hearing procedures with respect to ''any matter which the Commission determines to be in controversy among the parties.''

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 ten (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 April 19, 2001, which is 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 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/NRC/ADAMS/index.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC Public Document Room Reference staff by telephone at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 12th day of October, 2001.

For the Nuclear Regulatory Commission.

Robert E. Moody,

Project Manager, Section 1, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–26281 Filed 10–17–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–336 AND 50–423]

Dominion Nuclear Connecticut, Inc., et al., Millstone Nuclear Power Station, Unit Nos. 2 and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Title 10 of the Code of Federal Regulations (10 CFR part 50) for Facility Operating License Nos. DPR–65 and NPF–49, issued to Dominion Nuclear Connecticut, Inc. (the licensee), for operation of the Millstone Nuclear Power Station, Unit Nos. 2 (MP2) and 3 (MP3), located in Waterford, Connecticut. 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 incorporate a change in the MP2 and MP3 Technical Specifications (TSs) to clarify the qualifications standards of the reactor operator and senior reactor operator.

The proposed action is in accordance with the licensee's application dated August 9, 2001.

The Need for the Proposed Action

The proposed action modifies the MP2 and MP3 TSs to avoid confusion between the qualification standards of the facility staff, who are qualified to American National Standards Institute (ANSI) N18.1–1971/Regulatory Guide (RG) 1.8 Revision 0, and the operators who will be qualified to the education and experience guidelines outlined by National Academy for Nuclear Training ACAD 00–003 ''Guidelines for Initial Training and Qualification of Licensed Operators.''

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the amendment and its implementation would provide an adequate clarification of the qualification standards.

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 off site, 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 impacts, the proposed action does not have a potential to affect any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for MP2 and MP3, dated June 1973 and December 1984 respectively.

Agencies and Persons Consulted

In accordance with its stated policy, on September 12, 2001, the staff consulted with the Connecticut State official, Michael Firsick of the Department of Environmental Protection, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated August 9, 2001. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1–800–397–4209, or 301–415–4737, or by e-mail at *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 12th day of October 2001.

For the Nuclear Regulatory Commission.

Victor Nerses,

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

[FR Doc. 01–26278 Filed 10–17–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NUREG–1748, Draft Report]

Environmental Review Guidance for Licensing Actions Associated With NMSS Programs; Notice of Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability and request for public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) is announcing, for public comment, the availability of a draft document ''Environmental Review Guidance for Licensing Actions Associated with NMSS Programs'' (NUREG–1748). This document provides guidance for the planning and implementation of National Environmental Policy Act requirements for all non-reactor facilities, e.g., those which fabricate nuclear fuel, dispose high-level radioactive waste, fabricate sources, etc. The guidance is intended for NRC staff, licensees/applicants, and the public. The NRC is seeking public comment in order to receive feedback from the widest range of interested parties and to ensure that all information relevant to developing the document is available to the NRC staff. This document is being issued for interim use and comment. The NRC will review public comments received on the draft document. Suggested changes will be incorporated, where appropriate, in response to those comments.

DATES: Comments received by September 30, 2002, will be considered. Comments received after that date will be considered to the extent practical.

ADDRESSES: Members of the public are invited and encouraged to submit comments to the Chief, Rules Review and Directives Branch, Mail Stop T6-D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Comments may also be sent electronically to *nmssnepa@nrc.gov.*

NUREG–1748 is available for inspection and copying for a fee at the Commission's Public Document Room, U.S. NRC's Headquarters Building, 11555 Rockville Pike (first floor), Rockville, Maryland, and electronically from the ADAMS Public Library component on the NRC Web Site, *http://www.nrc.gov* (the Electronic Reading Room).

A free single copy of NUREG–1748 will be made available to interested parties until the supply is exhausted. Such copies may be requested by writing to the U.S. Nuclear Regulatory Commission, Distribution Services, Washington, DC 20555–0001 or submitting an e-mail to *distribution@nrc.gov.* NUREG–1748 is available on the World Wide Web at *http://www.nrc.gov/NRC/NUREGS/SR1748/index.html.*

FOR FURTHER INFORMATION CONTACT: Either of the following: Matt Blevins, U.S. Nuclear Regulatory Commission, Mail Stop T7–J8, Washington, DC 20555, Phone Number: (301) 415–7684, Email: *mxb6@nrc.gov*; or Melanie Wong, U.S. Nuclear Regulatory Commission, Mail Stop T7–J8, Washington, DC 20555, Phone Number: (301) 415–6262, Email: *mcw@nrc.gov.* Please email comments to *nmssnepa@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The National Environmental Policy Act (NEPA) of 1969 requires Federal agencies, as part of their decision-making process, to consider the environmental impacts of actions under their jurisdiction. Both the Council on Environmental Quality (CEQ) and the U.S. Nuclear Regulatory Commission (NRC) have promulgated regulations to implement NEPA requirements. CEQ regulations are contained in the Code of Federal Regulations (CFR) at 40 CFR parts 1500 to 1508, and NRC requirements are provided in 10 CFR part 51.

To ensure consistent treatment of NEPA requirements throughout the NRC Office of Nuclear Material Safety and Safeguards (NMSS), the Environmental and Performance Assessment Branch (EPAB) has produced a guidance document (NUREG–1748) which provides general procedures for determining the level of NEPA review and documentation required for the environmental review of licensing actions undertaken by the Office of Nuclear Material Safety and Safeguards (NMSS). Such licensing actions encompass fuel cycle, spent nuclear fuel storage, radioactive waste disposal, uranium recovery, decommissioning, and other nuclear materials sites. Divisions within NMSS and their regional counterparts may have supplemental guidance that is specific to facilities they regulate. Although the main focus of this guidance is the NRC staff's environmental review process, the guidance also contains related information which applicants and licensees may find useful. Chapter 1 provides a summary and overview of the guidance. This chapter briefly discusses whether an applicant or licensee's request is a categorical exclusion or whether the staff needs to prepare an environmental assessment (EA) or environmental impact statement (EIS), early planning for an EA or EIS and describes methods of using previous environmental analyses related to the proposed action. Chapter 2 discusses categorical exclusions and the basis of their use. Chapter 3 discusses the EA process, including preparation and content of the EA, agencies to be consulted, and preparation of the Finding of No Significant Impact. Chapter 4 discusses the process of preparing an EIS, from developing a project plan, through scoping, consultations and public meetings, to preparing the Record of Decision. Chapter 5 discusses the content of the EIS, and Chapter 6 discusses environmental information that should be considered by applicants and licensees in preparing environmental reports.

Commentors are encouraged to submit their written comments to the addresses listed above. To ensure efficient and complete comment resolution, commentors are requested to reference the page number and the line number of