

are supported by the NRC staff's safety evaluation dated May 27, 2003.

Accordingly, pursuant to sections 161b, 161i, 161o, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, *It is hereby ordered* that the transfer of the licenses as described herein to Electric Generation LLC and Diablo Canyon LLC is approved, subject to the following conditions:

(1) Before the completion of the transfer of DCNPP, Electric Generation LLC and Diablo Canyon LLC shall provide the Director of the Office of Nuclear Reactor Regulation satisfactory documentary evidence that Electric Generation LLC and Diablo Canyon LLC have obtained the appropriate amount of insurance required of licensees under 10 CFR part 140 of the Commission's regulations.

(2) Prior to the closing of the license transfers, all necessary regulatory and/or judicial approvals of the bilateral power sales agreement (PSA) referenced in Enclosure 7 to the November 30, 2001, submittal must be obtained without any material changes to the PSA that would adversely impact the five-year financial projections proffered in the application such that indicated sources of funds would not be sufficient to cover projected costs of operation of the facility.

(3) On the closing date of the transfer of DCNPP, Diablo Canyon LLC shall obtain from PG&E all of the accumulated decommissioning trust funds associated with the facility, and ensure the deposit of the funds into a decommissioning trust(s) for DCNPP established by Diablo Canyon LLC. The amount of the funds must meet or exceed the minimum amount required for the facility pursuant to 10 CFR 50.75. In the event that the transfer of DCNPP occurs prior to December 24, 2003, the decommissioning trust agreement(s) shall be consistent with the provisions contained in 10 CFR 50.75(h)(1) (67 FR 78350, published December 24, 2002), as if such provisions are in effect at the time of transfer. Notwithstanding the date of the transfer, the decommissioning trust agreement(s) must be acceptable to the NRC.

(4) Diablo Canyon LLC shall take all necessary steps to ensure that the decommissioning trust(s) is maintained in accordance with the application and the requirements of this Order, and consistent with the safety evaluation supporting this Order.

(5) Notwithstanding the transfer of ownership of DCNPP to Diablo Canyon LLC, Electric Generation LLC shall at all

times following the transfer of the DCNPP licenses to Diablo Canyon LLC and Electric Generation LLC be fully responsible for all costs associated with the possession, use, operation, maintenance, and decommissioning of DCNPP (including costs associated with the receipt, possession, and use of byproduct, source, and special nuclear material), except for decommissioning costs covered by the decommissioning trust funds transferred to Diablo Canyon LLC at the time of the license transfers. Diablo Canyon LLC shall be responsible for the payment of decommissioning costs for DCNPP at least to the extent of the accumulated decommissioning trust funds transferred to Diablo Canyon LLC and earnings associated with such funds.

(6) Electric Generation LLC shall provide the Director of the Office of Nuclear Reactor Regulation a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from Electric Generation LLC to its direct or indirect parent, or to any other affiliated company, facilities for the production of electric energy having a depreciated book value exceeding ten percent (10%) of Electric Generation LLC's consolidated net utility plant, as recorded on Electric Generation LLC's books of account.

(7) After receipt of all required regulatory and judicial approvals of the transfer of DCNPP, PG&E shall inform the Director of the Office of Nuclear Reactor Regulation in writing of such receipt within 5 business days, and of the closing date of the transfer of DCNPP no later than 7 business days prior to the date of closing. If the transfer of the licenses is not completed by May 31, 2004, this Order shall become null and void, provided, however, on written application and for good cause shown, this date may be extended in writing.

*It is further ordered* that, consistent with 10 CFR 2.1315(b), license amendments that make changes, as indicated in Enclosure 2 to the cover letter forwarding this Order, to conform the licenses to reflect the subject license transfers are approved. The amendments shall be issued and made effective at the time the proposed license transfers are completed.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated November 30, 2001, and supplements thereto dated January 18 and May 1, 2002, and the safety evaluation dated May 27, 2003, which are available for public inspection at the Commission's Public Document Room, located at One

White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and are accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 27th day of May 2003.

For the Nuclear Regulatory Commission.

**R. William Borchardt,**

*Acting Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 03-13866 Filed 6-2-03; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Notice of Intent To Prepare an Environmental Impact Statement for the License Renewal of Nuclear Power Plants and To Conduct Scoping Process

In 1996 and 1999, the Commission amended its environmental protection regulations in 10 CFR part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," to improve the efficiency of the environmental review process for applicants seeking to renew a nuclear power plant operating license for up to an additional 20 years. The final rules were published in the **Federal Register** on December 18, 1996 (61 FR 66546), and September 3, 1999 (64 FR 48507). The amendments are based on the analyses reported in NUREG-1437, "Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants" (May 1996) and its Addendum 1 (August 1999).

The GEIS, prepared by the U.S. Nuclear Regulatory Commission (NRC) staff and its contractors, summarizes the findings of a systematic inquiry into the environmental impacts of refurbishment activities associated with license renewal and the environmental impacts of continued operation during the renewal period (up to 20 years for each licensing action). The significance of environmental impacts were analyzed for each of nearly 100 issues. Thereafter, the NRC categorized which of these analyses could be applied to all plants and whether additional mitigation measures would be warranted for each environmental issue. Of the 92 issues analyzed, 69 issues were resolved generically, 21 require a further site-specific analysis that applicants are required to address, and 2 require a site-specific assessment by the NRC. As part of its application to renew its operating license, an applicant submits a supplemental Environmental Report

and the NRC staff develops a site-specific supplement to the GEIS and includes a recommendation for each license renewal application. The environmental protection regulations for any NRC licensing action is contained in 10 CFR Part 51 and may be viewed on the Internet at <http://www.nrc.gov/reading-rm/doc-collections/cfr/part051/index.html>. The license renewal process also includes a safety review and inspections prior to issuance of a renewed license.

In the introductory remarks to Appendix B to Subpart A of Part 51, "Environmental Effects of Renewing the Operating License of a Nuclear Power Plant," the Commission stated that, on a 10-year cycle, it intends to review the material in Table B-1 and update it, if necessary. The first 10-year cycle will end in 2006; the goal of the NRC staff is to complete this GEIS Update Project by the end of 2006.

The purpose of this notice is to inform the public that the NRC is planning to prepare an environmental impact statement (EIS), in this case it is an update to the GEIS, and to provide the public an opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29. This step is the initial opportunity for stakeholder participation in the GEIS update and it occurs before the NRC has determined results or recommendations for the update. The environmental review process for license renewal will continue under the current regulatory framework throughout the course of this effort. If, as a result of this scoping process, it is determined that an update is not necessary, then that result will be published in the **Federal Register** as well.

The GEIS and Addendum 1 to the GEIS were prepared pursuant to 10 CFR part 51 and are available for public inspection at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at <http://www.nrc.gov/reading-rm/adams.html>, which provides access through the NRC's Public Electronic Reading Room (PERR) link. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff at 1-800-397-4209, or 301-415-4737, or by e-mail to [PDR@NRC.GOV](mailto:PDR@NRC.GOV). The GEIS, its Addendum 1, and its Supplements may also be viewed on the Internet at [\[collections/nuregs/staff/sr1437/\]\(http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1437/\). As indicated, the NRC prepares site-specific supplements to the GEIS for each license renewal application assessing the environmental impacts specific to that power plant location; these reports may be useful to scoping participants to understand the environmental review process and the environmental issues associated with the review for license renewal. The Supplements to the GEIS can also be viewed on the Internet in the context for each project and are listed by project at: <http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html>. The update of the GEIS is a generic activity and, therefore, is not the appropriate forum to consider site-specific issues or concerns.](http://www.nrc.gov/reading-rm/doc-</a></p>
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This notice is being published in accordance with the National Environmental Policy Act (NEPA) and the NRC's regulations found in 10 CFR part 51. As a convenience, the NRC will also issue other communications (for example, press releases and newspaper ads) to notify the public, but this notice is the formal means to inform interested parties of their opportunity to participate in the scoping process.

In keeping with the framework outlined under NEPA, the NRC will first conduct this scoping process for the update to the GEIS and, thereafter, plans to prepare a draft addendum to the GEIS for public comment outlining the results of the NRC review. Participation in the scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the addendum to the GEIS will be used to accomplish the following:

- a. Determine whether the purpose and need for the update (the proposed action) is clear.
- b. Determine the scope of the addendum to the GEIS and identify whether there are any significant issues that should be analyzed in depth.
- c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant or which have been covered by prior environmental review.
- d. Identify any environmental assessments and other EISs that are being or will be prepared that are related to, but are not part of the scope of the addendum to the GEIS being considered.
- e. Identify other environmental review and consultation requirements related to the proposed action.
- f. Indicate the relationship between the timing of the preparation of the environmental analyses and the

Commission's tentative planning and decision-making schedule.

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the addendum to the GEIS to the NRC and any cooperating agencies.

h. Describe how the addendum to the GEIS will be prepared including any contractor assistance to be used.

The NRC invites the following entities to participate in the scoping process:

a. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved, or that is authorized to develop and enforce relevant environmental standards.

b. Any affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards.

c. Any affected Indian tribe.

d. Any person who requests or has requested an opportunity to participate in the scoping process.

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC has determined that it is appropriate to conduct public meetings on the GEIS update early in the project to foster public participation. Since this is a generic environmental review activity, the NRC has elected to hold a public meeting in each of the four (4) NRC regions for the GEIS Update Project. The scoping meetings will be held at the following locations: July 8, 2003, DoubleTree-Atlanta Perimeter, 6120 Peachtree Dunwoody Road, Atlanta, GA 30328; July 10, 2003, Hilton-Oak Lawn, 9333 South Cicero Avenue, Oak Lawn, IL 60453; July 15, 2003, Hilton-Anaheim, 777 Convention Way, Anaheim, CA 92802; and July 17, 2003, Executive Conference Center at Bayside (adjacent to the DoubleTree-Bayside), 200 Mount Vernon Street, Boston, MA 02125. Each formal meeting will convene promptly at 7 p.m. with an NRC overview of the role of the GEIS in the license renewal process, the experience gained in its use, and criteria that may be used to consider changes. Each meeting is planned to last for three hours, as necessary, or until all members of the public have had an opportunity to present their views; therefore, the formal meeting may end prior to 10 p.m. Each meeting will be transcribed and will include (1) the overview by the NRC staff of the NEPA environmental review process, the proposed scope of the addendum to the

GEIS, and the proposed schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the addendum to the GEIS. A participant may elect to submit a detailed written statement for the record and provide a brief oral summary. In addition to the formal meeting, the NRC staff will host informal discussions for members of the public one hour before the start of the session at each location; general information on the NRC and related NRC programs will be available for meeting participants as supplies permit. No formal comments on the proposed scope of the addendum to the GEIS will be accepted during the informal discussions. To be considered in the scoping process, comments must be provided either at the transcribed public meetings or in writing, as discussed below.

Persons may register to attend or present oral comments at the meetings on the scope of the NEPA review by contacting Mr. Barry Zalzman, by telephone at 1-800-368-5642, extension 2419, or by e-mail to the NRC at [LRGEISUpdate@NRC.GOV](mailto:LRGEISUpdate@NRC.GOV) no later than June 30, 2003. Members of the public may also register to speak at the meeting within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, and at the discretion of the meeting facilitator, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the addendum to the GEIS. Mr. Zalzman will need to be contacted no later than June 30, 2003, if special equipment or accommodations are needed to attend or present information at the public meeting, so that the NRC staff can determine whether the request can be accommodated.

Members of the public, whether or not they participate in the public meetings, may send written comments on the environmental scope of the GEIS Update Project to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop T-6 D 59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Comments may also be delivered to Room T-6 D 59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m.

during Federal workdays. To be considered in the scoping process, written comments should be postmarked by September 2, 2003. Electronic comments may be sent by e-mail to the NRC at [LRGEISUpdate@nrc.gov](mailto:LRGEISUpdate@nrc.gov). Electronic submissions should be sent no later than September 2, 2003, to be considered timely in the scoping process. Comments will be available electronically and accessible through the NRC's PERR link at <http://www.nrc.gov/reading-rm/adams.html>.

At the conclusion of the scoping process, the NRC will prepare a summary of the determinations and conclusions reached, including the significant issues identified, and will send a copy of the summary to participants in the scoping process. The summary will also be available for inspection at the NRC PDR or through the PERR link. If necessary, the staff will then prepare and issue for comment the draft addendum to the GEIS, which will be the subject of a separate **Federal Register** notice, to report the results of the NRC's review. At this time, the NRC plans to conduct separate public meetings, at similar locations as the public scoping meetings, on the draft addendum to the GEIS. Copies of the draft addendum to the GEIS will be available for public inspection at the above-mentioned address, and one copy per request will be provided free of charge. After receipt and consideration of the comments on the draft, the NRC will prepare a final addendum to the GEIS, which will also be available for public inspection. Should the review indicate that one or more environmental issues enumerated in Appendix B to Subpart A of Part 51, "Environmental Effects of Renewing the Operating License of a Nuclear Power Plant," requires change, then the proposed and final rule amendments will accompany the draft and final addendum to the GEIS.

Information about the proposed action, the addendum to the GEIS, and the scoping process may be obtained from Mr. Zalzman at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 27th day of May 2003.

For the Nuclear Regulatory Commission.

**Pao-Tsin Kuo,**

*Program Director, License Renewal and Environmental Impacts Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.*

[FR Doc. 03-13868 Filed 6-2-03; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Sunshine Notice

**AGENCY:** Nuclear Regulatory Commission.

**DATES:** Weeks of June 2, 9, 16, 23, 30, July 7, 2003.

**PLACE:** Commissioner's Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**MATTERS TO BE CONSIDERED:**

*Week of June 2, 2003.*

Friday, June 6, 2003

10 a.m. Discussion of Security Issues (Closed—Ex. 1).

*Week of June 9, 2003—Tentative*

Wednesday, June 11, 2003

10:30 a.m. All Employees Meeting (Public Meeting).

1:30 p.m. All Employees Meeting (Public Meeting).

*Week of June 16, 2003—Tentative*

There are no meetings scheduled for the Week of June 16, 2003.

*Week of June 23, 2003—Tentative*

There are no meetings scheduled for the Week of June 23, 2003.

*Week of June 30, 2003—Tentative*

Tuesday, July 1, 2003

10 a.m. Briefing on Status of Office of Nuclear Security and Incident Response (NSIR) Programs, Performance, and Plans (Closed—Ex. 1).

*Week of July 7, 2003—Tentative*

There are no meetings scheduled for the Week of July 7, 2003.

\* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292. Contact person for more information: David Louis Gamberoni (301) 415-1651.

### SUPPLEMENTARY INFORMATION:

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"Discussion of Management Issues (Closed—Ex. 2)," originally scheduled for May 28, 2003, was not held.

By a vote of 4-0 on May 28, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Affirmation of Private Fuel Storage (Independent Spent Fuel Storage Installation) Docket No. 72-22-ISFSI; Order Regarding Petition for Review" be held on May 28, and on less than one week's notice to the public.

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