

participation exercise, LGS conducted emergency response training drills on June 14, 2000, June 21, 2000, October 18, 2000, November 15, 2000, December 12, 2000, February 15, 2001, May 12, 2001, and June 20, 2001. A pre-exercise drill was also conducted on September 27, 2001. The licensee stated that there was at least partial offsite participation in the June 21, 2000, November 15, 2000, December 12, 2000, June 20, 2001, and September 27, 2001, drills. In addition, emergency response training drills involving control room staff were conducted on January 20, 2000, January 27, 2000, February 3, 2000, February 10, 2000, February 17, 2000, January 12, 2001, January 19, 2001, January 26, 2001, February 2, 2001, and February 9, 2001. The licensee stated that these drills satisfy the drill requirements of 10 CFR Part 50, Appendix E, Section IV.F.2.b. The licensee stated that drill critiques verified that the emergency plan and its implementing procedures were successfully implemented. Issues identified during these drills, exercises, and associated critiques are being resolved under the station's corrective action program.

The licensee stated that compensating measures will be taken to maintain emergency preparedness at LGS until the postponed exercise is conducted. The existing training and drill schedule currently in place for emergency response activities will remain in place and be adjusted as necessary to ensure the readiness of both onsite and offsite emergency response personnel. This includes annual training, requalification, and participation drills for onsite emergency responders. The licensee stated that these measures will be implemented to maintain an acceptable level of emergency preparedness during this period.

The Pennsylvania Emergency Management Agency (PEMA) has requested that FEMA postpone the exercise into 2002. The licensee and PEMA stated that offsite local, State, and Federal government agencies that are required to participate in the LGS biennial exercise are directly participating in the response, recovery, and other continuing activities associated with the September 11, 2001, national emergency.

The staff examined the licensee's rationale to support the exemption request and concluded that granting the exemption would provide only temporary relief from the applicable regulation and that the licensee had made a good faith effort to comply with the regulation. The national emergency of September 11, 2001, and the subsequent recovery and security

responses required that State and local resources expected to be available for the previously scheduled biennial exercise be applied to agency missions. Offsite agencies were not able to dedicate the appropriate level of resources, as it would divert public agency resources from the national emergency recovery efforts. Additionally, the licensee's drill program includes offsite agency participation and is a compensating measure contributing to the justification of the exemption.

The exemption only provides temporary relief from the applicable regulation, in that the licensee has committed to conduct the exercise during the next calendar year (2002) and has not requested any permanent changes in future exercise scheduling. The licensee made a good faith effort to conduct the exercise and comply with regulations. The circumstances dictating the request for exemption are beyond the licensee's control. The regulations of this part do allow for the postponement of exercises and the regulations have been invoked for appropriate circumstances. This being the case, the occasional need to postpone exercises was considered as a potential circumstance. The staff has determined that conduct of the full-participation exercise as early as practical in 2002 is prudent even though the licensee is expected to conduct another full-participation exercise in 2003.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present pursuant to 10 CFR 50.12(a)(2)(v), in that the exemption would only provide temporary relief from the applicable regulations, and the licensee has made a good faith effort to comply with the regulation. Therefore, the Commission hereby grants Exelon a one-time schedular exemption from the requirements to conduct an exercise of its onsite and offsite (with full-participation by each offsite authority having a role under the plan) emergency plans every 2 years as required by 10 CFR part 50, appendix E, sections IV.F.2.b and c. This conclusion is based on the licensee's commitment to conduct the postponed exercise in 2002. The staff notes that the licensee expects to conduct the exercise in the first or second quarter of 2002. The staff recommends that the licensee schedule

the exercise as early as practical in 2002, but the exemption is not predicated on the licensee following this recommendation.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 65231).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 20th day of December 2001.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

Acting Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

The UNPLUG Salem Campaign, the National Whistleblower Center and Mr. Randy Robarge Riverkeeper, Inc., et al.; Receipt of Requests for Action Under 10 CFR 2.206

Notice is hereby given that by the following three petitions, the Nuclear Regulatory Commission (NRC) was requested to take immediate corrective actions to protect the public against the possibility of terrorists seizing control of a large commercial jetliner and crashing into a nuclear power plant in the United States.

1. From Mr. Norm Cohen, on behalf of the UNPLUG Salem Campaign, dated September 17, 2001.

2. From Mr. Michael D. Kohn, on behalf of the National Whistleblower Center and Randy Robarge, dated October 24, 2001.

3. From Messrs. Alex Matthiessen, and Karl Coplan, on behalf of the Riverkeeper, Inc., et al, dated November 8, 2001.

The petitioners requested that the NRC staff take certain specified compensatory measures, to protect the public and environment from the catastrophic impact of a terrorist attack on a nuclear power plant or a spent fuel pool.

These requests are being treated pursuant to 10 CFR 2.206 of the Commission's regulations. These requests have been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by Section 2.206, appropriate action will be taken on these petitions within a reasonable time.

Since the subject of these petitions involves safeguards matters, the NRC

has decided not to make the petitions public or publicly discuss the petitions to avoid disclosure of potentially sensitive security information.

Dated at Rockville, Maryland, this 20th day of December 2001.

For the Nuclear Regulatory Commission.

Brian W. Sheron,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 01-31930 Filed 12-27-01; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 72-22-ISFSI, ASLBP No. 97-732-02-ISFSI]

Private Fuel Storage, L.L.C.; Notice of Reconstitution

Pursuant to 10 C.F.R. 2.721, the Atomic Safety and Licensing Board in the above captioned *Private Fuel Storage, L.L.C.* proceeding is hereby reconstituted by appointing a Licensing Board consisting of Administrative Judge Michael C. Farrar, Chairman; Administrative Judge Jerry R. Kline; and Administrative Judge Peter Lam, which shall have jurisdiction over all pending and future matters in this proceeding,¹ with the exception of those matters relating to contention Utah E/Confederated Tribes F, Financial Assurance, contention Utah S, Decommissioning, and/or contention Security-J, Law Enforcement. With respect to pending or future matters regarding contention Utah E/Confederated Tribes F, contention Utah S, and/or contention Security-J, the Licensing Board consisting of Administrative Judge G. Paul Bollwerk, III, Chairman, and Administrative Judges Kline and Lam will retain jurisdiction for all purposes.

In accordance with 10 C.F.R. 2.701, all correspondence, documents and other material relating to any matter in this proceeding should continue to be served on Judges Kline and Lam. All correspondence, documents and other material relating to any matter other than contention Utah E/Confederated Tribes F, contention Utah S, and/or contention Security-J shall be served on Administrative Judge Farrar as follows: Administrative Judge Michael C. Farrar, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory

Commission, Washington, DC 20555-0001.

Hereafter, only correspondence, documents, and other material relating to any matter concerning contention Utah E/Confederated Tribes F, contention Utah S, and/or contention Security-J should continue to be served on Administrative Judge Bollwerk.

Issued at Rockville, Maryland, this nineteenth day of December 2001.

G. Paul Bollwerk III,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 01-31922 Filed 12-27-01; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guides; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment four draft guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guides all pertain to licensees' use of Code Cases of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, and the guides are being developed to provide updated guidance on the use of Code Cases. Code Cases provide alternatives that have been developed and approved by ASME or they explain the intent of existing Code requirements. The proposed Revision 32 of combined Regulatory Guides 1.84 and 1.85, temporarily identified by its task number, DG-1090 (which should be mentioned in all correspondence concerning this draft guide), is "Design, Fabrication, and Materials Code Case Acceptability, ASME Section III." This draft guide provides guidance that is acceptable to the NRC staff for licensees on the use of ASME Section III Code Cases.

Draft Regulatory Guide DG-1091, "Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1," is the proposed Revision 13 of Regulatory Guide 1.147, which provides guidance that is acceptable to the NRC staff for licensees on the use of ASME Section XI Code Cases.

Draft Regulatory Guide DG-1089, "Operation and Maintenance Code Case

Acceptability, ASME OM Code," is being developed to provide guidance that is acceptable to the NRC staff for licensees on the use of ASME OM Code Cases.

Draft Regulatory Guide DG-1112, "ASME Code Cases Not Approved for Use," is being developed to provide guidance to licensees on the ASME Code Cases that have not been approved by the NRC. The reasons the Code Cases were not approved are also stated.

These draft guides have not received complete staff approval and do not represent an official NRC staff position.

Comments may be accompanied by relevant information or supporting data. Written comments may be submitted to the Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. Comments will be most helpful if received by March 25, 2002.

Comments may also be provided via the NRC's interactive rulemaking web site through the NRC homepage (<http://www.nrc.gov>). This site provides the availability to upload comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking web site, contact Ms. Carol Gallagher, (301) 415-5905; e-mail CAG@NRC.GOV. For information about the draft guides, contact Mr. W.E. Norris at (301) 415-6796; e-mail WEN@NRC.GOV.

Although a time limit is given for comments on these draft guides, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the NRC's Public Document Room, 11555 Rockville Pike, Rockville, MD; the PDR's mailing address is USNRC PDR, Washington, DC 20555; telephone (301) 415-4737 or (800) 397-4205; fax (301) 415-3548; e-mail PDR@NRC.GOV. Requests for single copies of draft or final guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Reproduction and Distribution Services Section; or by e-mail to DISTRIBUTION@NRC.GOV; or by fax to (301) 415-2289. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

¹ At the request of the Licensing Board chaired by Judge Bollwerk, Judge Farrar has been reviewing pending matters in this proceeding in conjunction with Judges Kline and Lam. The Licensing Board of which Judge Farrar is Chairman anticipates issuing a number of rulings on pending matters in the near future.