

If the final determination is that the amendment request involves no significant hazards consideration, 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 Mr. Edward J. Cullen, Deputy General Counsel, Exelon BSC—Legal, 2301 Market Street, Philadelphia, PA 19101, 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 October 1, 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 2nd day of October 2002.

For the Nuclear Regulatory Commission.

**Carl F. Lyon,**

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

[FR Doc. 02-25385 Filed 10-3-02; 8:45 am]

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## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 50-395]**

### **South Carolina Electric and Gas Co., Virgil C. Summer Nuclear Station; Notice of Acceptance for Docketing of the Application and Notice of Opportunity for a Hearing Regarding Renewal of Facility Operating License No. NPF-12 for an Additional 20-Year Period**

The U.S. Nuclear Regulatory Commission (the Commission) is considering an application for the renewal of Operating License No. NPF-12, which authorizes South Carolina Electric & Gas Company to operate Virgil C. Summer Nuclear Station, at 2900 megawatts thermal. The renewed license would authorize the applicant to operate the Virgil C. Summer Nuclear Station for an additional 20 years beyond the period specified in the current license. The current operating license for Virgil C. Summer Nuclear Station expires on August 6, 2022.

On August 6, 2002, the Commission received an application from South Carolina Electric & Gas Company to renew the operating license for the Virgil C. Summer Nuclear Station. A Notice of Receipt of Application, "Virgil C. Summer Nuclear Station; Notice of Receipt of Application for Renewal of Facility Operating License No. NPF-12 for an Additional 20-year Period," was published in the **Federal Register** on September 3, 2002, (67 FR 56316).

The Commission's staff (the staff) has determined that South Carolina Electric & Gas Company has submitted information in accordance with 10 CFR

54.19, 54.21, 54.22, 54.23, and 51.53(c) that is complete and acceptable for docketing. The current Docket No. 50-395 for Operating License No. NPF-12 will be retained. The docketing of the renewal application does not preclude requesting additional information as the review proceeds, nor does it predict whether the Commission will grant or deny the application.

Before issuance of each requested renewed license, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. In accordance with 10 CFR 54.29, the Commission will issue a renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review, and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB) and that any changes made to the plant's CLB comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the Commission will prepare an environmental impact statement that is a supplement to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants" (May 1996). Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding this meeting will be included in a future **Federal Register** notice. The Commission also intends to hold public meetings to discuss the license renewal process and the schedule for conducting the review. The Commission will provide prior notice of these meetings. As discussed further herein, in the event that a hearing is held, issues that may be litigated will be confined to those pertinent to the foregoing.

Within 30 days from the date of publication of this **Federal Register** notice, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the renewal of the licenses in accordance with the provisions of 10 CFR 2.714.

Interested persons should consult a current copy of 10 CFR 2.714,<sup>1</sup> which is available at the Commission's Public Document Room (PDR), 11555 Rockville Pike (first floor) Rockville, Maryland, and on the Commission's Web site at <http://www.nrc.gov> (the Public Electronic Reading Room). If a request for a hearing or a petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request(s) and/or petition(s), and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. In the event that no request for a hearing or petition for leave to intervene is filed by the above date, the Commission may, upon completion of its evaluations and upon making the findings required under 10 CFR parts 51 and 54, renew the licenses without further notice.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth, with particularity, the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding, taking into consideration the limited scope of matters that may be considered pursuant to 10 CFR parts 51 and 54. The petition must specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding, (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding, and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's

<sup>1</sup> The most recent version of Title 10 of the Code of Federal Regulations, published January 1, 2002, inadvertently omitted the last sentence of 10 CFR 2.714(d) and paragraphs (d)(1) and (2), regarding petitions to intervene and contentions. Those provisions are extant and still applicable to petitions to intervene. Those provisions are as follows:

In all other circumstances, such ruling body or officer shall, in ruling on—

(1) A petition for leave to intervene or a request for hearing, consider the following factors, among other things: (i) The nature of the petitioner's right under the Act to be made a party to the proceeding, (ii) The nature and extent of the petitioner's property, financial, or other interest in the proceeding, (iii) The possible effect of any order that may be entered in the proceeding on the petitioner's interest.

(2) The admissibility of a contention, refuse to admit a contention if: (i) The contention and supporting material fail to satisfy the requirements of paragraph (b)(2) of this section; or (ii) The contention, if proven, would be of no consequence in the proceeding because it would not entitle petitioner to relief.

interest. The petition must also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the board up to 15 days before the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specific requirements described above.

Not later than 15 days before the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene that must include a list of the contentions that the petitioner seeks to have litigated in the hearing. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of each contention and a concise statement of the alleged facts or the expert opinion that supports the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

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.

Requests for a hearing and petitions 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 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 request 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 Mr. Stephen A. Byrne, Sr. Vice President—Nuclear Operations, South Carolina Electric & Gas Company, Virgil C. Summer Nuclear Station, PO Box 88, Jenkinsville, SC 29065.

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

Detailed information about the license renewal process can be found on the Commission's Web page at <http://www.nrc.gov>. A copy of the application is available for public inspection at the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or on the NRC Web site at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications/summer.html>, while the application is under review. The staff has verified that a copy of the license renewal application for the Virgil C. Summer Nuclear Station is also available to local residents at the Fairfield County Library, in Winnsboro, South Carolina, and at the Thomas Cooper Library, at the University of South Carolina in Columbia, South Carolina.

Dated at Rockville, Maryland, this 27th day of September, 2002.

For the Nuclear Regulatory Commission.

**Pao-Tsin Kuo,**

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

[FR Doc. 02-25245 Filed 10-3-02; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Proposed Plan to Perform Fire Testing of Hemyc (1-Hour) and MT (3-Hour) Fire Protection Wrap; Meeting

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** The NRC staff will hold a public meeting to present an overview of the draft plant-specific proposed plan to perform fire testing of Hemyc (1-hour) and MT (3-hour) fire protection wrap and to accept public comments on the document.

**DATES:** October 31, 2002, 10 a.m. to 12 p.m.

**ADDRESSES:** One White Flint North, Room O-10 B4, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Mr. R. Subbaratnam, Project Directorate II, Section 2, Division of Licensing Project Management, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 1-800-368-5642, extension 1478, or eMail at [RXS@nrc.gov](mailto:RXS@nrc.gov); or Mr. D. Frumkin, Fire Protection and Special Projects Section, Plant Systems Branch, Division of Systems Safety and Analysis, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 1-800-368-5642, extension 2280, or e-mail at [DXF1@nrc.gov](mailto:DXF1@nrc.gov).

**SUPPLEMENTARY INFORMATION:** As a result of fire protection inspections, unresolved items (URIs) were opened at some nuclear power stations due to questions raised regarding the fire rating of two fire barrier materials (Shearon Harris (ADAMS ML003685341), and McGuire (ML003778709)). The URIs involve the fire rating of Hemyc and MT fire barrier materials produced by Promatec, Inc. A recent staff review of the original fire tests for these materials shows that the original test results may not be consistent with the staff's safety evaluation report. The NRC has chosen to perform fire tests of these materials to determine their actual fire rating when applied to meet the requirements of Title 10 of the Code of Federal Regulations (10 CFR) part 50, appendix R, "Fire Protection Program for Nuclear Facilities Operating Prior to January 1, 1979," section III.G, as required by 10 CFR 50.48, "Fire Protection."

The purpose of this meeting is to gather stakeholder input into the proposed testing plan to help assure that the testing plan as proposed includes a representative sample of configurations.

The meeting may also gather other information, such as comments on scope of testing and testing methods, and serve as a vehicle for members of the public to express concerns and provide advice.

The proposed testing plan is available electronically for public inspection in the NRC Public Document Room (PDR) located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or from the Publicly Available Records (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm.html> (the Public Electronic Reading Room). The ADAMS accession number for the test plan is ML022280394. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1-800-397-4209 or 301-415-4737, or by e-mail at [pdr@nrc.gov](mailto:pdr@nrc.gov).

Any interested party may submit comments on the draft test plan. Comments may be delivered to Room 6 D22, Two White Flint North, at 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Electronic comments may be submitted to the NRC by e-mail to [RXS2@nrc.gov](mailto:RXS2@nrc.gov) for consideration by the NRC staff. To be certain of consideration, comments on the proposed testing plan must be received by November 7, 2002. Comments received after the due date will be considered if it is practical to do so, but the NRC staff is able to assure consideration only for comments received on or before this date. Written comments on the testing plan should be addressed to: R. Subbaratnam, Project Directorate II, Section 2, Division of Licensing Project Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

All comments received by the Commission, including those made by Federal, State, and local agencies, Indian tribes, or other interested persons, will be made available electronically at the Commission's PDR in Rockville, Maryland and from the PARS component of ADAMS.

The NRC staff will host an informal discussion 1 hour prior to the start of the session. No comments on the proposed testing plan will be accepted during the informal discussions. To be considered, comments must be provided in writing as discussed above. Persons may pre-register to attend or present oral comments at the meeting by contacting Mr. R. Subbaratnam by telephone at 1-800-368-5642,

or by e-mail at [RXS2@nrc.gov](mailto:RXS2@nrc.gov) no later than October 17, 2002. Members of the public may also register to provide oral comments within 15 minutes of the start of the session. Individual oral comments may be limited by the time available, depending on the number of persons who register. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. R. Subbaratnam's attention no later than October 17, 2002, to provide the NRC staff adequate notice to determine whether the request can be accommodated.

Dated at Rockville, Maryland, this 30th day of September, 2002.

For the Nuclear Regulatory Commission.

**John N. Hannon,**

*Chief, Plant Systems Branch, Division of Systems Safety and Analysis, Office of Nuclear Reactor Regulation.*

[FR Doc. 02-25246 Filed 10-3-02; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Termination of Uranium Milling Licenses in Agreement States; Opportunity To Comment on Draft Revision of NRC Procedure

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Request for comment.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is announcing the availability of a draft revision of the Office of State and Tribal Programs (STP) Procedure SA-900: Termination of Uranium Milling Licenses in Agreement States for review and comment. The procedure describes the NRC review process for making determinations that all applicable standards and requirements have been met before Agreement State uranium milling license termination. Stakeholder's comments are requested on the draft revised procedure before NRC issues the final procedure.

**DATES:** The comment period expires November 4, 2002. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** Comments may be submitted either electronically or via U.S. mail. Submit written comments to: Chief, Rules and Directives Branch, Mail Stop T6-D59, U.S. Nuclear Regulatory