

The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules and the designation, following argument of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR part 2, subpart K, "Hybrid Hearing Procedures for Expansion of Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41662 dated October 15, 1985). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within 10 days of an order granting a request for hearing or petition to intervene. The presiding officer must grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application must be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding timely requests oral argument, and if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR part 2, subpart G apply.

For further details with respect to this action, see the application for amendment dated November 26, 2002, 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, 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.

Dated in Rockville, Maryland, this 21st day of January, 2003.

For the Nuclear Regulatory Commission.

Eva A. Brown,

Project Manager, Section 2, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-277 and 50-278]

Exelon Generating Company, LLC; Peach Bottom Atomic Power Station, Units 2 and 3; Notice of Availability of the Final Supplement 10 to the Generic Environmental Impact Statement Regarding License Renewal for the Peach Bottom Atomic Power Station, Units 2 and 3

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has published a final plant-specific Supplement 10 to the Generic Environmental Impact Statement (GEIS), NUREG-1437, regarding the renewal of operating licenses DPR-44 and DPR-56 for the Peach Bottom Atomic Power Station, Units 2 and 3, for an additional 20 years of operation. The Peach Bottom Atomic Power Station units are operated by Exelon Generating Company, LLC and PSEG Nuclear, LLC (Exelon). Peach Bottom Atomic Power Station is located primarily in Peach Bottom Township, York County, Pennsylvania. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative methods of power generation.

It is stated in section 9.3 of the report:

Based on (1) the analysis and findings in the Generic Environmental Impact Statement for License Renewal of Nuclear Plants, NUREG-1437; (2) the Environmental Report submitted by Exelon; (3) consultation with Federal, State, and local agencies; (4) the staff's own independent review; and (5) the staff's consideration of public comments, the staff recommends that the Commission determine that the adverse environmental impacts of license renewal for Peach Bottom Units 2 and 3 are not so great that preserving the option of license renewal for energy planning decision makers would be unreasonable.

The final Supplement 10 to the GEIS is available electronically for public inspection in 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 (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov> (the Public Electronic Reading Room). Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the PDR reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Louis L. Wheeler, License Renewal and Environmental Impacts Program, Division of Regulatory Improvement Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Mr. Wheeler may be contacted at 301-415-1444 or by writing to: Louis L. Wheeler, U.S. Nuclear Regulatory Commission, MS O-12D3, Washington, DC 20555.

Dated in Rockville, Maryland, this 22nd day of January, 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.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 030-33507]

Research Medical Center Environmental Assessment and Finding of No Significant Impact; Exemption

The U.S. Nuclear Regulatory Commission is authorizing Research Medical Center, License No. 24-17998-02, an exemption to 10 CFR 35.615(f)(3), to permit the licensee to have a neurosurgeon physically present in place of an authorized user during the use of its gamma stereotactic radiosurgery unit.

Environmental Assessment

Identification of the Proposed Action

Research Medical Center has a United States Nuclear Regulatory Commission (NRC) license (License No. 24-17998-02) that authorizes the use of a gamma stereotactic radiosurgery (GSR) unit. The licensee has requested, in a letter dated September 20, 2002, that the NRC grant an exemption to 10 CFR 35.615(f)(3), which requires an authorized user and authorized medical