

Against Millstone and the Long Island Coalition Against Millstone. The petition for leave to intervene was filed in response to issuance by the NRC staff of a proposed no significant hazards consideration notice with respect to a license amendment request of the Northeast Nuclear Energy Company to amend the operating license for the Millstone Nuclear Power Station, Unit No. 3. The proposed amendment would modify the license to allow an increase in the capacity of the spent fuel storage pools. A notice of the proposed amendment was published in the **Federal Register** at 64 FR 48672 (Sept. 7, 1999).

The Board is comprised of the following administrative judges:

Charles Bechhoefer, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001

Dr. Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001

Dr. Charles N. Kelber, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001

All correspondence, documents, and other materials shall be filed with the Judges in accordance with 10 CFR 2.701.

Issued at Rockville, Maryland, this 19th day of October 1999.

**G. Paul Bollwerk, III,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. 99-27759 Filed 10-22-99; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 72-29]

### PECO Energy Company; Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Proposed Exemption From Certain Requirements of 10 CFR Part 72

By letter dated May 27, 1999, PECO Energy Company (PECO) requested an exemption, pursuant to 10 CFR 72.7 from the requirements of 10 CFR 72.72(d) for the Peach Bottom Atomic Power Station (Peach Bottom) Independent Spent Fuel Storage Installation (ISFSI). PECO is seeking US Nuclear Regulatory Commission (NRC or Commission) approval to maintain a single set of spent fuel records at a records storage facility qualified to

American National Standards Institute (ANSI) N45.2.9-1979.

### Environmental Assessment (EA)

*Identification of Proposed Action:* PECO is seeking Commission approval to maintain its Peach Bottom ISFSI records by keeping them in an ANSI N45.2.9-1979 qualified records storage facility. The requirements of 10 CFR 72.72(d) state 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 proposed action before the Commission is whether to grant this exemption under 10 CFR 72.7.

*Need for the Proposed Action:* The applicant states that, pursuant to 10 CFR 72.140(d), the Peach Bottom Quality Assurance (QA) Program has been applied to the ISFSI activities. In that program, quality assurance records are maintained in accordance with the commitments to ANSI N45.2.9-1979. PECO requests the exemption from 10 CFR 72.72(d) to allow ISFSI records of spent fuel in storage to be stored in the same manner as Peach Bottom Atomic Power Station records; *i.e.*, as a single set of records stored in accordance with ANSI N45.2.9-1979.

ANSI N45.2.9-1979 provides standards for the protection of nuclear power plant QA records against degradation. It specifies design standards for use in the construction of record storage facilities when use of a single storage facility is desired. It includes specific standards for protection against degradation mechanisms such as fire, humidity, and condensation. The requirements in ANSI N45.2.9-1979 have been endorsed by 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 N45.2.9-1979 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 Peach Bottom and the Peach Bottom 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 is no environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact are not evaluated. The alternative to the proposed action would be to deny approval of the exemption and, therefore, not allow Peach Bottom to store ISFSI records in an ANSI N45.2.9 qualified facility. This alternative would have no environmental impact as well.

*Agencies and Persons Consulted:* On September 7, 1999, David Ney from the Pennsylvania Department of Environmental Protection, Bureau of Radiation Protection, was contacted about 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 PECO may store records of spent fuel stored at the ISFSI in a single record storage facility which meets the standards of ANSI N45.2.9-1979, will not significantly impact the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this exemption request, see the PECO exemption request dated May 27, 1999, which is docketed under 10 CFR Part 72, Docket 72-29. The exemption request is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, DC 20555 and the Local Public Document Room located at the State Library of Pennsylvania, Harrisburg, PA.

Dated at Rockville, Maryland, this 14th day of October 1999.

For the Nuclear Regulatory Commission.

**E. William Brach,**

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

[FR Doc. 99-27762 Filed 10-22-99; 8:45 am]

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