

Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition must 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 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 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 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 expert opinion that 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. 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 amendment 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.

A request for a hearing and 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 request for a hearing and the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005-3502, attorney for the licensee.

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).

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 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated December 19, 2000, as supplemented by letters dated May 30, June 20, 26 (two letters), and 28, July 3 and 24 (two letters), August 7, 13, 21, 23, and 30, September 14, October 1, 12 (two letters), 17, 30 (two letters), and 31, November 9, 16 (three letters), and 17, and December 5, 6 (two letters), and 10, 2001, which are 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 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/reading-rm/adams.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](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 14th day of December, 2001.

For the Nuclear Regulatory Commission.

**Thomas W. Alexion,**

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

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-335 and 50-389]

### **Florida Power and Light Company, St. Lucie Nuclear Plant, Units 1 and 2; Notice of Receipt of Application for Renewal of Facility Operating License Nos. DPR-67 and NPF-16 for an Additional 20-Year Period**

The U.S. Nuclear Regulatory Commission has received the application from Florida Power and Light Company, dated November 29, 2001, filed pursuant to Section 104b and 103 of the Atomic Energy Act of 1954, as amended, and 10 CFR part 54 for renewal of Operating License Nos. DPR-67 and NPF-16, which authorize the applicant to operate St. Lucie Nuclear Plant, Units 1 and 2. The St. Lucie nuclear facility is located about 7 miles southeast of the city of Fort Pierce, Florida, in St. Lucie County. The current operating licenses for St. Lucie Units 1 and 2, expire on March 1, 2016, and April 6, 2023, respectively. For St. Lucie Unit 2, Florida Power and Light requested an exemption to the schedular requirements of 10 CFR 54.17(c) by letter dated October 30, 2000. By letter dated February 27, 2001, the NRC approved the requested schedular exemption. The St. Lucie Units 1 and 2 reactors are Combustion Engineering designed pressurized-water reactors. The acceptability of the tendered application for docketing and other matters, including an opportunity to request a hearing will be the subject of a subsequent **Federal Register** notice.

A copy of the application 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, or on the NRC Web site from the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.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](mailto:pdr@nrc.gov).

The staff has verified that a copy of the license renewal application for the St. Lucie Nuclear Plant has been provided to the Indian River Community College library.

Dated at Rockville, Maryland, the 19th day of December, 2001.

For the Nuclear Regulatory Commission

**Stephen T. Hoffman,**

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

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## NUCLEAR REGULATORY COMMISSION

[Docket 72-20]

### U.S. Department of Energy Three Mile Island 2 Independent Spent Fuel Storage Installation, Materials License No. SNM-2508; Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from a specific provision of 10 CFR 72.32(a)(12) to the U.S. Department of Energy (DOE) for the Three Mile Island 2 (TMI-2) Independent Spent Fuel Storage Installation (ISFSI) located in Idaho. The requested exemption would allow DOE to deviate from the requirement of 10 CFR 72.32(a)(12) for a biennial onsite emergency preparedness (EP) exercise. The requested exemption would allow the onsite exercise to be performed prior to June 30, 2002, instead of prior to December 31, 2001, which is the expiration of the biennial period for the conduct of an EP exercise at the TMI-2 ISFSI.

#### Environmental Assessment (EA)

*Identification of Proposed Action:* By letter dated November 21, 2001, DOE requested an extension of time in which

to perform the next onsite biennial EP exercise required by 10 CFR 72.32(a)(12)(i). Staff has considered an exemption from this provision of 10 CFR 72.32(a)(12). DOE holds Materials License No. SNM-2508, issued March 19, 1999, for operation of the TMI-2 ISFSI located within the Idaho National Engineering and Environmental Laboratory (INEEL).

On March 16, 1999, DOE performed the first onsite EP exercise for the TMI-2 ISFSI. The requirement of 10 CFR 72.32(a)(12) is that onsite EP exercises be conducted biennially, that is every other calendar year. With the last performance of the TMI-2 ISFSI EP exercise on March 16, 1999, the next required performance of the exercise would be prior to December 31, 2001. DOE had scheduled its next biennial exercise for September 12, 2001. However, due to the tragic events of September 11, 2001, the exercise was postponed.

By exempting DOE from the provision of 10 CFR 72.32(a)(12) requiring a biennial exercise, DOE will be authorized to delay performance of the biennial onsite EP exercise at the TMI-2 ISFSI until June 30, 2002. The proposed action before the Commission is whether to grant this exemption under 10 CFR 72.7.

*Need for the Proposed Action:* Conduct of an exercise of an ISFSI's onsite emergency plan every 2 years is required by 10 CFR 72.32(a)(12). The licensee had initially planned to conduct an exercise of its onsite emergency plan on September 12, 2001, within the required 2-year interval. However, due to heavy demands on INEEL security and emergency preparedness resources pursuant to the tragic events of September 11, 2001, and the prospect of continued terrorist threats against the United States, and the need for those resources to remain focused on assessing the security and emergency preparedness/response posture at INEEL, the licensee decided to postpone the exercise.

*Environmental Impacts of the Proposed Action:* The proposed action involves an administrative activity (a scheduler change in conducting an exercise) unrelated to ISFSI operations.

The last EP exercise was conducted on March 16, 1999. NRC reviews and inspections since the 1999 exercise have not identified a decline in the effectiveness of DOE's emergency response capability. The postponement should have no impact on the effectiveness of DOE's emergency response capability. Moreover, as DOE points out, the re-scheduled exercise may be of more value after any

additional security and/or emergency response measures are put into effect in light of the tragic events of September 11, 2001.

The proposed action will not increase the probability or consequences of accidents, no changes are being made in the amounts or types of any effluents that may be released offsite, and there is no 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 affect non-radiological effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

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

*Alternative 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 the same.

*Agencies and Persons Consulted:* On December 19, 2001, Mr. Doug Walker and Ms. Kathleen Trever of the State of Idaho, INEEL Oversight Program, were contacted about the Environmental Assessment for the proposed action. The state officials had no comments related to the appropriateness of issuance of the exemption, or the Staff's basis for issuance of the exemption. The state officials discussed several comments related to additional information in DOE's letter request dated November 21, 2001, that were unrelated to the Staff's basis for issuance of the exemption. The state officials mentioned they will follow up on those concerns with a letter to DOE, and will provide a copy of that letter to the NRC. However, the state officials agreed that issuance of the exemption need not be delayed due to the unrelated concerns.

#### Finding of No Significant Impact

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