

participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John Hannon: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. 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).

For further details with respect to this action, see the application for

amendment dated March 27, 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 Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 28th day of March 1997.

For the Nuclear Regulatory Commission.

Linh N. Tran,

Project Manager, Project Directorate III-1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

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[Docket No. 50-390]

Watts Bar Nuclear Plant, Unit 1; 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. NPF-90, issued to the Tennessee Valley Authority (TVA or the licensee), for operation of the Watts Bar Nuclear Plant (WBN), Unit 1 located in Rhea County, Tennessee. This Notice supersedes a Notice placed in the **Federal Register** on March 26, 1997 (62 FR 14469) on this matter.

The proposed amendment would revise the Watts Bar Nuclear Plant (WBN) Unit 1 Technical Specifications to increase the enrichment and storage capacity of the spent fuel pool racks. The proposed modification increases the WBN spent fuel storage capacity from 484 fuel assemblies to 1835 fuel assemblies. The initial enrichment of the fuel to be stored in the spent fuel storage racks will be increased from 3.5 weight percent (wt%) to 5.0 wt%. This modification would also change the spacing of stored fuel assembly center-to-center spacing from a nominal 10.72 inches to 10.375 inches in 24 PaR flux trap rack modules and 8.972 inches in ten smaller burnup credit rack modules to be installed peripherally along the south and west pool walls and in a single 15 x 15 burnup credit rack to be installed in the cask pit.

In addition to the above proposed revisions, two limiting conditions for operation will be added to require that the combination of initial enrichment and burnup of each spent fuel assembly to be stored is in the acceptable region

and to require boron concentration of the cask pit to be greater than or equal to 2000 parts per million (ppm) during fuel movement in the flooded cask pit. As an added protection to the fuel stored in the cask pit area, the Technical Requirements Manual (TRM) is being revised to require that an impact shield be in place over the fuel when heavy loads are moved near or across the cask pit area.

The WBN Unit 1 Technical Specification Bases and the TRM would be revised to support these changes.

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:

The Nuclear Regulatory Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if 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. Each standard is discussed below for the proposed amendment.

(1) Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The following potential scenarios were considered:

1. A spent fuel assembly drop.
2. Drop of the transfer canal gate or the cask pit divider gate.
3. A seismic event.
4. Loss-of-cooling flow in the spent fuel pool.
5. Installation activities.

The effect of additional spent fuel pool storage cells fully loaded with fuel on the

first four potential accident scenarios listed above has been considered. It was concluded that after installation activities have been completed, the presence of additional fuel in the pool does not increase the probability of occurrence of these four events. Also, based on evaluations of bulk pool temperature, rack seismic responses, and refueling accidents, it is reasonable to conclude that there is no significant increase in the consequences of these events after installation is complete (See Reference 1). During the installation activities, the following considerations support a conclusion that neither the probability or consequences of these four scenarios would be significantly increased.

A spent fuel assembly cannot be dropped during installation of the 24 Programmed and Remote System Corporation (PaR) flux trap rack modules because this activity will take place before the end of operating cycle one and there will be no spent fuel in the WBN pool to be moved or shuffled. Before installing the ten smaller burnup credit racks in the pool, some fuel will be moved to create a three foot lateral free zone clearance from stored fuel. This would involve a one-time movement of an estimated maximum of 225 fuel assemblies, which is less than half the fuel movements during one refueling outage. This does not significantly increase the probability of dropping a fuel assembly, particularly when the many administrative controls and physical limitations imposed on fuel handling operations are considered. The fuel handling system consists of equipment and structures utilized for safely implementing refueling operations in accordance with requirements of General Design Criteria 61 and 62 of 10 CFR 50, Appendix A. The radiological dose consequences of dropping a 5.0 wt% fuel assembly are different from the previous FSAR [Final Safety Analysis Report] evaluation for the 3.5 wt% fuel assembly. The Beta and Gamma doses decrease and the maximum thyroid dose increase is less than 9%. Therefore, the change in calculated dose values is insignificant and remains well within regulatory guidelines.

It may be necessary to move the transfer canal gate and the cask pit divider gate between their gated and stored positions during installation of the burnup credit "baby" rack modules along the south and west walls. During rack installation, the previously mentioned three foot lateral free zone clearance to stored fuel would exist. Therefore, no heavy load would be carried directly over irradiated fuel during installation of the racks. There are numerous design features which comply with NUREG-0612 to preclude these gates from dropping on spent fuel. These features include design of the lifting devices, design of the crane, and use of written procedures. Also, the evaluation results for a gate drop on the racks indicates that permanent damage to a fuel storage cell is limited to a maximum depth of less than six inches below the top of the rack with no effect on the subcriticality of fuel stored in adjacent cells. Based on the foregoing, it is reasonable to conclude that gate handling during the installation of the "baby" racks would not involve a significant increase in the probability or consequences of an accident.

The probability of a seismic event is not related to installation activities. The worst consequence resulting from a seismic event during installation activities would occur during handling of a rack. The consequences would be insignificant because the Auxiliary Building crane is seismically qualified and both handling equipment and operations meet the criteria of NUREG-0612. Nevertheless, if the seismic event resulted in a rack drop, the consequences are insignificant, i.e., localized damage to the pool liner and a minor leak rate which would be small in comparison to available installed makeup capacity. The cooling and shielding of the spent fuel would remain unaffected. Also the racks being moved are empty during installation and therefore, the criticality consequences of seismic events are bounded by evaluations for loaded racks.

Rack installation activities cannot cause an accidental loss-of-cooling flow in the spent fuel pool. The vital components of the spent fuel pool cooling and cleanup system (SFPCS) are not located proximate to the pool installation activities. Coolant flow may be deliberately curtailed to facilitate installation of the "baby" racks directly beneath the discharge piping in the southwest corner of the pool. The effects of such an action would be readily minimized and made inconsequential during the detailed installation planning phase by selecting a time when decay heat input from stored fuel is relatively constant. Also careful preplanning of the work would minimize out-of-service time and provide for intermittent coolant flow restart, if necessary, to maintain acceptable bulk coolant temperatures. Similarly, the effect of an independently initiated loss-of-coolant flow incident on reracking activities can be easily accommodated by stopping work, as necessary, to mitigate any adverse effects on the installation process. The consequences of loss-of-cooling flow in the spent fuel pool during installation are bounded by the analysis in Chapter 5 of the report which includes the situation in which "baby" racks and the 15 x 15 cask pit rack are installed, and the pool is filled to capacity with spent fuel.

With regard to the actual installation activities, the existing WBN TRM prohibits loads in excess of 2059 pounds from travel over fuel assemblies in the storage pool and requires the associated crane interlocks and physical stops be periodically demonstrated operable. During installation, racks and associated handling tools will be moved over the spent fuel pool, however there will be no fuel in the pool when the 24 flux trap rack modules are installed. A three foot lateral free zone clearance from stored spent fuel will be maintained during installation of the ten smaller burnup credit rack modules. Installation work in the spent fuel pit area will be controlled and performed in strict accordance with specific written instructions.

NUREG-0612 states that in lieu of providing a single failure-proof crane system, the control-of-heavy-loads guidelines can be satisfied by establishing that the potential for a heavy load drop is extremely small. Storage rack movements to be accomplished with the WBN Auxiliary Building crane will conform with NUREG-0612 guidelines in that the probability of a drop of a storage rack is extremely small. The crane has a tested capacity of 125 tons. The maximum weight of any existing, replacement, or new storage rack and its associated handling tool is less than 20 tons. Therefore, there is ample safety factor margin for movements of the storage racks by the Auxiliary Building crane. Special lifting devices, which have redundancy or a rated capacity sufficient to maintain adequate safety factors, will also be utilized in the movements of the storage racks. In accordance with NUREG-0612, Appendix B, the safety margin ensures that the probability of a load drop is extremely low.

Future load travel over fuel stored in a rack specifically designed for the cask loading area of the cask pit will be prohibited unless an impact shield, which has been specifically designed for this purpose, is covering the area. Loads that are permitted when the shield is in place must meet analytically determined weight, travel height, and cross-sectional area criteria that preclude penetration of the shield. A Technical Requirement (TR) has been proposed that incorporates the previously mentioned load criteria.

Also a rack change-out sequence is being developed that addresses removal of the existing racks, movement of the new racks into the Auxiliary Building, initial staging on the refueling floor, and final installation in the pool. The change-out sequence objectives include establishing lift heights, travel distances, and number of lifts to be as low as reasonably achievable. Accordingly, it is concluded that the proposed installation activities will not significantly increase the probability of a load-handling accident. The consequences of a load-handling accident are unaffected by the proposed installation activities.

The consequences of a spent fuel assembly drop were evaluated, and it was determined that the racks will not be distorted such that the racks would not perform their safety function. The criticality acceptance criterion, K_{eff} less than or equal to 0.95, is not violated, and the calculated doses are well within 10 CFR Part 100 guidelines. The radiological consequences of the fuel assembly drop accident evaluated for WBN, have changed, however, the changes do not involve a significant increase in consequences and are well within the 10 CFR 100 requirements.

A TRM change has been proposed that would permit the transfer-canal gate and the divider gate for the cask pit to travel over fuel assemblies in the spent fuel pool during movement between their gated and stored position. Rack damage is restricted to an area above the active fuel region, therefore, neither criticality nor radiological concerns exist.

The consequences of a seismic event have been evaluated. The replacement racks are

designed and fabricated and the new racks will be fabricated to meet the requirements of applicable portions of the NRC regulatory guides and published standards. Design margins have been provided for rack tilting, deflection, and movement such that the racks do not impact each other or the spent fuel pool walls in the active fuel region during the postulated seismic events. The free-standing racks will maintain their integrity during and after a seismic event. The fuel assemblies also remain intact and therefore no criticality concerns exist.

The spent fuel pool system is a passive system with the exception of the fuel pool cooling train and heating, ventilating, and air-conditioning (HVAC) equipment. Redundancies in the cooling train and HVAC hardware are not reduced by the planned fuel storage modification. The potential increased heat load resulting from any additional storage of spent fuel is well within the existing system cooling capacity. Therefore, the probability of occurrence or malfunction of safety equipment leading to the loss-of-cooling flow in the spent fuel pool is not significantly affected. Furthermore, the consequences of this type incident are not significantly increased from previously evaluated cooling system loss of flow malfunctions. Thermal-hydraulic scenarios assume the reracked pool is approximately 90% full with spent fuel assemblies. From this starting point, the remaining storage capacity is utilized by analyzing both normal and unplanned full core off loads using conservative assumptions and previously established methods. Calculated values include maximum pool water bulk temperature, coincident maximum pool water local temperature, the maximum fuel cladding temperature, time-to-boil after loss-of-cooling paths, and the effect of flow blockage in a storage cell.

Although the proposed modification increases the pool heat load, results from the above analyses yield a maximum bulk temperature less than 160 degrees Fahrenheit which is below the bulk boiling temperature. Also the maximum local water temperature is below nucleate boiling condition values. Associated results from corresponding loss-of-cooling evaluations give minimums of 5.3 hours before boiling begins and 45 hours before the pool water level drops to the minimum required for shielding spent fuel.

This is sufficient time to begin utilization of available alternate sources of makeup cooling water. Also, the effect of the increased thermal loading on the pool structure, associated cooling system, and components was evaluated and determined to establish an acceptable design basis with the new storage configuration. No modifications were necessary because of the increased temperature.

(2) Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously analyzed.

The proposed modification has been evaluated in accordance with the guidance of the NRC position paper entitled, "OT Position for Review and Acceptance of Spent-Fuel Storage and Handling

Applications", appropriate NRC regulatory guidelines; appropriate NRC standard review plans; and appropriate industry codes and standards. Proven analytical technology was used in designing the planned fuel storage expansion and will be utilized in the installation process. Basic reracking technology has been developed and demonstrated in applications for fuel pool capacity increases that have already received NRC staff approval.

Proposed TSs for the spent fuel storage racks use burnup credit and fuel assembly administrative placement restrictions for criticality control. These restrictions are described in the proposed change to the design features section of the TSs by reference to the Spent Fuel Pool Modifications report. Additional evaluations were required to ensure that the criticality criterion, k_{eff} less than or equal to 0.95, is maintained. These include evaluation for the abnormal placement of unirradiated (fresh) fuel assemblies of 5.0 wt% enrichment into a storage cell location designed for lower enrichment or irradiated fuel. Soluble boron, for which credit is permitted under these abnormal conditions, ensures that reactivity is maintained substantially less than the design requirement. For example, if the PaR flux trap racks are inadvertently all loaded with fresh assemblies of the maximum 5.0 wt% fuel instead of observing the 3.8 wt% and 6.75 MWD/KgU controls, the worth of the 2000 ppm borated water is sufficient to lower the k_{eff} of the storage racks to 0.83. The existing and proposed TSs require boron concentration in the pool and cask pit to be greater than or equal to 2000 ppm during fuel movement. An analytical determination of the reactivity worth of 2000 ppm borated water in the spent fuel storage pool predicted the change in k_{eff} to be approximately 17 percent k_{eff} . Although no credit for soluble boron was proposed in the TSs, it was also determined by an independent calculation that a minimum concentration of 520 ppm soluble boron allows the unrestricted storage of 5.0 wt% enriched fuel in the PaR flux trap racks.

The Holtec-designed peripheral "baby" racks and the 15 x 15 racks in the cask loading area can safely and conservatively store fuel of 5 wt% initial enrichment burned to 41 MWD/kgU or lower enriched fuel with lower burnup, i.e., fuel of equivalent reactivity. Evaluations have confirmed that, for the abnormal placement of a fresh fuel assembly of 5.0 wt% in these racks, the criticality criterion is maintained with the existing and proposed TS requirements of 2000 ppm soluble boron.

Although these changes required addressing additional aspects of a previously analyzed accident, the possibility of a previously unanalyzed accident is not created.

The impact shield design together with its attendant administrative controls and NUREG-0612 heavy load lift compliance, renders the possibility of a heavy load drop on fuel as not credible in accordance with the NUREG-0612 single-failure-proof criteria. Accordingly, since this particular part of the proposed reracking modification is not a change that could malfunction by a new

single failure, the movement of heavy loads over the cask pit does not create the possibility of a new or different kind of accident.

It is therefore concluded that the proposed reracking does not create the possibility of a new or different kind of accident from any previously analyzed.

(3) Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The design and technical review process applied to the reracking modification included addressing the following areas:

1. Nuclear criticality considerations.
2. Thermal-hydraulic considerations.
3. Mechanical, material, and structural considerations.

The established acceptance criterion for criticality is that the neutron multiplication factor shall be less than or equal to 0.95, including all uncertainties. The results of the criticality analyses for the rack designs demonstrate that this criterion is satisfied. The methods used in the criticality analysis conform to the applicable portions of NRC guidance and industry codes, standards, and specifications. In meeting the acceptance criteria for criticality in the spent fuel pool and the cask loading area, such that k_{eff} is always less than 0.95 at a 95/95 percent probability tolerance level, the proposed amendment does not involve a significant reduction in the margin of safety for nuclear criticality.

Conservative methods and assumptions were used to calculate the maximum fuel temperature and the increase in temperature of the water in the spent fuel pit area. The thermal-hydraulic evaluation used methods previously employed. The proposed storage modification will increase the heat load in the spent fuel pool, but the evaluation shows that the existing spent fuel cooling system will maintain the bulk pool water temperature at or below 160 degrees Fahrenheit. Thus it is demonstrated that the worst-case peak value of the pool bulk temperature is considerably lower than the bulk boiling temperature. Evaluation also shows that maximum local water temperatures along the hottest fuel assembly are below the nucleate boiling condition value. Thus, there is no significant reduction in the margin of safety for thermal hydraulic or spent fuel cooling considerations.

The mechanical, material, and structural design of the spent fuel racks is in accordance with applicable portions of NRC's position in "OT Position for Review and Acceptance of Spent-Fuel Storage and Handling Applications," dated April 14, 1978 (as modified January 18, 1979), as well as other applicable NRC guidance and industry codes. The primary safety function of the spent fuel racks is to maintain the fuel assemblies in a safe configuration through normal and abnormal loading conditions. Abnormal loadings that have been evaluated with acceptable results and discussed previously include the effect of an earthquake and the impact because of the drop of a fuel assembly. The rack materials used are compatible with the fuel assemblies and the environment in the spent fuel pool.

The structural design for the new racks provides tilting, deflection, and movement margins such that the racks do not impact each other or the spent fuel pit walls in the active fuel region during the postulated seismic events. Also the spent fuel assemblies themselves remain intact and no criticality concerns exist. In addition, finite element analysis methods were used to evaluate the continued structural acceptability of the spent fuel pit. The analysis was performed in accordance with "Building Code Requirements for Reinforced Concrete," (ACI 318-63,77). Therefore, with respect to mechanical, material, and structural considerations, there is no significant reduction in a margin of safety.

Summary

Based on the above analysis, TVA has determined that operation of WBN, in accordance with the proposed amendment, would not: (1) involve a significant increase in the probability of consequences of an accident previously evaluated, (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. Therefore, operations of WBN in accordance with the proposed amendments as described do not involve significant hazard considerations as defined in 10 CFR 50.92 and that the criteria of 10 CFR 50.91 have accordingly been met.

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 thirty (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 and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the 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 May 2, 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 Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402. 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.

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 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: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Mr. Frederick J. Hebdon: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC, and to General Counsel, Tennessee Valley Authority, ET 10H, 400 West Summit Hill Drive, Knoxville, Tennessee 37902, 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 (NWSA), 42 U.S.C. 10154. Under section 134 of the NWSA, 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 NWSA are found in 10 CFR Part 2, Subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41670, October 15, 1985) to 10 CFR 2.1101 *et seq.* 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 10 days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR Part 2, Subpart G, and 2.714 in particular, continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer shall grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon 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 shall 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 adjudicatory hearing. If no party to the proceedings requests oral argument, or 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, October 23, 1996, as supplemented on December 11, 1996, January 31, February 10 and 24 and March 11, 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 Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee.

Dated at Rockville, Maryland, this 27th day of March 1997.

For the Nuclear Regulatory Commission.

Robert E. Martin,

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

[FR Doc. 97-8401 Filed 4-1-97; 8:45 am]

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[Docket No. 72-9]

Department of Energy Issuance of Environmental Assessment and Finding of No Significant Impact Regarding The Transfer of The Materials License SNM-2504 and Subsequent License Amendment For The Fort St. Vrain Independent Spent Fuel Storage Installation From The Public Service Company of Colorado to The U.S. Department of Energy

The Nuclear Regulatory Commission is considering the issuance of an order approving an application from the U.S. Department of Energy, Idaho Operations Office (the applicant or DOE-ID) dated December 17, 1996, as supplemented February 4, 5, and 18, and March 12 and 13, 1997, for the transfer of Materials License SNM-2504 and subsequent license amendment, under the provisions of 10 CFR Part 72. In its application, DOE-ID included the "Environmental Report for the Fort St. Vrain Independent Spent Fuel Storage Installation" (December 1996).

Environmental Assessment

Identification of the Proposed Action

The applicant is seeking NRC approval to take possession of spent nuclear fuel and other radioactive materials associated with spent nuclear fuel storage presently in the possession of the Public Service Company of Colorado (PSCo) at its Fort St. Vrain (FSV) independent spent fuel storage installation (ISFSI) located in Weld County, Colorado, and to own and operate the FSV ISFSI. The transfer of an ISFSI license is subject to NRC approval under 10 CFR 72.50, "Transfer of License." Pursuant to the provisions of 10 CFR Part 72, the term of the license for the ISFSI would remain as is currently licensed, and the license would expire on November 30, 2011. If the application for transfer is approved, the Commission will issue an order consenting to the transfer. The NRC is also considering an amendment to the materials license to reflect DOE-ID as the new licensee for the FSV ISFSI and the addition of revised Appendices A, B, and C to the license.