

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (03-838)]

Notice of Prospective Patent License**AGENCY:** National Aeronautics and Space Administration.**ACTION:** Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Automated Control Technologies, Inc. of 2009 Pleasant Valley Road, Fairmont, WV 26554, has applied for a Partially Exclusive license to practice the inventions described in NASA Case Number LAR-13845 1-CU entitled "Reactivation Of A Tin Oxide-Containing Catalyst," NASA Case Number LAR-13741-1-SB entitled "Process for Making a Noble Metal on Tin Oxide Catalyst," NASA Case Number LAR-14155-1-SB entitled "Catalyst For Carbon Monoxide Oxidation," NASA Case Number LAR14155-2-SB entitled "Catalyst For Carbon Monoxide Oxidation," NASA Case Number LAR-15351-1-CU entitled "Catalytic Process For Formaldehyde Oxidation," NASA Case Number LAR-15652-1-CU entitled "Catalyst For Oxidation Of Volatile Organic Compounds" for which U.S. Patents were issued and assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration and NASA Case Number LAR15851-1-CU entitled "Process For Coating Substrates With Catalyst Materials" for which a U.S. Patent Application was filed and assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Langley Research Center.

DATES: Responses to this notice must be received by April 24, 2003.**FOR FURTHER INFORMATION CONTACT:** Helen M. Galus, Patent Attorney, Langley Research Center, Mail Stop 212, Hampton, VA 23681-2199. Telephone 757-864-3227; Fax 757-864-9190.

Dated: April 3, 2003.

Robert M. Stephens,*Deputy General Counsel.*

[FR Doc. 03-8636 Filed 4-8-03; 8:45 am]

BILLING CODE 7510-01-P**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice (03-037)]

Notice of Prospective Patent License**AGENCY:** National Aeronautics and Space Administration.**ACTION:** Notice of Prospective Patent License.

SUMMARY: NASA hereby gives notice that the Bombardier Motor Corporation of America, of Delaware, has applied for an exclusive license to practice the inventions disclosed in NASA Case Nos. MFS-31294-2-CIP2 entitled "Aluminum Alloy And Article Cast Therefrom," MFS-31294-7-CIP entitled "Process For Producing A Cast Article From A Hypereutectic Aluminum-Silicon Alloy" and MFS-31828-1 entitled "High Strength Aluminum Alloy For High Temperature Applications," for which U.S. Patent Applications were filed and assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to James L. McGroary, Chief Patent Counsel/LS01, Marshall Space Flight Center, Huntsville, AL 35812. NASA has not yet made a determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

DATES: Responses to this notice must be received by April 24, 2003.**FOR FURTHER INFORMATION CONTACT:** Sammy A. Nabors, Technology Transfer Department/CD30, Marshall Space Flight Center, Huntsville, AL 35812, (256) 544-5236.

Dated: January 3, 2003.

Robert M. Stephens,*Deputy General Counsel.*

[FR Doc. 03-8639 Filed 4-8-03; 8:45 am]

BILLING CODE 7510-01-P**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-286]

Entergy Nuclear Operations, Inc., Indian Point Nuclear Generating Unit No. 3; Exemption**1.0 Background**

Entergy Nuclear Operations, Inc., (ENO or the licensee) is the holder of Facility Operating License No. DPR-64 which authorizes operation of the Indian Point Nuclear Generating Unit

No. 3 (IP3). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a pressurized-water reactor located in Westchester County in the State of New York.

2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR), part 50.44, "Standards for combustible gas control system in light-water-cooled power reactors," requires that each pressurized light-water nuclear power reactor fueled with oxide pellets within cylindrical zircaloy or ZIRLO cladding must be provided with the capability for controlling the combustible gas concentrations in the containment following a postulated loss-of-coolant accident (LOCA). A combustible gas control system is defined by 10 CFR 50.44(h) as a system that operates after a LOCA to maintain the concentrations of combustible gases within the containment, such as hydrogen, below flammability limits. Combustible gas control systems are of two types:

(1) Systems that allow controlled release from containment such as a purge or vent system, and

(2) Systems that do not result in a significant release from containment such as hydrogen recombiners. The combustible gas control system at IP3 consists of a hydrogen recombiner system and a backup purge system.

When IP3 was initially licensed, the post accident containment ventilation (PACV) system was installed to meet the requirements of 10 CFR 50.44(f). Section 50.44(f) requires:

For facilities with respect to which the notice of hearing on the application for a construction permit was published between December 22, 1968, and November 5, 1970, if the incremental radiation dose from purging (and repressurization if a repressurization system is provided) occurring at all points beyond the exclusion area boundary after a postulated LOCA calculated in accordance with § 100.11(a)(2) of this chapter is less than 2.5 rem to the whole body and less than 30 rem to the thyroid, and if the combined radiation dose at the low population zone outer boundary from purging and the postulated LOCA calculated in accordance with § 100.11(a)(2) of this chapter is less than 25 rem to the whole body and less than 300 rem to the thyroid, only a purging system is necessary, provided that the purging system and any filtration system associated with it are designed to conform with the general requirements of Criteria 41, 42, and 43 of appendix A to this part. Otherwise the facility shall be provided with another type of combustible gas control system (a

repressurization system is acceptable) designed to conform with the general requirements of Criteria 41, 42, and 43 of appendix A to this part. If a purge system is used as part of the repressurization system, the purge system shall be designed to conform with the general requirements of Criteria 41, 42, and 43 of appendix A to this part. The containment shall not be repressurized beyond 50 percent of the containment design pressure.

When the Commission issued what is now paragraph c(3)(ii) of 10 CFR 50.44 in 1981, a safety related hydrogen recombiner system was installed. Paragraph c(3)(ii) requires:

By the end of the first scheduled outage beginning after July 5, 1982 and of sufficient duration to permit required modifications, each light-water nuclear power reactor that relies upon a purge/repressurization system as the primary means for controlling combustible gases following a LOCA shall be provided with either an internal recombiner or the capability to install an external recombiner following the start of an accident. The internal or external recombiners must meet the combustible gas control requirements in paragraph (d) of this section. [* * *]

As a result, the recombiner system became the primary method of combustible gas control while the PACV system became a backup method.

The purpose of this exemption request for 10 CFR 50.44(f) is to remove requirements for the PACV system from the IP3 licensing basis. The licensee is not requesting an exemption from GDC 41, "Containment Atmosphere Cleanup," or 10 CFR 50.44(c). The licensee is requesting this exemption in accordance with 10 CFR 50.12. Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. These circumstances include the special circumstances stated in 10 CFR 50.12(a)(2)(ii), "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule." The PACV system also has a role in severe accident management. The Commission stated in Attachment 1 to SECY-02-0080, "Proposed Rulemaking—Risk-Informed 10 CFR 50.44, Combustible Gas Control In Containment," their position concerning the ability to vent the containment as a severe accident

strategy. Specifically, Attachment 1 to SECY-02-0080 states:

The Commission continues to view severe accident management guidelines as an important part of the severe accident closure process. Severe accident management guidelines are part of a voluntary industry initiative to address accidents beyond the design basis and emergency operating instructions. In November 1994, the U.S. nuclear industry committed to implement severe accident management at their plants by December 31, 1998, using the guidance contained in NEI 91-04, Revision 1, "Severe Accident Issue Closure Guidelines." Generic severe accident management guidelines developed by each nuclear steam system supplier owners group includes either purging and venting or venting the containment to address combustible gas control. On the basis of the industry-wide commitment, the Commission is not proposing to require such capabilities, but continues to view purging and/or controlled venting of all containment types to be an important combustible gas control strategy that should be considered in a plant's severe accident management guidelines.

3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. These circumstances include the special circumstances that the PACV system is not needed to meet the underlying purpose of 10 CFR 50.44. As mentioned above, the underlying purpose of 10 CFR 50.44 is to show that following a LOCA, an uncontrolled hydrogen-oxygen recombination would not take place, or that the plant could withstand the consequences of uncontrolled hydrogen-oxygen recombination without loss of safety function.

The staff examined the licensee's rationale to support the exemption request of eliminating the licensing basis requirements for the PACV system and concluded that retaining the licensing basis requirements for the PACV system is not necessary to achieve the underlying purpose of 10 CFR part 50.44. As mentioned above, the PACV system is the backup combustible gas control system. The primary system is the electric hydrogen recombiner system which meets the requirements of 10 CFR 50.44 c(3)(ii). Each of the recombiner subsystems is capable of maintaining the hydrogen concentration below the required limit following a design-basis LOCA. The

PACV system is not necessary to meet the intent of the rule.

In their January 16, 2003, letter, the licensee stated that even with the retirement of the PACV system, they will be able to meet all their severe accident management commitments. Their current Severe Accident Management Guidelines (SAMGs) identify, in addition to the PACV system, three alternate methods of containment depressurization and combustible gas control. These methods are backflow to the steam ejector line, containment pressure relief line, and the containment purge system. The licensee stated that the decommissioning of the PACV system will include a revision to the SAMGs that will include the three alternative methods listed above. The staff concludes that the licensee continues to address the Commission's concerns regarding the use of purging and/or controlled venting of containment as an important combustible gas control strategy that should be considered in the licensee's severe accident management guidelines.

Based on the above, the staff determined that the requested exemption from the requirements of 10 CFR 50.44(f) meets the requirements of 10 CFR 50.12. The staff finds the requested exemption acceptable. Therefore, the staff concludes that pursuant to 10 CFR 50.12(a)(2) the licensee's requested exemption from the requirements of 10 CFR 50.44(f) for IP3 as specified in a letter dated October 3, 2002, and as supplemented by letters dated January 16 and March 11, 2003, is acceptable.

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. Therefore, the Commission hereby grants ENO an exemption from the requirement to maintain a purge/repressurization system of 10 CFR 50.44(f) for IP3.

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 (68 FR 15487).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 2nd day of April, 2003.

For the Nuclear Regulatory Commission
John A. Zwolinski,
*Director, Division of Licensing Project
 Management, Office of Nuclear Reactor
 Regulation.*
 [FR Doc. 03-8628 Filed 4-8-03; 8:45 am]
 BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-7003]

Notice of Opportunity To Request a Hearing Regarding the U.S. Enrichment Corporation Inc.'s Application for a License for the Possession and Use of Special Nuclear Material and Byproduct Material in Its American Centrifuge Lead Cascade Facility in Piketon, OH

I. Introduction

The U.S. Nuclear Regulatory Commission is considering an application submitted by the U.S. Enrichment Corporation Inc. (USEC), dated February 11, 2003, for a license to possess and use, for five years, special nuclear, source, and by-product material in the American Centrifuge Lead Cascade Facility (Lead Cascade). The Lead Cascade, which is to be located at the Portsmouth Gaseous Diffusion Plant in Piketon, Ohio, will possess up to 250 kilograms of uranium hexafluoride and will consist of up to 240 operating, full-scale centrifuge machines.

By letter dated March 13, 2003, the NRC informed USEC that based on an administrative review of the Lead Cascade license application, the NRC had found the application acceptable for technical review. However, before approving the proposed license, NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and NRC regulations. The NRC will document its technical reviews related to radiological safety and common defense and security in a Safety Evaluation Report and its environmental safety review in an Environmental Assessment (EA). In the March 13, 2003, letter, the NRC also stated that it anticipates completing its technical reviews and issuing its decision by February 2004.

II. Opportunity To Request a Hearing

The NRC hereby provides notice that this is a proceeding on an application for 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 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 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 Rulemaking and Adjudications Staff of the Office of the Secretary of the Commission at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852 between 7:45 a.m. and 4:15 p.m. on Federal workdays; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemaking and Adjudications Staff. Because of continuing disruptions in the delivery of mail to United States Government offices, it is requested that requests for hearing also be 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.

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. Enrichment Corporation Inc., 6903 Rockledge Drive, Bethesda, MD 20817-1818); Attention Mr. Steven A. Toelle; and

(2) The NRC staff, by delivery to the General Counsel, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852 between 7:45 a.m. and 4:15 p.m. on Federal workdays, 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 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.

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 requestor;
 (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 circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(d).

III. Further Information

For further details, the unclassified and non-proprietary portions of USEC's License application may be examined and/or copied for a fee at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The references with ADAMS Accession Number ML030730232 may also be viewed in the NRC's Electronic Public Document Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. Any questions with respect to this action should be referred to Mr. Yawar Faraz, Project Manager, Special Projects and Inspection Branch, Division of Fuel Cycle Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop T-8 A33, Washington, DC 20555-0001. Telephone (301)415-8113 or e-mail yhf@nrc.gov.

Dated at Rockville, Maryland, this 3rd day of April 2003.

For the Nuclear Regulatory Commission.

Eric J. Leeds,

Deputy Director, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 03-8627 Filed 4-8-03; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 141st meeting on April 22-23, 2003, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

Tuesday, April 22, 2003

10 a.m.-10:40 a.m.: Opening Statement (Open)—The Chairman will open the meeting with brief opening remarks, outline the topics to be discussed, and indicate several items of interest.

10:40 a.m.-12 Noon: One Step at a Time: The Staged Development of Geologic Repositories for High-Level Radioactive Waste (Open)—The Committee will hear presentations by and hold discussions with representatives of the National Academy of Sciences on their recent report on staged development of a proposed HLW repository at Yucca Mountain, NV.