

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 which must include a list of the contentions which are sought to be litigated in the matter. 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 the contention and a concise statement of the alleged facts or expert 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 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 R. Alexander Glenn, General Counsel, Florida Power Corporation, MAC-A5A, P. O. Box 14042, St. Petersburg, Florida 33733-4042, 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 October 31, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida.

Dated at Rockville, Maryland, this 5th day of November 1997.

For the Nuclear Regulatory Commission.

L. Raghavan, Sr.,

Project Manager, Project Directorate II-3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-302]

Florida Power Corporation; 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 No. DPR 72, issued to the Florida Power Corporation (FPC or the licensee), for operation of the Crystal River Nuclear Generating Unit 3 (CR3) located in Citrus County, Florida.

The proposed amendment would revise the Operating License No. DPR-72, License Condition 2.C.(5) and delete the requirement for installation and testing of flow indicators in the emergency core cooling system (ECCS) to provide indication of 40 gallons per minute flow for boron dilution.

Approval of this amendment will also allow removal of the associated flow indicators, DH-45-FI and DH-46-FI, from the Crystal River 3 (CR3) Final Safety Analysis Report (FSAR). This **Federal Register** (FR) notice supersedes the previous notice 62 FR 43368 dated August 13, 1997 in its entirety.

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.

The Commission has made a proposed determination 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 not involve a significant increase in the probability or consequences of an accident previously evaluated.

This License Amendment Request removes the Operating License Condition that requires flow indication in the ECCS system for boron dilution. Under certain post-accident scenarios, boron dilution actions could be required following design basis LOCAs [loss-of-coolant-accidents] to ensure that boron precipitation does not occur within the reactor core. Since these methods involve post-accident conditions, they are not the initiators for any design basis accident. Removal of this requirement from the license condition does not involve a change in the Improved Technical Specifications. Since these instruments are no longer used for boron precipitation mitigation during a LOCA, abandonment or removal of flow indicators DH-45-FI and DH-46-FI does not increase the probability of an accident

because no previously evaluated accidents at CR-3 are initiated by DH-45-FI or DH-46-FI. Since DH-45-FI and DH-46-FI are attached to the outside of the DH [decay heat] System drop line and the Auxiliary Pressurizer Spray line, respectively, their removal will not change the design, material, or construction standards applicable to the DH System piping. Therefore, the removal of the requirement for this instrumentation does not increase the probability of an accident previously evaluated.

Removal of the requirement for the flow indicators does not change the effectiveness of the post-LOCA boron dilution capabilities at CR-3. Removal of DH-45-FI and DH-46-FI will not alter any assumptions made in evaluating the radiological consequences of any accident described in the FSAR nor will it affect any fission product barrier since the ECCS and containment systems will still perform to meet design requirements. Based on these conclusions, previously calculated 10 CFR [Code of Federal Regulations] Part 100 consequences have not changed as a result of this action.

2. Does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The flow indicators are external to the DH System piping. They do not penetrate any piping so their removal cannot create the possibility of a new or different kind of accident. The function of the valve position indicator on each valve in the active mitigation paths provide the operators with indication of valve open/close status. The indicators do not actuate any systems, structures, or components that are credited with accident mitigation. They can not initiate a new or different kind of accident. The boron precipitation mitigation methods are all implemented after the accident has occurred. None of the mitigative methods are required before an accident. The DH System drop line and the Auxiliary Pressurizer Spray are used during the course of CR-3's normal operation. Those methods of operation have been evaluated in the development of previously approved licensing basis and found acceptable. Using these previously approved methods in these post-accident conditions, elimination of the subject license condition language, and the utilization of the boron dilution mitigation methods does not create the possibility of a new or different kind of design basis accident.

3. Does not involve a significant reduction in the margin of safety.

Mitigation of potential boron precipitation will be accomplished by a combination of active and passive methods already included in the CR-3 licensing basis. The margin of safety for being able to abate boron precipitation is improved through the utilization of multiple available options. Therefore, there is no reduction in the margin of safety as a result of not utilizing DH-45-FI and DH-46-FI.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the

amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By December 12, 1997, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman

Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida.

If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the 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 should 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 which may be entered in the proceeding on the petitioner's interest. The petition should 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.

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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.

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For further details with respect to this action, see the application for amendment dated October 31, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida.

Dated at Rockville, Maryland, this 5th day of November 1997.

For the Nuclear Regulatory Commission.

L. Raghavan, Sr.,

Project Manager, Project Directorate II-3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-302]

Florida Power Corporation; 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 No. DPR 72, issued to the Florida Power Corporation, (FPC or the licensee), for operation of the Crystal River Nuclear Generating Unit 3 (CR3) located in Citrus County, Florida.

The proposed amendment involves a revision to the CR3 Technical Specifications (TS) relating to decay heat removal requirements in Mode 4. The proposed modification will revise the TS and associated Bases to require in Mode 4, one operable emergency feedwater (EFW) train and associated equipment, including the EFW tank, emergency feedwater initiation and control actuation instrumentation for EFW, post accident monitoring instrumentation, and the turbine bypass valves. Additionally, the TS and associated Bases would be revised to require in Mode 4, a low-pressure injection (LPI) train, dedicated to the borated water storage tank, and to reflect that the available loops for decay heat removal do not include this dedicated LPI train. Editorial changes would also be made to clarify the description of Mode 4 accidents requiring emergency core cooling system injection, and to revise the title of TS limiting condition for operation 3.7.5.

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.

The Commission has made a proposed determination 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. The proposed ITS [Improved Technical Specifications] changes and operator actions involving mitigation of postulated Mode 4 LOCAs [loss-of-coolant-accidents] will not result in a significant increase in the probability of an accident previously evaluated. The initiators of any accident previously evaluated are not affected by the proposed ITS changes and operator actions involving mitigation of Mode 4 LOCAs. Consequently, there is no significant impact on any previously evaluated accident probabilities.

The proposed ITS changes and operator actions involving mitigation of Mode 4 LOCAs do not result in a significant increase in the consequences of any accidents previously evaluated. The proposed ITS changes, modifications and operator actions will not adversely affect the integrated ability of any system to perform its intended safety functions. Therefore, the combined ability of these components, systems and actions to mitigate the consequences of a Mode 4 LOCA will continue to be maintained. In fact, the collective impact of these ITS changes and operator actions improves the capability of CR-3 to mitigate Mode 4 LOCAs by requiring additional equipment operable in Mode 4, by reducing operator burden, and by decreasing the time to initiate LPI. The proposed ITS changes are either consistent with or exceed the original licensing and design basis for CR-3. In addition, the ITS changes and operator actions do not affect the onsite or offsite doses which remain well below 10 CFR Part 100 limits.

2. The proposed ITS changes and operator actions do not create the possibility of a new or different kind of accident from any accident previously evaluated. Since, the ITS changes and operator actions do not involve a different initiator for any accident previously evaluated, they also do not create any new kind of accident. Mitigation of Mode 4 LOCAs, utilizing manual actions, is already part of the CR-3 licensing basis. Manual operator actions necessary for the mitigation