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 that may be entered in the proceeding on the petitioner's interest. The petition must 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 before 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 before the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene that must include a list of the contentions that the petitioner seeks to have litigated in the hearing. 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 each contention and a concise statement of the alleged facts or the expert opinion that supports 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. The 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 action under consideration. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that 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.

Requests for a hearing and petitions 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, 11555 Rockville Pike (first floor), Rockville, Maryland, 20855–2738, by the above date. A copy of the request for a hearing and the petition to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. Michael S. Tuckman, Executive Vice President, Nuclear Generation, Duke Energy Corporation, 526 South Church Street, PO Box 1006, Charlotte, NC 28201–1006.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions, and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer, or the 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 2.714(a)(1)(i)–(v) and 2.714(d).

Detailed information about the license renewal process can be found under the nuclear reactors' icon of the NRC's Web page at *http://www.nrc.gov.*

A copy of the application to renew the operating licenses for McGuire Nuclear Station, Units 1 and 2, and Catawba Nuclear Station, Units 1 and 2, is available for public inspection at the Commission's Public Document Room, 11555 Rockville Pike (first floor), Rockville, Maryland, 20855–2738, and on the NRC's Web page at *http://www.nrc.gov.* The staff has also verified that copies of the license renewal application for the McGuire and Catawba nuclear stations have been provided to the J. Murrey Atkins Library at the University of North Carolina, Charlotte, in Charlotte, North Carolina, and to the Rock Hill Public Library in Rock Hill, South Carolina.

Dated at Rockville, Maryland, the 8th day of August 2001.

For the Nuclear Regulatory Commission.

Christopher I. Grimes,

Chief, License Renewal and Standardization Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–286]

Entergy Nuclear Operations, Inc.; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the NRC/Commission) has granted the request of Entergy Nuclear Operations, Inc., to withdraw the Power Authority's of the State of New York (PASNY) the then licensee, November 29, 1999, application as supplemented October 27, 2000, for proposed amendment to Facility Operating License No. DPR–64 for the Indian Point Nuclear Generating Unit No. 3 (IP3), located in Westchester County, New York.

On November 21, 2000, PASNY's ownership interest in IP3 was transferred to Entergy Nuclear Operations, Inc. (Entergy) to possess, use, and operate IP3. By letter dated January 26, 2001, Entergy requested that the NRC continue to review and act on all requests before the Commission which had been submitted by PASNY before the transfer. Accordingly, the NRC staff continued its review of PASNY's license amendment application. Subsequently, by letter dated May 12, 2001, Entergy withdrew the amendment request.

The proposed amendment would have adopted the ''Standard Test Method for Nuclear Grade Activated Carbon'' for charcoal filter laboratory testing with certain exceptions.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on February 9, 2000 (65 FR 6409). However, by letter dated May 12, 2001, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated November 29, 1999, as supplemented October 27, 2000, and the licensee's letter dated May 12, 2001, which withdrew the application for license amendment. Documents 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 (first floor), Rockville, Maryland. Publicly available records will be accessible electronically 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.* If you do not have access to ADAMS or if there are problems in accessing the

documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr@nrc.gov*.

Dated at Rockville, Maryland, this 9th day of August 2001.

For the Nuclear Regulatory Commission.

Guy S. Vissing,

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

[FR Doc. 01–20534 Filed 8–14–01; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50–456 and STN 50–457]

Exelon Generation Company, LLC; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF–72 and NPF–77, issued to Exelon Generation Company, LLC (the licensee) for operation of the Braidwood Station, Units 1 and 2, located in Will County, Illinois.

The proposed amendment would provide a temporary change to Technical Specification (TS) 3.7.9, ''Ultimate Heat Sink (UHS).'' Surveillance Requirement (SR) 3.7.9.2 verifies that average water temperature of the UHS is ≤100 °F every 24 hours as measured at the discharge of the operating Essential Service Water (SX) pumps. With the average water temperature of the UHS greater than 100 °F, the UHS must be declared inoperable in accordance with condition A. With the UHS inoperable, Condition A requires that both units be placed in Mode 3, i.e., Hot Standby, within six hours and Mode 5, i.e., Cold Shutdown, within 36 hours. The proposed amendment would provide a temporary change to increase the average temperature limit of the Ultimate Heat Sink (UHS) from 100 °F to 102 °F through September 30, 2001.

Prolonged hot weather in the area has resulted in the sustained elevated UHS. High temperatures and humidity during the daytime in conjunction with little cooling at night and little precipitation have resulted in elevated water temperature in Braidwood Station's UHS. There are no controllable measures that can be taken to immediately reduce the temperature of the UHS in that reduction of the heat input by derating the units would have a negligible short-term effect on the temperature of the UHS. The licensee has requested approval of the proposed change as soon as possible to avoid a potential shutdown of Braidwood Station, Units 1 and 2.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Analyzed accidents are assumed to be initiated by the failure of plant structures, systems or components. An inoperable Ultimate Heat Sink (UHS), which is the source of water for the Essential Service Water (SX) System, is not considered as an initiator of any analyzed events. The design basis analyses for Braidwood Station, Units 1 and 2, assume a UHS temperature of 100 °F. Further assessments have been performed which assumed an SX temperature of 102 °F. An UHS temperature of up to 102 °F does not increase the failure rate of systems, structures or components because the systems, structures or components have been evaluated for operation with SX temperatures of 102 °F and the design allows for higher temperatures than at which they presently operate.

This higher temperature does not have a significant impact on the Loss of Coolant Accident (LOCA) analysis or Containment analysis, and the non-LOCA analyses are unaffected. Therefore, continued operation with an UHS temperature ≤ 102 °F will not increase the consequences of an accident previously evaluated in the Byron/Braidwood Stations' Updated Final Safety Analysis Report (UFSAR). The proposed change does not involve any physical alteration of plant systems, structures or components. Based on the above, it has been determined that unit operation with an initial UHS temperature of 102 °F at the onset of previously evaluated accidents will result in the continued ability of the equipment and components supplied by the SX System to perform their intended safety functions.

Therefore, increasing the average water temperature limit of the UHS from ≤ 100 °F to ≤ 102 °F does not increase the consequences of any accident previously evaluated. Raising this limit does not introduce any new equipment, equipment modifications, or any new or different modes of plant operation, nor does it significantly affect the operational characteristics of any equipment or systems.

Therefore, the proposed temporary change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed action does not involve physical alteration of the units. No new equipment is being introduced, and installed equipment is not being operated in a new or different manner. There is no significant change being made to the parameters within which the units are operated. There are no setpoints at which protective or mitigative actions are initiated that are affected by this proposed action. This proposed action will not significantly alter the manner in which equipment operation is initiated, nor will the function demands on credited equipment be changed. No alteration in the procedures that govern plant operation is proposed, and no change is being made to procedures relied upon to respond to an off-normal event. As such, no new failure modes are being introduced. The proposed action does not significantly alter assumptions made in the safety analysis. Therefore, the proposed action does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Increasing the allowed average water temperature of the UHS by 2 °F in TS 3.7.9, ''Ultimate Heat Sink (UHS),'' has no impact on plant operation. Operating at the proposed higher temperature limit does not introduce new failure mechanisms for systems, structures or components. The engineering evaluations performed to support the change to UHS temperature limit provide the basis to conclude that the equipment will operate acceptably at elevated temperatures. The current design basis analyses and calculations assume a UHS temperature of 100 °F, and contain operating margins to account for potential degradations in material condition (e.g., tube plugging) which are more severe than currently present. Together with these operating margins, design and construction codes applied to the affected structures, systems and components provide additional margins that are sufficient to accommodate the proposed temperature change.

Therefore, the proposed temporary change does not create the possibility of a new or different kind of accident from any accident previously evaluated.