

meeting location is the: Luther Burbank Center for the Arts, Ruth Finley Person Theater, 50 Mark West Spring Road, Santa Rosa, CA 95403.

**FOR FURTHER INFORMATION CONTACT:** For general information on NEPA review procedures or status of the NEPA review, contact Christine Nagle, NIGC NEPA Coordinator, 202-632-7003.

**SUPPLEMENTARY INFORMATION:** The proposed federal action is the approval of a gaming management contract between the Federated Indians of Graton Rancheria and SC Sonoma Management LLC. The approval of the gaming management contract would result in the development of a resort hotel, casino, and supporting facilities. The facility will be managed by SC Sonoma Management LLC on behalf of the Federated Indians of Graton Rancheria, pursuant to the terms of a gaming management contract. The proposed development would take place on up to 450 acres (the project site) that will be taken into trust on behalf of the Federated Indians of Graton Rancheria. The project site is located immediately west of the City of Rohnert Park in Sonoma County, and within one mile of U.S. Highway 101. Nearby land uses include agricultural uses such as livestock grazing and dairy operations, rural residential uses, a mobile home park, industrial and commercial development, and open space. In addition to the proposed action, a reasonable range of alternatives, including a no action alternative will be analyzed in the EIS.

The Federated Indians of Graton Rancheria consists of approximately 999 members. It is governed by a tribal council, consisting of seven members, under a constitution that was passed by vote of the members on December 14, 2002, and approved by the Secretary of the Interior on December 23, 2002. The Federated Indians of Graton Rancheria presently has no land in trust with the U.S. Government and is eligible to acquire land for reservation purposes to be placed in trust.

The NIGC will serve as lead agency for compliance with the National Environmental Policy Act (NEPA). The BIA will be a Cooperating Agency.

**Public Comment Solicitation:** Written comments pertaining to the proposed action will be accepted throughout the EIS planning process. However, to ensure proper consideration in preparation of the draft EIS, scoping comments should be received by April 1, 2004. The draft EIS is planned for publication and distribution in the second half of 2004.

Individual commenters may request confidentiality. If you wish us to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. Anonymous comments will not, however, be considered. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

**Authority:** This notice is published pursuant to Sec. 1503.1 of the Council of Environmental Quality Regulations (40 CFR, part 1500 through 1508 implementing the procedural requirements of the NEPA of 1969, as amended (42 U.S.C. 4371 *et seq.*)), and the NIGC NEPA Procedures Manual.

Dated: February 3, 2004.

**Philip N. Hogen,**  
*Chairman.*

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**BILLING CODE 7545-02-P**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 50-298]**

### **Nebraska Public Power District; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-46 issued to Nebraska Public Power District (NPPD or the licensee) for operation of the Cooper Nuclear Station (CNS) located in Nemaha County, NE.

The proposed amendment would revise the CNS Technical Specifications (TSs) by adding a temporary note to allow a one-time extension of a limited number of TS Surveillance Requirements (SRs). The temporary note states that the next required performance of the SR may be delayed until the current cycle refueling outage, but no later than February 2, 2005, and it expires upon startup from the refueling outage. With the exception of one SR, the period of additional time requested occurs during the next planned refueling outage.

Before issuance of the proposed license amendment, the Commission will have made findings required by the

Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in title 10 of the Code of Federal Regulations (10 CFR), § 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

The requested action is a one-time extension of the performance of a limited number of TS SRs. The performance of these surveillances, or the failure to perform these surveillances, is not a precursor to an accident. Performing these surveillances or failing to perform these surveillances does not affect the probability of an accident. Therefore, the proposed delay in performance of the SRs in this amendment request does not increase the probability of an accident previously evaluated.

In general a delay in performing these surveillances does not result in a system being unable to perform its required function. In the case of this one-time extension request the relatively short period of additional time that the systems and components will be in service prior to the next performance of the SRs associated with this amendment request will not impact the ability of those systems to operate. Therefore, the systems required to mitigate accidents will remain capable of performing their required function. Additionally, the more frequent TS channel functional tests and surveillances performed on the systems associated with the requested surveillance extensions provide assurance that these systems are capable of performing their functions. No new failures are introduced as a result of this action and the consequences remain consistent with previously evaluated accidents. Therefore, the proposed delay in performance of the SRs in this amendment request does not involve a significant increase in the consequences of an accident.

Based on the above NPPD concludes that the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

The requested action is a one-time extension of the performance of a limited number of TS SRs. This action does not involve the addition of any new plant structure, system, or component (SSC), a modification in any existing SSC, nor a change in how any existing SSC is operated.

Based on the above NPPD concludes that the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

The proposed change is a one-time extension of the performance of a limited number of TS SRs. Extending these SRs does not involve a modification of any TS Limiting Conditions for Operation. Extending these SRs does not involve a change to any limit on accident consequences specified in the license or regulations. Extending these SRs does not involve a change to how accidents are mitigated or a significant increase in the consequences of an accident. Extending these SRs does not involve a change in a methodology used to evaluate consequences of an accident. Extending these SRs does not involve a change in any operating procedure or process.

The instrumentation and components exhibit reliable operation based on the three most recent performances of the 18-month SRs being successful, and the successful performance of related SRs with a shorter surveillance interval.

Based on the minimal additional period of time that the systems and components will be in service before the surveillances are next performed, as well as the fact that surveillances are typically successful when performed, it is reasonable to conclude that the margins of safety associated with these SRs are not affected by the requested extension.

Based on the above NPPD concludes that the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its

final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail 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 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 15, 2004, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license 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. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically on the Internet at the NRC Web site <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. If there are problems in accessing the document, contact the Public Document Room Reference staff at 1-800-397-4209, (301) 415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). If a request for a hearing or 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 and/or petition; and the

Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

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. The petition should 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 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 which may be entered in the proceeding on the petitioner's interest. The petition should 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 prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. 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 the contention and a concise statement of the alleged facts or expert opinion which support 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. 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 amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which 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.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

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, Public File Area O1 F21, 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. John R. McPhail, Nebraska Public Power District, Post Office Box 499, Columbus, NE 68602-0499, 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 January 30, 2004, which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area O1 F21, 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 6th day of February, 2004.

For The Nuclear Regulatory Commission,  
**Michelle C. Honcharik**,  
*Project Manager, Section I, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*  
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## NUCLEAR REGULATORY COMMISSION

### Best Practices To Establish and Maintain a Safety Conscious Work Environment; Request for Comments and Announcement of Public Meeting

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Request for comments and announcement of public meeting.

**SUMMARY:** The 1996 NRC Policy Statement, "Freedom of Employees in the Nuclear Industry to Raise Safety Concerns Without Fear of Retaliation," provides the agency's broad expectations with respect to licensees establishing and maintaining a Safety Conscious Work Environment (SCWE); that is, an environment in which employees are encouraged to raise safety concerns both to their own management and to the NRC without fear of retaliation. In a March 26, 2003 Staff Requirements Memorandum, the Commission directed the staff to develop further guidance, in consultation with stakeholders, that

identifies "best practices" to encourage a SCWE. The NRC staff is now proceeding to develop that guidance.

As an initial step, the NRC will be holding a public workshop on February 19, 2004, at One White Flint North, 11555 Rockville Pike, O-1G16, Rockville, Maryland from 9 a.m.-4 p.m. to discuss multiple issues. These issues include: (1) The format such guidance should take; (2) Effective ways to encourage employees to raise safety concerns; (3) Effective processes to review and respond to concerns; (4) The scope of training on SCWE principles; (5) Tools to measure the health of the SCWE; (6) The role of the contractor; and, (7) The role of senior management in preventing claims of retaliation. To stimulate stakeholder's thinking and encourage a dialogue at the public meeting, the NRC has prepared for comment an outline of a "Best Practices" document. This document can be found on the NRC's Web site at [www.nrc.gov](http://www.nrc.gov) by selecting What We Do, Allegations, and then Best Practices to Establish and Maintain a Safety Conscious Work Environment. This document is also available in ADAMS at ML040350487. In preparing this document, the staff reviewed the existing guidance provided in the 1996 Policy Statement, including the elements and attributes described therein of a healthy SCWE, and created a draft "Best Practices" outline that expands that guidance or adds new guidance where additional information would help describe best practices to meet the intent of each SCWE attribute.

The NRC's 1996 Policy Statement was directed to all employers, including licensees and their contractors, subject to NRC authority, and their employees. Hence, any further "Best Practices" guidance will also apply to this broad audience. It is important to note that the best practices outlined in this document may not be practical or necessary for all employers. Rather, the purpose of this guidance is to outline what has worked best at some larger licensees to maintain or improve a work environment and ensure its employees feel free to raise safety concerns.

**DATES:** The workshop will be held on February 19, 2004. The comment period expires on March 19, 2004.

**ADDRESSES:** The workshop will be held on One White Flint North, 11555 Rockville Pike, O-1G16, Rockville, Maryland from 9 a.m.-4 p.m. You may submit comments by any of the following methods. Comments submitted in writing or in electronic format will be made available to the public in their entirety on the NRC Web