

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.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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, the Gelman Building, 2120 L Street, NW., Washington, DC, 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 John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226, 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 2.714(a)(1)(i)-(v) and 2.714(d).

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of Section 134 of the Nuclear Waste Policy Act of 1982 (NWPAA), 42 U.S.C. 10154. Under Section 134 of the NWPAA, the Commission, at the request of any party to the proceeding, must use hybrid 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 NWPAA 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 November 19, 1999, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, 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 7th day of March 2000.

For the Nuclear Regulatory Commission.

**Andrew J. Kugler,**

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

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## NUCLEAR REGULATORY COMMISSION

### DOCKET NO. 50-289

#### **Amergen Energy Company, LLC; Three Mile Island Nuclear Station, Unit 1, Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. DPR-50, issued to AmerGen Energy Company, LLC, (the licensee), for operation of the Three Mile Island Nuclear Station, Unit 1 (TMI-1), located in Dauphin County, PA.

#### **Environmental Assessment**

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

The proposed action would modify the operating license to delete an already completed license condition on reporting of aircraft movement; and delete reference to specific amendment and revision numbers for the Final Safety Analysis Report, Environmental Report, Modified Amended Physical Security Plan, Security Personnel Training and Qualification Plan, and Safeguards Contingency Plan and refer instead to the Updated Final Safety Analysis Report (UFSAR), and refer to the other documents "as revised." Two minor grammatical errors are also corrected. The proposed action also modifies the basis for the Technical Specification (TS) related to pressurizer code safety valves, to delete reference to

the flow rate through the valve. The licensee is also adding to the Bases for this TS, information related to the required American Society for Mechanical Engineers Code, Section XI, required testing. The proposed action to delete reference in the operating license to a specific amendment number for the FSAR and Environmental Report and to correct minor grammatical errors requires an Environmental Assessment.

The proposed action is in accordance with the licensee's application for amendment dated May 13, 1999.

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

The proposed action is requested to provide administrative updating of the license requirements to delete outdated revisions to documents and refer instead to non-time-sensitive versions of these documents to avoid the need for future revisions to the related license condition.

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

The NRC has completed its evaluation of the proposed action and concluded that the proposed changes are administrative in nature. 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 nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological 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.

#### *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 leave uncorrected grammatical errors and outdated references to documents in the license condition, the latter which may be misleading as to the current revision or may require updating of the license periodically to accurately reflect revisions to the documents referenced in the license condition without a specific benefit.

#### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Three Mile Island Nuclear Station, Unit 1.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on February 17, 2000, the staff consulted with the Pennsylvania State official, Mr. Stan Maingi of the Pennsylvania Bureau of Radiation 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 May 13, 1999, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC. 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).

Dated at Rockville, Maryland, this 7th day of March 2000.

For the Nuclear Regulatory Commission.

**Timothy G. Colburn, Sr.,**

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

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#### **NUCLEAR REGULATORY COMMISSION**

**[Docket Nos. 50-269, 50-270, and 50-287]**

#### **Duke Energy Corporation; Oconee Nuclear Station, Units 1, 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 the Duke Energy Corporation (the licensee/Duke) for operation of the Oconee Nuclear Station, Units 1, 2, and 3, Facility Operating License Nos. DPR-38, DPR-47, and DPR-55, respectively, located in Oconee County, Seneca, South Carolina.

#### **Environmental Assessment**

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

The proposed amendment would revise the Facility Operating Licenses by (a) deleting the license conditions that have been fulfilled by actions that have been completed, (b) changing the license conditions that have been superseded by the current plant status, and (c) incorporating other administrative changes. In particular, the proposed amendment would remove (1) License Condition 3.C.1 that requires the licensee to accumulate the information required to establish baselines for the evaluation of thermal, chemical, and radiological effects of station operation on terrestrial and aquatic biota in Lakes Keowee and Hartwell; (2) License Condition 3.C.2, which requires the licensee to develop and implement a comprehensive monitoring program that will permit surveillance during plant operation of thermal, chemical, and radiological effects of station operation on terrestrial and aquatic biota in Lakes Keowee and Hartwell; (3) License Condition 3.G, which requires the licensee to implement a secondary water chemistry program having specified attributes; (4) License Condition 3.H, which requires the licensee to implement a program having specified attributes to reduce leakage from certain systems outside containment; (5) License Condition 3.I, which requires the licensee to implement an iodine monitoring program having certain attributes; (6) License Condition 3.J, which requires the licensee to implement a program ensuring the capability to accurately monitor the Reactor Coolant System subcooling margin; and (7) License Condition 3.K, which incorporates into the licenses the additional conditions currently set forth in Appendix C to the license. The proposed action also corrects clerical errors or out-of-date information on the licenses.

The proposed action is in accordance with the licensee's application for an amendment dated January 27, 2000.

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

After the startup of Oconee, requirements related to the establishment of environmental programs and the performance of studies of the effects of plant operation on the environment have been regulated by other programs. These programs include the Environmental Protection Agency's (EPA's) National Pollution Discharge Elimination System program and Section 316(a) and 316(b) of the Clean Water Act and other EPA programs, the Oconee Environmental