter dated November 29, 2001. Also, the application was supplemented by letters dated September 28, October 17, 23, 26, and 31, November 8 (2 letters), 20, 21, and 30, and December 5, 6, 7, 13 (2 letters), 20, 21, and 26, 2001, January 8, 15, 16, and 24, and March 15, 22, and 29, 2002. The proposed amendment would change the operating license and the technical specifications appended to the operating license to provide for implementing uprated power operation.

The Need for the Proposed Action

AmerGen evaluated the need for additional electrical generation capacity in its service area for the planning period 2000-2009. Information provided by the North American Electric Reliability Council showed that, in order to meet projected demands, generating capacity must be increased

by at least 1.6 percent per year for the Mid-Continent Area Power Pool and the Mid-America Interconnected Network.

AmerGen determined that a combination of increased power generation and purchase of power from the electrical grid would be needed to meet the projected demands including an operating margin for reliability. Increasing the generating capacity at CPS was estimated to provide lower cost power than can be purchased on the current and projected energy market.

In addition, increasing nuclear generating capacity would lessen the need to depend on fossil fuel alternatives that are subject to unpredictable cost fluctuations and increasing environmental costs.

Environmental Impacts of the Proposed Action

At the time of the issuance of the operating license for CPS, the NRC staff noted that any activity authorized by the license would be encompassed by the overall action evaluated in the Final Environmental Statement (FES) for the operation of CPS, which was issued in May 1982. The original operating license for CPS allowed a maximum reactor power level of 2894 MWt. On September 7, 2001, Exelon submitted a supplement to its Environmental Report supporting the proposed EPU and provided a summary of its conclusions concerning the environmental impacts of the EPU at CPS. Based on the staff's independent analyses and the evaluation performed by the licensee, the staff concludes, as described further below, that the environmental impacts of the EPU are bounded by the environmental impacts previously evaluated in the FES, because the EPU would involve no extensive changes to plant systems that directly or indirectly interface with the environment. Additionally, no changes to any State permit limits would be necessary. This environmental assessment first discusses the non-radiological and then the radiological environmental impacts of the proposed EPU at CPS.

Non-Radiological Impacts at CPS

The following is the NRC staff's evaluation of the non-radiological environmental impacts of the proposed EPU on land use, water use, waste discharges, noise, terrestrial and aquatic biota, transmission facilities, and social and economic conditions at CPS.

Land Use Impacts

The EPU at CPS as proposed will require no changes to the current use of land. Modification plans as submitted do not include building any new