

petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon John E. Mathews, Morgan, Lewis and Bakius, LLP; 1800 M Street, NW, Washington DC 20036–5869 (telephone: 202–467–7524; fax: 202–467–7176; email: [jmathews@morganlewis.com](mailto:jmathews@morganlewis.com)); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: [dgclt@nrc.gov](mailto:dgclt@nrc.gov)); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by October 29, 2001, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated May 31, 2001, available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), 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/ADAMS/index.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland this 21st day of September, 2001.

For the Nuclear Regulatory Commission.  
**Mohan C. Thadani**,  
*Senior Project Manager, Section 1, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 01–24341 Filed 9–27–01; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030–01176]

### Consideration of License Amendment Request to University of Wyoming and Opportunity for a Hearing

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of consideration of amendment request and opportunity for a hearing.

**SUMMARY:** The U.S. Nuclear Regulatory Commission is considering issuance of a license amendment to Materials License No. 49–09955–10, issued to the University of Wyoming, to release for unrestricted use two burial sites located near Laramie, Wyoming, as requested in the licensee's revised decommissioning plan dated May 30, 2001.

**FOR FURTHER INFORMATION CONTACT:** Blair Spitzberg, Chief, Fuel Cycle Decommissioning Branch (FCDB) at (817) 860–8191 or Robert Evans, FCDB at (817) 860–8234.

**SUPPLEMENTARY INFORMATION:** The University of Wyoming currently possesses radioactive material under a license of broad scope. The licensee uses the material for research and development, academic instruction, and animal studies. On May 30, 2001, the licensee submitted a revised decommissioning plan (DP) to the NRC requesting release of two burial sites previously used by the University of Wyoming during 1952–1985. The licensee was previously authorized to dispose of radioactive material by burial in accordance with 10 CFR 20.304 and 20.302. By 1981, 10 CFR 20.304 had been rescinded by the NRC, so the licensee then conducted burials in accordance with 10 CFR 20.302. During 1985, the NRC rejected the licensee's request to continue to dispose of radioactive material by burial in accordance with 10 CFR 20.302. The licensee now requests that the two burial sites be left in place and the sites released for unrestricted use. The licensee's decision is based on dose modeling calculations conducted using the DandD computer program. The licensee concluded that the annual dose rate for the Quarry burial site is 2.74

millirem per year, and the annual dose rate for the Airport burial site is 22.5 millirem per year. Both dose rates are below the 25 millirem per year dose limit specified in 10 CFR 20.1402. The licensee also claims that remediation of the two sites is not financially viable and is not ALARA (as low as reasonably achievable). As such, the licensee requests NRC approval to release the two sites for unrestricted use with no further decommissioning being conducted.

### NRC Approval Process

Prior to approving the DP, NRC will have made findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. The University of Wyoming burial sites fall under the Type IV decommissioning facility requirements. The final approval of the DP will be incorporated into the license as a license amendment. The review of the DP shall be supported by the development of an Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and Safety Evaluation Report (SER) by the NRC staff. Facilities under Type IV decommissioning requirements will receive a confirmatory survey and a closeout inspection by the NRC. If the confirmatory survey results indicate that the licensee's evaluation of the radiological status of the site is statistically valid and meets NRC's criteria and NRC has determined that the Final Status Survey demonstrates that the site satisfies NRC requirements, the site is suitable for release from regulatory control. At the time of release of the site or termination of the license, a subsequent **Federal Register** notice will be published to announce the intent of the NRC Staff to release the site for unrestricted use or to terminate the license.

### Documents

The revised DP submitted by the University of Wyoming to the NRC is available for public inspection from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room). Assistance with the Public Electronic Reading Room may be obtained by calling (800) 397–4209.

### Notice of Opportunity for Hearing

The NRC hereby provides notice that this is a proceeding on an application for 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. Pursuant to § 2.1205(a), any person whose interest may be affected by the proceeding may file a request for a hearing in accordance with § 2.1205(d). A request for a hearing must be filed within thirty (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 Rulemakings and Adjudications Staff of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738; or

2. By mail, telegram or facsimile addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Rulemakings and Adjudications Staff.

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 requester in the proceeding;

2. How that interests 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 requester’s area 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)—that is, filed within 30 days of the date of this notice.

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, University of Wyoming, Environmental Health & Safety, 303 Merica Hall, PO Box 3413, Laramie, Wyoming 82071–3413; 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 General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Arlington, Texas, this 20th day of September 2001.

For the Nuclear Regulatory Commission.

**D. Blair Spitzberg,**

Chief, Fuel Cycle Decommissioning Branch, Division of Nuclear Materials Safety, Region IV.

[FR Doc. 01–24337 Filed 9–27–01; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–237 and 50–249]

### Exelon Generation Company, LLC Dresden Nuclear Power Station, Units 2 and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from certain requirements of 10 CFR 50.55a(g)(6)(ii)(A)(2) for Facility Operating License Nos. DPR–19 and DPR–25, issued to Exelon Generation Company, LLC (Exelon, or the licensee) for operation of the Dresden Nuclear Power Station, Units 2 and 3, located in Grundy County, Illinois. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

#### Environmental Assessment

##### Identification of the Proposed Action

The proposed action would grant a schedular exemption for Dresden Nuclear Power Station (DNPS), Units 2 and 3, from implementation of inservice examinations of the reactor pressure vessel (RPV) vertical welds and the top shell course to vessel flange weld, per American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code Section XI, Table IWB–2500, items B1.12 and B1.30, by the end of the current ten year intervals, as required by 10 CFR 50.55a, “Codes and standards,” paragraph (g)(6)(ii)(A)(2). The current intervals end on January 19, 2003, for DNPS Unit 2 and October 31, 2002, for DNPS Unit 3. This schedular exemption requests an extension for the performance of the third interval inspections of these welds until the completion of the D2R18 outage for Unit 2 in October 2003, and until the completion of the D3R18 outage in October 2004 for Unit 3.

The proposed action is in accordance with the licensee’s application dated June 12, 2001, as supplemented by letter dated July 23, 2001.

##### The Need for the Proposed Action

The proposed schedular exemption is needed to prevent an extension of the upcoming refueling outages. 10 CFR 50.55a(g)(6)(ii)(A)(2) requires DNPS to perform an examination of its RPV welds during the current ten-year inspection interval which concludes for each unit during the upcoming refueling outages, D2R17 and D3R17, scheduled for October 2001 and September 2002, respectively. Using conventional equipment, the licensee could fulfill

this commitment during the upcoming refueling outages and perform examinations of approximately 60 percent of the RPV welds which is typical for similar BWR plants.

However, the licensee has proposed to implement the improved AIRIS 21 system technology which will provide increased RPV weld coverage. The AIRIS 21 system, which requires additional refueling bridge support in order to perform inspections, would add approximately 64 hours of critical time to each refueling outage. In lieu of extending the refueling outages, the licensee has proposed to spread the RPV weld examinations over the next two refueling outages for both DNPS Units 2 and 3. A one-cycle extension would allow optimum coverage without imposing production penalties associated with a refueling outage extension.

10 CFR 50.12 permits the Nuclear Regulatory Commission to grant exemptions which are authorized by law, will not present undue risk to the health and safety of the public, and are consistent with the common defense and security, provided that special circumstances are present. Pursuant to 10 CFR 51.12 (a)(2), the Commission believes that special circumstances exist in that the requested schedular extension is required to prevent extended shutdown of DNPS, Units 2 and 3. Preparations for a refueling outage are proceeding based on a scheduled shutdown in October 2001. An extended outage would present undue hardship and costs due to lost generation. The requested exemption will only provide temporary relief from the applicable regulation and does not jeopardize the health and safety of the public.

##### Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that there are no significant adverse environmental impacts associated with the proposed action.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological environmental impacts, the proposed action does not have a potential to affect any historic sites. It