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 close of business on 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 Jeffrie J. Keenan, Esquire, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038, 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).

For further details with respect to this action, see the application for amendment dated March 15, 2000, 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 16th day of March 2000.

For the Nuclear Regulatory Commission.

James W. Clifford,

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

[FR Doc. 00–7244 Filed 3–22–00; 8:45 am]

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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 exemption from certain requirements of Title 10 of the Code of Federal Regulations (10 CFR) Section 50.44, 10 CFR 50.46, and 10 CFR Part 50, Appendix K 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 action would exempt the licensee from certain requirements of 10 CFR 50.44, 10 CFR 50.46, and Appendix K of 10 CFR Part 50 to allow the use of Framatome Cogema Fuels (FCF) ''M5'' advanced alloy as a fuel rod cladding material.

The proposed action is in accordance with the licensee's application for an exemption dated September 15, 1999.

The Need for the Proposed Action

The proposed action is needed to allow the use of Framatome Cogema Fuels (FCF) ''M5'' advanced alloy as a fuel rod cladding material. The exemption is necessary since the chemical composition of M5 differs from the Zircaloy and ZIRLO cladding material specified in the regulations. The M5 alloy is a proprietary zirconium-based alloy, composed primarily of zirconium and niobium, that has demonstrated superior corrosion resistance and reduced irradiation growth relative to both standard and low-tin Zircaloy. Since the chemical composition of the M5 alloy differs from the specifications for Zircaloy or ZIRLO, an exemption is required for the use of the M5 alloy as a fuel cladding material at Oconee. The regulations set forth in 10 CFR 50.44, 10 CFR 50.46 and Appendix K to 10 CFR Part 50 contain acceptance and analytical criteria regarding the light water nuclear reactor system performance during and following a postulated loss-of-coolant accident. These regulations specify the use of only two types of fuel cladding material, Zircaloy and ZIRLO.

Environmental Impacts of the Proposed Action

The proposed action to implement the exemption described above is designed to enhance fuel rod performance characteristics over that of Zircaloy or ZIRLO clad fuel rods. The proposed action does not exempt the licensee from complying with the acceptance and analytical criteria of 10 CFR 50.44, 10 CFR 50.46 and Appendix K to 10 CFR Part 50 applicable to the M5 alloy cladding. The exemption solely allows the criteria set forth in these regulations to apply to the M5 cladding material. The staff has concluded that the proposed action will not significantly increase the probability or consequences of accidents, there are no changes being made in the types of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure because this exemption will not change the criteria set forth in the present regulations, since the M5-clad fuel has been shown by the licensee to be capable of meeting this criteria. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological environmental 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 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

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Oconee Nuclear Station, Units 1, 2, and 3.

Agencies and Persons Consulted

In accordance with its stated policy, on March 14, 2000, the staff consulted with the South Carolina State official, Mr. Virgil L. Autry of the Division of Radiological Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, 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 September 15, 1999, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC. Publically available records are 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 17th day of March 2000.

For the Nuclear Regulatory Commission.

Richard L. Emch, Jr.,

Section Chief, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–7237 Filed 3–22–00; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 72–13]

Entergy Operations, Inc., Arkansas Nuclear One Power Plant; Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Proposed Exemption From Certain Requirements of 10 CFR Part 72

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the provisions of 10 CFR 72.212(a)(2) and 72.214 to Entergy Operations, Inc. (Entergy). The exemption would allow Entergy to store burnable poison rod assemblies (BPRAs) in Ventilated Storage Cask–24 (VSC–24) systems at the Arkansas Nuclear One (ANO) Independent Spent Fuel Storage Installation (ISFSI).

Environmental Assessment (EA)

Identification of Proposed Action

By letter dated February 3, 2000, Entergy requested an extension to a previous exemption granted to Entergy by NRC on April 9, 1999, from the requirements of 10 CFR 72.12(a)(2) and 72.214 to store BPRAs in VSC–24s at the ANO ISFSI. NRC published an Environmental Assessment and Finding Of No Significant Impact for the previous exemption request in the **Federal Register** (64 FR 13611, March 19, 1999). The April 9, 1999, NRC letter placed conditions on the exemption, including that no more than four VSC–24s containing BPRAs could be loaded and the loading of these four VSC–24s would need to be accomplished prior to September 1999. These conditions were based on (1) ANO's request to load four casks prior to the September refuel outage to regain full core offload reserves in the Unit 1 spent fuel pool and (2) NRC's expectation of completion of a rulemaking, under 10 CFR 72.214 before the next ANO refueling outage, which would amend the Certificate of Compliance (CoC) for the VSC–24 cask to permit storage of spent fuel containing BPRAs (64 FR 51187, September 22, 1999).

The 10 CFR 72.124 rulemaking is not completed and the ANO, Unit 1, spent fuel pool has again lost full core offload reserves. ANO must load three VSC–24s with fuel containing BPRAs to regain full core offload reserves prior to the next refueling outage, scheduled for Spring 2000.

ANO is a general licensee, authorized by NRC to use spent fuel storage casks approved under 10 CFR Part 72, Subpart K. ANO is using the VSC–24 design approved by NRC under CoC No. 1007 to store spent fuel at the ISFSI. However, CoC No. 1007 does not authorize the storage of BPRAs.

The ISFSI is located 6 miles west-northwest of Russellville, Arkansas, on the ANO Power Plant site. The ANO ISFSI is an existing facility constructed for interim dry storage of spent ANO nuclear fuel.

By exempting ANO from 10 CFR 72.212(a)(2) and 72.214, ANO will be authorized to use its general license to store spent fuel with BPRAs in casks approved under part 72, as exempted, until the 10 CFR 72.214 rulemaking is complete. The proposed action before the Commission is whether to grant this exemption under 10 CFR 72.7.

On December 30, 1998, the cask designer, Sierra Nuclear Corporation (SNC), submitted a Certificate of Compliance amendment request to NRC to address the storage of Babcock and Wilcox (B&W) 15x15 fuel with BPRAs. The NRC staff has reviewed the application and determined that storing B&W 15x15 fuel with BPRAs in the VSC–24 would have minimal impact on the design basis and would not be inimical to public health and safety.

Need for the Proposed Action

ANO has lost full core offload reserves in the Unit 1 spent fuel pool and Unit 1 is scheduled for a refueling outage in Spring 2000. ANO must load three VSC–24s with fuel containing BPRAs to regain full core offload reserves.

Environmental Impacts of the Proposed Action

The potential environmental impact of using the VSC–24 system was initially presented in the EA for the Final Rule to add the VSC–24 to the list of approved spent fuel storage casks in 10 CFR 72.214 (58 FR 17948 (1993)). Furthermore, each general licensee must assess the environmental impacts of the specific ISFSI in accordance with the requirements of 10 CFR 72.212(b)(2)(iii). This section requires the general licensee to perform written evaluations to demonstrate compliance with the environmental requirements of 10 CFR 72.104, ''Criteria for radioactive materials in effluents and direct radiation from an ISFSI or MRS [Monitored Retrievable Storage Installation].''

VSC–24s are designed to mitigate the effects of design basis accidents that could occur during storage. Design basis accidents account for human-induced events and the most severe natural