

psychiatric facilities; expanded transfer policy for hospital inpatient services; indirect medical education payments above the costs of teaching; MedPAC's previous recommendations on payments to rural hospitals; alternatives to administered pricing; methods used by private payers to pay for physician-administered drugs, and developing incentives to improve quality of care in Medicare.

Agendas will be e-mailed on January 7, 2003. The final agenda will be available on the Commission's Web site ([www.MedPAC.gov](http://www.MedPAC.gov)).

**ADDRESSES:** MedPAC's address is: 601 New Jersey Avenue, NW., Suite 9000, Washington, DC 20001. The telephone number is (202) 220-3700.

**FOR FURTHER INFORMATION CONTACT:** Diane Ellison, Office Manager, (202) 220-3700.

**Mark E. Miller,**

*Executive Director.*

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## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 72-26-ISFSI, ASLBP No. 02-801-01-ISFSI]

### **Atomic Safety and Licensing Board; Pacific Gas and Electric Co. (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation); Notice of Hearing (Application To Construct and Operate an Independent Spent Fuel Storage Installation)**

December 27, 2002.

Before Administrative Judges: G. Paul Bollwerk, III, Chairman, Dr. Jerry R. Kline and Dr. Peter S. Lam.

This proceeding concerns the December 21, 2001 application of Pacific Gas and Electric Company (PG&E) under 10 CFR part 72 for permission to construct and operate an independent spent fuel storage installation (ISFSI) at its Diablo Canyon Power Plant (DCPP) site near San Luis Obispo, California. On April 12, 2002, the NRC staff issued a notice that the agency is (1) considering this license amendment application; and (2) affording the opportunity for an adjudicatory hearing on the PG&E application. That notice was published in the **Federal Register** on April 22, 2002. (67 FR 19600 (Apr. 22, 2002).) Responding to the April 2002 notice of opportunity for a hearing, various petitioners, including the San Luis Obispo Mothers for Peace (SLOMFP), which by consent is acting as a lead

petitioner, Peg Pinard, the Avila Valley Advisory Council, and nine other organizations, including the Santa Lucia Chapter of the Sierra Club, San Luis Obispo Cancer Action Now, the Cambria Legal Defense Fund, the Central Coast Peace and Environmental Council, the Environmental Center of San Luis Obispo, Nuclear Age Peace Foundation, the San Luis Obispo Chapter of Grandmothers for Peace International, Santa Margarita Area Residents Together, and the Ventura County Chapter of the Surfrider Foundation filed timely requests for hearing and petitions to intervene in accordance with 10 CFR 2.714 that, as supplemented, seek to interpose various joint contentions challenging the application. In response to those hearing requests, on May 29, 2002, the Secretary of the Commission referred the petitions to the Atomic Safety and Licensing Board Panel to conduct any subsequent adjudication. On May 31, 2002, this Licensing Board was appointed to preside over this proceeding. (67 FR 39073 (June 6, 2002).) The Board consists of Dr. Jerry R. Kline, Dr. Peter S. Lam, and G. Paul Bollwerk, III, who serves as Chairman of the Board. In addition, San Luis Obispo County, California (SLOC), the Port San Luis Harbor District (PSLHD), the California Energy Commission, the Diablo Canyon Independent Safety Committee (DCISC), and the Avila Beach Community Services District (ABCSD) filed requests to participate in any hearing as interested governmental entities in accordance with 10 CFR 2.715(c) and, in the case of SLOC and PSLHD, proffered particular issues they wished to have litigated in the proceeding.

Beginning on September 10, 2002, the Board conducted a two-day initial prehearing conference, during which it heard oral presentations regarding the standing of each of the petitioners, the participation of DCISC as an interested governmental entity, and the admissibility of the eight contentions and four issues raised by the section 2.714 intervenors and section 2.715(c) interested governmental entities SLOC and PSLHD. Additionally, in response to an appearance at the initial prehearing conference by an ABCSD representative regarding the status of a request for admission as a section 2.715(c) participant that it previously had submitted to the agency, the Board requested that ABCSD resubmit such a request directly to the Board, which it subsequently did, stating that it did not have any new issues it wished to raise on its own. Thereafter, in a December 2, 2002 issuance the Board ruled on the

various outstanding matters, concluding that (1) although some of the section 2.714 petitioners lacked standing, the remainder not only fulfilled that jurisprudential requirement, but also set forth one admissible contention so as to warrant admission as parties, with SLOMFP as the lead intervenor; and (2) with the exception of DCISC, section 2.715(c) interested government entity status should be afforded to those requesting that designation, but that the SLOC and PSLHD-proffered issues did not meet the section 2.714 standards governing contention admissibility. (*Pacific Gas and Electric Co.* (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation), LBP-02-23, 56 NRC (Dec. 2, 2002), *requests for partial referral and reconsideration denied*, LBP-02-25, 56 NRC (Dec. 26, 2002).)

In light of the foregoing, please take notice that a hearing will be conducted in this proceeding. This hearing will be governed by the formal hearing procedures set forth in 10 CFR part 2, subpart G (10 CFR 2.700 through 2.790), subject to the election that has been made by applicant Pacific Gas & Electric Company and the NRC staff to utilize the hybrid hearing procedures in 10 CFR part 2, subpart K (10 CFR 2.1101 through 2.1117).

During the course of the proceeding, the Board may conduct an oral argument, as provided in 10 CFR. 2.755 and 2.1113, may hold additional prehearing conferences pursuant to 10 CFR 2.752, and may conduct evidentiary hearings in accordance with 10 CFR 2.750, 2.751, and 2.1115. The public is invited to attend any oral argument, prehearing conference, or evidentiary hearing. Notices of those sessions will be published in the **Federal Register** and/or made available to the public at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and through the NRC Web site, <http://www.nrc.gov>.

Additionally, as provided in 10 CFR 2.715(a), any person not a party to the proceeding may submit a written limited appearance statement setting forth his or her position on the issues in this proceeding. These statements do not constitute evidence, but may assist the Board and/or parties in defining the issues being considered. Persons wishing to submit a written limited appearance statement should send by mail to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff or by e-mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov). A

copy of the statement also should be served on the Chairman of this Atomic Safety and Licensing Board by mail to the Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 or by e-mail to [gpb@nrc.gov](mailto:gpb@nrc.gov). At a later date, the Board may entertain oral limited appearance statements at a location or locations in the vicinity of the Diablo Canyon facility. Notice of any oral limited appearance sessions will be published in the **Federal Register** and/or made available to the public at the NRC PDR and on the NRC Web site, <http://www.nrc.gov>.

Documents relating to this proceeding are available for public inspection at the Commission's PDR or electronically from the publicly available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (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 NRC PDR reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). It is so ordered.

Dated in Rockville, Maryland, on December 27, 2002.

For the Atomic Safety and Licensing Board\*

**G. Paul Bollwerk, III,**  
*Administrative Judge.*

[FR Doc. 03-79 Filed 1-2-03; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 40-2259]

### Notice of Request to Terminate Source Material, License SUA-1524, for the Green Mountain Ion-Exchange Site in Fremont County, WY and Opportunity to Provide Comments and to Request a Hearing

#### I. Introduction

The U. S. Nuclear Regulatory Commission (NRC) has received, by letter dated October 24, 2002, a final status survey (completion) report for the decommissioned Green Mountain Ion-Exchange (GMIX) site near Jeffrey City, Wyoming, and a request to terminate the U.S. Energy Corporation (USEC) license SUA-1524 for the site.

The GMIX site is located in the Crooks Gap Mining District in Fremont County. The facility consisted of two buildings and two settling ponds and separated uranium from mine water by the ion-exchange process. The facility ceased operation in 1987. When USEC bought the property in 1988, the NRC granted a "possession only" source material license. The facility remained in stand-by status and USEC submitted a decommissioning plan in 1993 that was approved, after modifications, in 1996. USEC requested a delay in initiation of decommissioning that was granted September 20, 1999. Building demolition and soil removal was accomplished in 2001.

The NRC staff has initiated review of the completion report and indicated, by electronic mail on November 25, 2002, that the submittal was incomplete. The licensee provided additional data by letter dated November 26, 2002, that completes the report. The NRC staff is now preparing a technical evaluation report for the decommissioning activities and will determine if all the applicable regulations have been met for license termination. Letters have been received from the site land managers, Bureau of Land Management (November 27, 2002) and the Wyoming Department of Environmental Quality, Land Quality Division (December 4, 2002) that indicate no objection to termination of the USEC license.

#### II. Opportunity To Provide Comments

The NRC is providing notice to individuals in the vicinity of the facility that the NRC is in receipt of this request, and will accept comments concerning this action within 30 days of the publication of this notice in the **Federal Register**. The comments may be provided to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room T-6 D59, Two White Flint North, 11545 Rockville Pike, Rockville, MD 20852, from 7:30 a.m. until 4:15 p.m. on Federal workdays.

#### III. Opportunity To Request a Hearing

The NRC hereby provides notice that this is a proceeding on an application for termination 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 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; 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](mailto: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. Energy Corporation, 877 North 8th Street, Riverton, WY 82501, Attention: Fred Craft; 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 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](mailto: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

\* Copies of this notice of hearing were sent this date by Internet e-mail transmission to counsel for (1) applicant PG&E; (2) petitioners SLOMFP, *et al.*; (3) SLOC, PSLHD, CEC, ABCSD, and DCISC; and (4) the staff.