

how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mr. Edward J. Cullen, Vice President, General Council, 300 Exelon Way, Kennett Square, Pennsylvania 19348, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR Parts 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR Parts 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated March 3, 2000, as supplemented by letters dated March 24, June 5, July 18, July 31, September 1, September 22, October 5, October 9, November 20, November 30, and December 18, 2000, 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, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 13th day of February, 2001.

For the Nuclear Regulatory Commission.

**Lawrence W. Rossbach,**

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

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 72-35]

### Energy Northwest Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Proposed Exemption

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the provisions of 10 CFR 72.72(d) to Energy Northwest (applicant). The requested exemption would allow Energy Northwest to maintain a single set of spent fuel records at a records storage facility, qualified in accordance with ANSI N45.2.9-1974, for the Independent Spent Fuel Storage Installation (ISFSI) at the Columbia Generating Station (formerly known as Washington Nuclear Plant 2) (Docket No. 72-35) in Benton County, WA.

#### Environmental Assessment (EA)

*Identification of Proposed Action:* By letter dated December 12, 2000, Energy Northwest requested an exemption from the requirement in 10 CFR 72.72(d) which states in part that, "Records of spent fuel and high level radioactive waste in storage must be kept in duplicate. The duplicate set of records must be kept at a separate location sufficiently remote from the original records that a single event would not destroy both sets of records." The applicant proposes to store a single set of spent fuel records at a records storage facility that satisfies the requirements set forth in ANSI N45.2.9-1974.

The proposed action before the Commission is whether to grant this exemption pursuant to 10 CFR 72.7.

*Need for the Proposed Action:* The applicant stated that, pursuant to 10 CFR 72.140(d), the Energy Northwest Operational Quality Assurance (QA) Program Description will be used to satisfy the QA requirements for the ISFSI. The QA Program states that QA records are maintained in accordance with commitments to ANSI N45.2.9-1974. ANSI 45.2.9-1974 allows for the storage of a single set of QA records in a records storage facility subject to certain provisions designed to protect the records from fire and other adverse conditions. The applicant seeks to provide uniform and consistent recordkeeping procedures and processes for the Columbia Generating Station and ISFSI spent fuel records. The applicant states that requiring a separate method of record storage for ISFSI records diverts resources unnecessarily.

ANSI N45.2.9–1974 provides requirements for the protection of nuclear power plant QA records against degradation. It specifies design requirements for use in the construction of record storage facilities when use of a single storage facility is desired. It includes specific requirements for protection against degradation mechanisms such as fire, humidity, and condensation. The requirements in ANSI N45.2.9–1974 have been endorsed by the NRC in Regulatory Guide 1.88, “Collection, Storage and Maintenance of Nuclear Power Plant Quality Assurance Records,” as adequate for satisfying the recordkeeping requirements of 10 CFR Part 50, Appendix B. ANSI N45.2.9–1974 also satisfies the requirements of 10 CFR 72.72 by providing for adequate maintenance of records regarding the identity and history of the spent fuel in storage. Such records would be subject to and need to be protected from the same types of degradation mechanisms as nuclear power plant QA records.

**Environmental Impacts of the Proposed Action:** Elimination of the requirement to store ISFSI records at a duplicate facility has no impact on the environment. Storage of records does not change the methods by which spent fuel will be handled and stored at the Columbia Generating Station and ISFSI and does not change the amount of any effluents, radiological or non-radiological, associated with the ISFSI.

**Alternative to the Proposed Action:** Since there are no environmental impacts associated with the proposed action, alternatives are not evaluated other than the no-action alternative. The alternative to the proposed action would be to deny approval of the exemption and, therefore, not allow storage of ISFSI spent fuel records at a single qualified record storage facility. However, the environmental impacts of the proposed action and the alternative would be the same.

**Agencies and Persons Consulted:** On January 16, 2001, Mr. Richard Crowley of the Washington State Division of Radiation Protection, was contacted regarding the environmental assessment for the proposed action and had no comments.

#### **Finding of No Significant Impact**

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR Part 51. Based upon the foregoing EA, the Commission finds that the proposed action of granting an exemption from 10 CFR 72.72(d), so that Energy Northwest may store spent fuel records at the ISFSI in a single record storage facility which meets the

requirements of ANSI N45.2.9–1974, will not significantly impact the quality of the human environment.

Accordingly, the Commission has determined that an environmental impact statement for the proposed exemption is not necessary.

The request for exemption was docketed under 10 CFR Part 72, Docket 72–35. For further details with respect to this action, see the exemption request dated December 12, 2000, which is available for public inspection at the Commission’s Public Document Room, One White Flint North Building, 11555 Rockville Pike, Rockville Maryland 20852, or from the publicly available records component of NRC’s agencywide documents access and management system (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Dated at Rockville, Maryland, this 8th day of February 2001.

For the Nuclear Regulatory Commission.

**E. William Brach,**

*Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.*

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#### **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 50–389]**

#### **Florida Power & Light Company, et al.; St. Lucie Unit 2; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10, Code of Federal Regulations (10 CFR), Part 54, Section 54.17(c), for Facility Operating License No. NPF–16, issued to Florida Power & Light Company, et al. (the licensee), for operation of the St. Lucie Unit 2, located in St. Lucie County, Florida.

#### **Environmental Assessment**

##### *Identification of the Proposed Action*

The proposed action would exempt the licensee from the requirement of 10 CFR 54.17(c), which specifies that an applicant (for the purposes of license renewal the licensee is the applicant) may apply for a renewed operating license no earlier than 20 years before the expiration of the operating license currently in effect.

The proposed action is in accordance with the licensee’s application for an exemption dated October 30, 2000.

#### *The Need for the Proposed Action*

In accordance with 10 CFR 54.17(c), the earliest date that the applicant could apply for a renewed operating license for St. Lucie Unit 2 would be April 6, 2003. The proposed action would allow the applicant to file a license renewal application for St. Lucie Unit 2 earlier, and concurrent with the renewal application for St. Lucie Unit 1 which has less than 20 years before expiration of its current operating license on March 1, 2016. The request seeks only schedular relaxation without any other substantive reliefs.

#### *Environmental Impacts of the Proposed Action*

The NRC has completed its evaluation of the proposed action. The exemption, if granted, will permit the applicant to apply for renewal of the St. Lucie Unit 2 license sooner than the schedule specified by 10 CFR 54.17(c). When the applicant does apply for license renewal, the environmental impacts of operating the St. Lucie units under the renewed licenses will then be submitted by the applicant and evaluated by the staff. In short, granting of the exemption will not necessitate, or lead to, changes to the as-built plant design, or to existing procedures at the two St. Lucie units.

The staff evaluated potential radiological environmental impacts associated with granting the requested exemption. Since no plant design or procedure changes will be made, no new accident causal mechanisms would be introduced.

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 the potential nonradiological impacts, the proposed action does not affect any historic sites. The proposed action involves no plant design or procedure changes, it does not increase or decrease nonradiological plant effluents, and has no other environmental impact from those previously evaluated by the staff in the Final Environmental Statement (FES) for the St. Lucie Plant (NUREG–0842). Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental