

testing of the watertight enclosure for Decay Heat Removal System valves DH-11 and DH-12 to decrease the frequency of functional testing.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on May 30, 2001 (66 FR 29355). However, by letter dated December 20, 2002, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated March 30, 2001, and the licensee's letter dated December 20, 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, Public File Area O1F21, 11555 Rockville Pike, 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, MD, this 17th day of January 2003.

For the Nuclear Regulatory Commission.

**Jon Hopkins,**

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

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 72-26-ISFSI; ASLBP No. 02-801-01-ISFSI]

### Atomic Safety and Licensing Board; Pacific Gas and Electric Co.; (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation); Notice (Notice of Opportunity To Make Oral or Written Limited Appearance Statements)

January 16, 2003.

*Before Administrative Judges:* G. Paul Bollwerk, III, Chairman, Dr. Jerry R. Kline, Dr. Peter S. Lam.

The Atomic Safety and Licensing Board hereby gives notice that, in accordance with 10 CFR 2.715(a), the

Board will conduct sessions to provide the public with an opportunity to make oral limited appearance statements in connection with this proceeding regarding the December 21, 2001 application of Pacific Gas and Electric Company (PG&E) under 10 CFR part 72 for permission to construct and operate an independent spent fuel storage installation (ISFSI) at its Diablo Canyon Power Plant (DCPP) site near San Luis Obispo, California.

#### A. Date, Time, and Location of Oral Limited Appearance Statement Sessions

These sessions will be on the following dates at the specified location and times:

1. *Date:* Sunday, March 23, 2003.

*Time:* Afternoon Session (if there is sufficient interest)—3 p.m. to 7 p.m. Pacific Standard Time (PST).

*Location:* Embassy Suites Hotel, San Luis Obispo Room, 333 Madonna Rd., San Luis Obispo, California 93405.

2. *Date:* Monday, March 24, 2003.

*Times:* Morning Session (if there is sufficient interest)—10 a.m. to Noon PST, Afternoon Session—1:30 p.m. to 4:30 p.m. PST, Evening Session—6:30 p.m. to 9:30 p.m. PST.

*Location:* Same as Session 1 above.

#### B. Participation Guidelines for Oral Limited Appearance Statements

Any person not a party, or the representative of a party, to the proceeding will be permitted to make an oral statement setting forth his or her position on matters of concern relating to this proceeding. Although these statements do not constitute testimony or evidence, they nonetheless may help the Board and/or the parties in their consideration of the issues in this proceeding.

Oral limited appearance statements will be entertained during the hours specified above, or such lesser time as may be necessary to accommodate the speakers who are present. In this regard, if all scheduled and unscheduled speakers present at a session have made a presentation, the Licensing Board reserves the right to terminate the session before the ending time listed above. The Licensing Board also reserves the right to cancel the Sunday afternoon and/or Monday morning sessions scheduled above if there has not been a sufficient showing of public interest as reflected by the number of preregistered speakers.

The time allotted for each statement normally will be no more than five minutes, but may be further limited depending on the number of written requests to make an oral statement that

are submitted in accordance with section C below and/or the number of persons present at the designated times. In addition, although an individual may request an opportunity to speak at more than one session, the Licensing Board reserves the right to defer an additional presentation by the same individual until after it has heard from speakers who have not had an opportunity to make an initial presentation.

#### C. Submitting a Request To Make an Oral Limited Appearance Statement

Persons wishing to make an oral statement who have submitted a timely written request to do so will be given priority over those who have not filed such a request. To be considered timely, a written request to make an oral statement must be mailed, faxed, or sent by e-mail so as to be received by close of business (4:30 p.m. EST) on *Friday, March 14, 2003*. The request must specify the date (March 23 or March 24) and the session on that day (morning, afternoon or evening) during which the requester wishes to make an oral statement. Based on its review of the requests received by March 14, 2003, the Licensing Board may decide that the Sunday afternoon and/or Monday morning sessions will not be held due to lack of adequate interest in those sessions.

Written requests to make an oral statement should be submitted to:

*Mail:* Office of the Secretary, Rulemakings and Adjudications Staff, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

*Fax:* (301) 415-1101 (verification (301) 415-1966).

*E-mail:* [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov).

In addition, using the same method of service, a copy of the written request to make an oral statement should be sent to the Chairman of this Licensing Board as follows:

*Mail:* Administrative Judge G. Paul Bollwerk, III, Atomic Safety and Licensing Board Panel, Mail Stop T-3F23, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

*Fax:* (301) 415-5599 (verification (301) 415-7550).

*E-mail:* [pah@nrc.gov](mailto:pah@nrc.gov) and [gpb@nrc.gov](mailto:gpb@nrc.gov).

#### D. Submitting Written Limited Appearance Statements

As the Board noted previously in its December 27, 2002 notice of hearing (68 FR 391 (Jan. 3, 2003)), a written limited appearance statement can be submitted at any time. Such statements should be sent to the Office of the Secretary using

the methods prescribed above, with a copy to the Licensing Board Chairman.

#### E. Availability of Documentary Information Regarding the Proceeding

Documents relating to this proceeding are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically from the publicly available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). 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). It is so ordered.

Dated: January 16, 2003.

For the Atomic Safety and Licensing Board.\*

#### G. Paul Bollwerk, III,

Administrative Judge.

[FR Doc. 03-1538 Filed 1-23-03; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8905]

### Notice of Receipt of Mill Demolition Plan for Rio Algom Mining LLC's Ambrosia Lake Uranium Mill Facility, New Mexico, and Opportunity to Provide Comments and to Request a Hearing

#### I. Introduction

The Nuclear Regulatory Commission (NRC) has received, by letter dated December 10, 2002, a proposed mill demolition plan for the removal of the mill located at Rio Algom Mining Limited Liability Corporation's uranium mill facility at Ambrosia Lake, New Mexico. In accordance with License Condition #29 of NRC Source Materials License, SUA-1473, the mill demolition plan describes the demolition of the structural features associated with the Ambrosia Lake uranium mill facility. The plan addresses the removal of surface structures in preparation for

\* Copies of this notice were sent this date by Internet e-mail transmission to counsel for (1) applicant PG&E; (2) petitioners San Luis Obispo Mother For Peace, *et al.*; (3) San Luis Obispo County, California, the Port San Luis Harbor District, the California Energy Commission, the Avila Beach Community Services District, and the Diablo Canyon Independent Safety Committee; and (4) the NRC staff.

subsequent implementation of the surface reclamation release phase of the overall site decommission process.

#### II. Opportunity to Provide Comments

The NRC is providing notice to individuals in the vicinity of the facility that the NRC is in receipt of this request, and will accept comments concerning this action within 30 days of the publication of this notice in the **Federal Register**. The comments may be provided to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room T-6 D59, Two White Flint North, 11545 Rockville Pike, Rockville, MD 20852, from 7:30 a.m. until 4:15 p.m. on Federal workdays.

#### III. Opportunity to Request a Hearing

The NRC hereby provides notice that this is a proceeding on an application for an amendment of a license falling within the scope of subpart L, "Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings" of NRC's rules and practice for domestic licensing proceedings in 10 CFR part 2. Whether or not a person has or intends to provide comments as set out in Section II above, pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(d). A request for a hearing must be filed within 30 days of the publication of this **Federal Register** notice.

The request for a hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Rulemaking and Adjudications Staff of the Office of the Secretary of the Commission at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemaking and Adjudications Staff. Because of continuing disruptions in the delivery of mail to United States Government offices, it is requested that requests for hearing also 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).

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be

served, by delivering it personally or by mail, to:

(1) The applicant, Rio Algom Mining Limited Liability Corporation, 6305 Waterford Blvd., Suite 400, Oklahoma City, OK 73118, Attention: W. Paul Goranson; and

(2) The NRC staff, by delivery to the General Counsel, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail addressed to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Because of continuing disruptions in the delivery of mail to United States Government offices, it is requested that requests for hearing also be transmitted to the Office of the General Counsel, either by means of facsimile transmission to 301-415-3725, or by email to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov).

In addition to meeting other applicable requirements of 10 CFR part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

- (1) The interest of the requestor;
- (2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(h);
- (3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and
- (4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(d).

#### IV. Further Information

The application for the license amendment and proposed decommissioning and reclamation plan are available for inspection at NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html> [ADAMS Accession Number ML030070154]. Documents may also be examined and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. Any questions with respect to this action should be referred to Jill Caverly, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T8-A33, Washington, DC 20555-0001. Telephone: (301) 415-6699, Fax: (301) 415-5390.

Dated at Rockville, Maryland, this 16th day of January 2003.