

also 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, U.S. Army Soldier and Biological Chemical Command, 5183 Black Hawk Road, Aberdeen Proving Ground, MD 21010-5423, Attention: Dr. John Ferriter, and;

2. The NRC staff, by delivery to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, 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 be transmitted to the Office of the General Counsel either by means of facsimile transmission to 301-415-3725, or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov).

In addition to meeting other applicable requirements of 10 CFR part 2 of 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 requester in the proceeding;
2. How that interest may be affected by the results of the proceeding, including the reasons why the requester 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 circumstance 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 supporting documentation are available for inspection at NRC's Public Electronic Reading Room at <http://www.nrc.gov/NRC/ADAMS/index.html>. The DP is in ADAMS in two parts with part 1 at ML021930415 and part 2 at ML021930461. The acceptance letter for the DP is in ADAMS at ML022730012. Any questions with respect to this action should be referred to Tom McLaughlin, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-

0001. Telephone: (301) 415-5869. Fax: (301) 415-5398.

Dated in Rockville, Maryland, this 5th day of November, 2002.

For the Nuclear Regulatory Commission.

**Claudia M. Craig,**

*Acting Chief, Decommissioning Branch,  
Division of Waste Management, Office of  
Nuclear Material Safety and Safeguards.*

[FR Doc. 02-28901 Filed 11-13-02; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 040-08794]

### Notice of Consideration of Amendment Request for the Molycorp Facility at York, PA, and Opportunity for Providing Comments and Requesting a Hearing

#### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of a license amendment to Source Materials License SMB-1408 issued to Molycorp, Inc., (Molycorp), to allow for an alternate decommissioning schedule for its York, PA, site. Molycorp's license required Molycorp to decommission by June 2002, which is within 2 years of the date that the decommissioning plan was approved. Molycorp was granted a three month extension from the regulatory requirements of the Timeliness Rule in order to determine if there is a more efficient way to complete decommissioning the remaining portion of the site. Molycorp submitted an alternate decommissioning schedule in a letter dated September 30, 2002. Molycorp proposes to use a phased approach where a new site characterization plan is developed and submitted to NRC for concurrence prior to the resumption of remediation. Molycorp is to submit a revised remediation schedule by February 15, 2003.

If the NRC approves this request, the approval will be documented in a license amendment to NRC License SMB-1408. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a safety evaluation report.

#### II. Opportunity To Request a Hearing

NRC also 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 Adjudication in Materials Licensing Proceedings," of NRC's rules of 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 date of 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 Docketing and Service Branch of the Office of the Secretary 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: Docketing and Service Branch. Because of continuing disruptions in the delivery of mail to United States Government offices, it is requested that requests for hearing be also 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, Molycorp, Inc., PO Box 469, Questa, NM 87556-0469, Attention: Ray Cherniske, and,

2. The NRC staff, by delivery to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, 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 20555-0001. Because of continuing disruptions in the delivery of mail to United States Government offices, it is requested that requests for hearing be also transmitted to the Office of the General Counsel either by means of facsimile transmission to 301-415-3725, or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov).

In addition to meeting other applicable requirements of 10 CFR part 2 of 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 in the proceeding;
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 circumstance establishing that the request for a hearing is timely in accordance with § 2.1205(d).

### III. Further Information

The application for the license amendment and supporting documentation are available for inspection at NRC's Public Electronic Reading Room at <http://www.nrc.gov/NRC/ADAMS/index.html>. The June 17, 2002, request from Molycorp for an extension from the regulatory requirements of the Timeliness Rule is in ADAMS at ML021700600. The granting of the extension from the Timeliness Rule on June 20, 2002, is in ADAMS at ML021680158. The report of a meeting at NRC headquarters with Molycorp to discuss its proposed alternate decommissioning schedule is in ADAMS at ML022680692. Any questions with respect to this action should be referred to Tom McLaughlin, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: (301) 415-5869. Fax: (301) 415-5398.

Dated in Rockville, Maryland, this fifth day of November 2002.

For the Nuclear Regulatory Commission.

**Claudia M. Craig,**

*Acting Chief, Decommissioning Branch,  
Division of Waste Management, Office of  
Nuclear Material Safety and Safeguards.*

[FR Doc. 02-28902 Filed 11-13-02; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket 72-31]

### Yankee Atomic Electric Company, Independent Spent Fuel Storage Installation; Issuance of Environmental Assessment and Finding of No Significant Impact for a Proposed Exemption

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering issuance of an exemption to Yankee Atomic Electric Company (YAEC or licensee), pursuant to 10 CFR 72.7, from specific provisions of 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A), and 10 CFR 72.214. The licensee is planning to use the NAC-MPC storage system to store spent nuclear fuel from the

decommissioning reactor. The requested exemption would allow YAEC to deviate from the approved contents specified in the NAC-MPC Certificate of Compliance No. 1025 (CoC or Certificate) to store: (1) Fuel with assembly weights up to 950 pounds; (2) fuel assemblies with unique design features; (3) non-intact fuel in damaged fuel cans; and (4) specific re-caged fuel assemblies in the NAC-MPC dry spent fuel storage systems at the Yankee Nuclear Power Station.

In a letter dated May 15, 2002, the designer of the NAC-MPC system, NAC International, requested an amendment to CoC No. 1025 to incorporate the additional fuel assembly configurations as approved contents for the storage system. That request was supplemented on October 3, 2002. The information provided in the amendment request, as supplemented, corresponds with the YAEC exemption request and provides the safety basis for storing these additional fuel assembly configurations.

#### Environmental Assessment (EA)

##### Identification of Proposed Action

By letter dated October 10, 2002, YAEC requested an exemption from the requirements of 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A), and 10 CFR 72.214 to deviate from the approved contents specified in CoC No. 1025 for the NAC-MPC storage system. YAEC has informed the NRC of its plans to store spent nuclear fuel under the general licensing provisions of 10 CFR Part 72. The licensee has begun loading spent fuel into the NAC-MPC system at an Independent Spent Fuel Storage Installation located at the Yankee Nuclear Power Station near Rowe, Massachusetts.

By exempting YAEC from 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A), and 10 CFR 72.214, YAEC will be authorized to store additional specific fuel assembly configurations.

The proposed action before the Commission is whether to grant this exemption under 10 CFR 72.7. The NRC staff has reviewed the exemption request and determined that storage of the additional fuel assembly configurations are consistent with the safety analyses previously reviewed for the NAC-MPC system, and would have no impact on the design basis and would not be inimical to public health and safety.

##### Need for the Proposed Action

YAEC completed loading the first NAC-MPC at the Yankee Nuclear Power Station on June 26, 2002. The licensee is proceeding with unloading of fuel

assemblies from the spent fuel pool and loading of the assemblies into additional NAC-MPC systems. The spent fuel pool uses a two tier rack system for fuel storage. The licensee has completed removal of all of the fuel from the upper rack, which has enabled a detailed inspection of the fuel stored in the lower rack. The licensee identified some fuel assembly types and configurations that were not addressed in the NAC-MPC storage system Final Safety Analysis Report. This prompted the NAC-MPC designer to submit an amendment application to NRC for the NAC-MPC CoC to incorporate the additional fuel configurations identified in the lower pool rack.

YAEC requested this exemption to store the additional fuel assembly configurations in an effort to continue the removal of spent fuel from the spent fuel pool into the NAC-MPC storage systems using the same experienced and trained individuals involved in loading the previous NAC-MPC systems. The exemption would likely minimize personnel exposure by continuing to use the same individuals and by implementing lessons learned from the previous loading activities.

##### Environmental Impacts of the Proposed Action

YAEC requested the exemption to store additional fuel assembly configurations to enable transfer of all spent fuel from the spent fuel pool to the NAC-MPC dry spent fuel storage system. The staff performed a safety evaluation of the proposed exemption. NRC staff reviewed the analysis provided in the NAC-MPC amendment application addressing storage of additional specific fuel assembly configurations. The safety evaluation performed by the staff concludes that the NRC has reasonable assurance that storage of the additional fuel configurations has minimal impact on off-site doses, results in a dose savings to workers, and meets the requirements of 10 CFR 72.104, 10 CFR 72.106 and 10 CFR 20.1301, and is therefore acceptable.

Therefore, the environmental impact of storing the additional specific fuel assemblies is no greater than the environmental impact already assessed in the initial rulemaking for the NAC-MPC storage system (65 FR 12444, dated March 9, 2000).

The proposed action will not significantly increase the probability or consequences of the analyzed accidents, no changes are being made to the types of effluents that may be released offsite, and there is no significant increase in occupational or public radiation