

March 5, 1990

Docket No. 50-302

DISTRIBUTION

Mr. Percy M. Beard, Jr.
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Dear Mr. Beard:

SUBJECT: CRYSTAL RIVER UNIT 3 - AMENDMENT REQUEST FOR SPENT FUEL POOL RERACK
(TAC NO. 74163)

The Commission has forwarded the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing" to the Office of the Federal Register for publication.

This notice relates to your application dated October 31, 1989, as supplemented January 25, 1990, to (1) expand the storage capacity of Fuel Pool B, and decrease the number of failed fuel containers, (2) increase the allowable initial enrichment of fuel to be stored in Fuel Pool B, (3) grant a one-time relief to allow the removal of the Fuel Pool B missile shield, and (4) expand Section 5.6.1 of the Technical Specifications to indicate that the high density fuel racks will use a two-region layout.

Sincerely,

Original signed by

Harley Silver, Project Manager
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

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Mr. Percy M. Beard, Jr.
Florida Power Corporation

Crystal River Unit No. 3 Nuclear
Generating Plant

cc:

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UNITED STATES NUCLEAR REGULATORY COMMISSIONFLORIDA POWER CORPORATIONDOCKET NO. 50-302NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DRP-72, issued to Florida Power Corporation (the licensee), for operation of the Crystal River Station, Unit No. 3, located in Citrus County, Florida. This amendment was requested by the licensee's application dated October 31, 1989, as supplemented January 25, 1990.

The amendment would revise the Technical Specifications (TS) to authorize the licensee to (1) expand the storage capacity of Fuel Pool B so as to increase the combined storage capacity of both pools from 1153 to 1357 assemblies and decrease the number of storage locations for failed fuel containers from 8 to 0, (2) increase the allowable initial enrichment in weight percent U-235 of fuel to be stored in Fuel Pool B from 4 percent to 4.2 percent, (3) grant a one-time relief from TS 3.9.11 to allow removal of the Fuel Pool B missile shield in order to install the new high density spent fuel storage racks, and (4) expand section 5.6.1 of the TS to indicate that the high density fuel racks will use a two-region layout.

Currently, Fuel Pool B contains standard geometric reactivity racks totaling 120 cells with center-to-center spacing of 21 1/8 inches. In addition,

there are provisions to store eight failed fuel canisters. Each rack is mechanically fastened to studs protruding from the pool floor. The proposed modifications will increase the storage capacity in the fuel pool, and will replace existing fuel assembly racks with high density, free-standing racks without changing the basic structural geometry of the fuel pool. The new racks will be placed in a two-region layout. Region 1 will have a center-to-center spacing of 10.60 inches, and region 2 will have a center-to-center spacing of 9.17 inches.

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 request for amendment involves no significant hazard 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 accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The licensee addressed the above three criteria in the amendment application as restated below. The "Attached Safety Report" referred to below was a part of the licensee's application.

Missile Shield Removal:

Using the standards in 10 CFR 50.92, Florida Power Corporation concludes this amendment will not involve a significant hazards consideration for the following reasons:

1. This amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. During the rerack modification spent fuel in pool B will be stored in

pool A with the transfer canal gate and the missile shields in place over spent fuel pool A. This rerack modification will not increase the probability of tornado-generated missiles impacting the spent fuel pool. An evaluation has been performed to determine the consequences of tornado-generated missiles impacting the spent fuel pool gate while performing fuel rack densification work in pool B. The evaluation has determined that the missile spectrum utilized in the Crystal River FSAR analyses will not impact the spent fuel stored in this configuration.

2. This amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed rerack amendment has no effect on the possibility of creating a new or different kind of accident from any accident previously evaluated. The proposed change requires the missile shields to be removed and installed over the A pool with the transfer canal gate in place during rerack of the B pool. All fuel will be stored in the A pool during this modification. This change cannot create a new or different accident from those previously evaluated.
3. This amendment will not involve a significant reduction in a margin of safety. This is a one[-]time relief from Technical Specification 3.9.11 to allow removal of the missile shield for installation of high density spent fuel storage racks in pool B. The missile shields and the transfer canal gate are Class I structures and are designed for the protection of other safety-related systems for a postulated accident. Since the missile shields will be in place over pool A with the transfer canal gate separating Pool A and B, this will prevent any damage to any of the spent fuel assemblies. Therefore, the rerack modification will not involve a reduction in a margin of safety.

The staff has reviewed the licensee's evaluation above pertaining to the removal of the missile shield and agrees that the proposed change does not involve a significant hazards consideration.

Fuel Enrichment:

Using the standards in 10 CFR 50.92, Florida Power Corporation concludes this amendment will not involve a significant hazards consideration for the following reasons:

1. This amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

An increase in fuel enrichment will not by itself affect the mixture of fission product nuclides. A change in fuel cycle design which makes use of an increased enrichment may result in fuel burnup consisting of a somewhat different mixture of nuclides. The effect in this instance is insignificant because:

- a) The isotopic mixture of the irradiated assembly is relatively insensitive to the assembly's initial enrichment.
 - b) Most accident doses are such a small fraction of 10 CFR [Part] 100 limits, a large margin exists before any change becomes significant.
 - c) The change in Pu content which would result from an increase in burnup would produce more of some fission product nuclides and less of other nuclides. Small increases in some doses are offset by reductions in other doses. The radiological consequences of accidents are not significantly changed.
2. This amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

As indicated in the enclosed analyses, an unplanned criticality event will not occur as k_{eff} will not exceed 0.95 with the maximum allowable enriched fuel in pool B, and flooded with unborated water.

3. This amendment will not involve a significant reduction in a margin of safety.

While the increased enrichment in pool B may lessen the margin to criticality, this reduction is not significant because the overall safety margin is within NRC criteria of k_{eff} less than or equal to 0.95 (NRC Standard Review Plan, Section 9.1.2).

The staff has reviewed the licensee's evaluation above regarding the change to fuel enrichment and agrees that the proposed change does not involve a significant hazard consideration.

Spent Fuel Pool Rerack:

The following evaluation demonstrates (by reference to the analysis contained in the attached Safety Analysis Report) that the proposed amendment does not exceed any of the three significant hazards consideration standards. The analysis of this proposed reracking has been accomplished using current accepted codes and standards as specified in Section 3.4 of the attached Safety Analysis Report. The results of the analysis meet the specified acceptance criteria in these standards as presented in the Safety Analysis Report.

- (1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

In the course of the analysis, FPC has identified the following potential accident scenarios:

1. A spent fuel assembly drop in the spent fuel pool.
2. Loss of spent fuel pool cooling system flow.
3. A seismic event.
4. A spent fuel cask drop.
5. A construction accident.

The probability of any of the first four accidents is not affected by the racks themselves; thus reracking cannot increase the probability of these accidents. As for the construction accident, FPC does not intend to carry any rack directly over the stored spent fuel assemblies. All work in the spent fuel pool area will be controlled and performed in strict accordance with specific written procedures. The spent fuel cask crane which will be used to access the spent fuel pool area has been addressed in FPC's response to the NUREG-0612, "Control of Heavy Loads at Nuclear Power Plants". This response demonstrated Crystal River compliance with Phase I of the NUREG-0612 criteria. By letter dated July 13, 1984, the NRC concluded that the control of heavy loads program (Phase I) at the Crystal River Plant was in compliance with the requirements of NUREG-0612. This program provides for the safe handling of heavy loads in the vicinity of the Spent Fuel Pool.

Accordingly, the proposed rerack will not involve a significant increase in the probability of an accident previously evaluated.

The consequences of (1) [a] spent fuel assembly drop in the spent fuel pool are discussed in the attached Safety Analysis Report. For this accident condition, the criticality acceptance criterion is not violated. The radiological consequences of a fuel assembly drop are not changed from that described in Chapter 14 of the Crystal River Updated FSAR. Thus, the consequences of this type accident will not be significantly increased from previously evaluated spent fuel assembly drops, and have been found acceptable by the NRC.

The consequences of (2) [loss] of spent fuel pool cooling system flow, have been evaluated and are described in Section 2.2.4 of the Safety Analysis Report. As indicated in Section[s] 2.2.4 and 4.4 there is sufficient time to provide an alternate means for cooling in the event of a failure in the cooling system. Thus, the consequences of this type accident will not be significantly increase[d] from previously evaluated loss of cooling system flow accidents. Additionally, the NRC has previously accepted in the SER for the last rerack (dated 11/17/80), that the cooling

capacity for the CR-3 [spent] fuel pools will be sufficient to handle the incremental heat load that will be added by the rerack modification.

The consequences of (3) [a] seismic event, have been evaluated and are described in Section 3.5 of the attached Safety Analysis Report. The new racks will be designed and fabricated to meet the requirements of applicable portions of the NRC Regulatory Guides and published standards listed in Section 3.4 of the Safety Analysis Report. Each new rack module is provided with leveling pads which contact the spent pool floor or pool floor plates and are remotely adjustable from above, through the cells, at installation. The modules are neither anchored to the floor nor braced to the pool walls. The new racks are designed so that the floor loading from the racks filled with spent fuel assemblies does not exceed the structural capacity of the Spent Fuel Building. The Spent Fuel Building and pool structure have been designed in accordance with the criteria outlined in Section 5.2 of the Crystal River Updated FSAR and previously accepted by the NRC. Thus, the consequences of a seismic event will not increase from previously evaluated events.

The consequences of (4) [a] spent fuel cask drop have been discussed in Section 5.3 of the Safety Analysis Report. Based on the improvements in heavy loads handling obtained from implementation of NUREG-0612 (Phase I), further action is not required to reduce the risks associated with the handling of heavy loads. The NRC concluded that the guidelines of Phase I are adequately providing the intended level of protection against load drop accidents. Thus, the consequences of a cask drop accident will not be significantly increased from previously evaluated accident analysis.

The consequences of (5) [a] construction accident are enveloped by the spent fuel cask drop analysis described in Section 5.3 of the Safety Analysis Report. Missile shields that are normally in place over the spent fuel pool will remain in place over pool A, while pool B is being reracked. In addition, all movements of heavy loads handled during the rerack operation will comply with the NRC guidelines and ANSI 14.6. Thus, the consequences of a construction accident will not be significantly increased from previously evaluated accident analysis.

Thus, it is concluded that the proposed amendment to rerack the spent fuel pool will not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

FPC has evaluated the proposed reracking 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 Guides, appropriate NRC Standard Review Plans, and appropriate Industry Codes and Standards as listed in Section 3.4 of the attached Safety Analysis Report. In addition, FPC has reviewed several previous NRC Safety Evaluation Reports for rerack applications similar to our proposal. As a result of this

evaluation and these reviews, FPC finds that the proposed reracking does not, in any way, create the possibility of a new or different kind of accident from any accident previously evaluated for the Crystal River Spent Fuel Storage Facility.

(3) Involve a significant reduction in a margin of safety.

The NRC [s]taff Safety Evaluation review process has established that the issue of margin of safety, when applied to a reracking modification, will need to address the following areas:

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

The established acceptance criteria for criticality is that the neutron multiplication factor in spent fuel pools shall be less than or equal to 0.95, including all uncertainties, under all conditions. This margin of safety has been adhered to in the criticality analysis methods for the new rack design as discussed in Section 2.2 of the attached Safety Analysis Report.

The methods to be used in the criticality analysis conform with the applicable portions of the codes, standards, and specifications listed in Section 3.4 of the Safety Analysis Report. In meeting the acceptance criteria for criticality in the spent fuel pool, such that k_{eff} is always less than [or equal to] 0.95, including uncertainties at a 95/95 probability confidence level, the proposed amendment to rerack the spent fuel pools will not involve a significant reduction in the margin of safety for nuclear criticality.

Conservative methods are used to calculate the maximum fuel temperature and the increase in temperature of the water in the spent fuel pool. The thermal-hydraulic evaluation uses the methods described in Section 2.2 of the Safety Analysis Report in demonstrating the temperature margins of safety are maintained. The proposed reracking will allow an increase to the heat loads in the spent fuel pool. The evaluation in Section 2.2 of the Safety Analysis Report shows that the existing spent fuel cooling system will maintain the pool temperature margins of safety for the calculated increase in pool heat load. Thus, there is no significant reduction in the margin of safety for thermal-hydraulic or spent fuel cooling concern.

The main safety function of the spent fuel pool and the racks is to maintain the spent fuel assemblies in a safe configuration through all normal and abnormal loadings, such as an earthquake, impact due to a spent fuel cask drop, drop of a spent fuel assembly, or drop of any other heavy object. The mechanical, material, and structural considerations of the proposed rerack are described in Section 3.0 of the attached Safety Analysis Report. As described in Section 3.0 of the Safety Analysis Report, the proposed racks are to be designed in

accordance with applicable portions of the "NRC Position for Review and Acceptance of Spent Fuel Storage and Handling Application", dated April 14, 1978, as modified January 18, 1979; Standard Review Plan 3.8.4; and the Crystal River Updated FSAR. The rack materials used are compatible with the spent fuel pool and the spent fuel assemblies. The structural considerations of the new racks address margins of safety against tilting and deflection or movement, such that the racks do not impact each other or the pool walls, damage spent fuel assemblies, or cause criticality concerns. Thus, the margins of safety are not significantly reduced by the proposed rerack.

In summation, it has been shown that the proposed spent fuel storage facility modifications do 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.

The staff has reviewed the licensee's evaluation above concerning the spent fuel pool rerack and agrees that the proposed change does not involve a significant hazard consideration. Furthermore, the staff believes that the change to Section 5.6.1 of the TS is administrative in nature and involves no significant hazards consideration.

In addition to the three criteria mentioned above, the Commission has provided guidance as to when an expansion of the capacity of a spent fuel pool is not likely to involve a significant hazards consideration (51 FR 7751). A spent fuel pool rerack is considered not likely to involve significant hazards consideration when (1) the storage expansion method consists of either replacing existing racks with a design which allows closer spacing between stored spent fuel assemblies or placing additional racks of the original design on the pool floor if space permits, (2) the storage expansion method does not involve rod consolidation or double tiering, (3) the k_{eff} of the pool is maintained less than or equal to 0.95, and (4) no new technology or unproven technology is used in either the construction process or the analytical techniques necessary

to justify the expansion. The licensee responded to the above four criteria, in a supplement to the amendment request dated January 25, 1990, as restated below.

1. The storage expansion method consists of either replacing existing racks with a design which allows closer spacing between stored spent fuel assemblies or placing additional racks of the original design on the pool floor if space permits.

The spent fuel pool storage expansion method consists of replacing existing racks with a design which allows closer spacing between the stored spent fuel assemblies. Fuel storage will be divided into two regions within spent fuel pool "B". Region 1 will have a 10.60 inch center-to-center spacing and Region 2 will have a 9.17 inch center-to-center spacing.

2. The storage expansion method does not involve rod consolidation or double tiering.

The spent fuel pool storage expansion method will not involve rod consolidation or double tiering. Although the racks are designed to store consolidated arrays of fuel at a maximum ratio of 2:1 FPC does not currently plan to use this fuel storage method. (See section 2.2.3.4 of attachment 2 to reference 1).

3. The k_{eff} of the pool is maintained less than or equal to 0.95.

The design of the racks is such that k_{eff} remains less than or equal to 0.95 under all conditions, including fuel handling accidents. (See section 2.2 of Attachment 2 to reference 1).

4. No new technology or unproven technology is utilized in either the construction process or the analytical techniques necessary to justify the expansion.

No new technology or unproven technology is utilized in either the construction process or the analytical techniques necessary to justify the spent fuel pool expansion.

Westinghouse (manufacturer of CR-3 Spent Fuel Pool racks) has been involved in the construction of spent fuel storage racks since the mid-1970's. The fabrication facility's capabilities include the forming, fabricating and machining of rack components as well as the welding and assembly of the completed rack. All technology utilized in the construction process of the CR-3 racks has been used on numerous previously licensed Westinghouse built fuel racks. Some of the most recent racks licensed that were manufactured in the same manner include Shearon Harris, McGuire 1 & 2, Turkey Point 3 & 4, Peach Bottom 2 & 3, and Seabrook.

The [d]esign and analyses of the racks are basically the same as has been used on nearly twenty previous applications. For the thermal-hydraulic analysis, the rack computer program developed by Westinghouse and accepted for use by the NRC, is used to determine coolant and fuel surface temperature under various rack loading and pool cooling conditions. Dynamic analysis of the racks is performed on the Westinghouse Electric Computer Analysis (WECAN) Code, which has been developed over many years by Westinghouse. It is a general purpose code with a great variety of static and dynamic finite element capabilities. The WECAN Code has been used on all previous spent fuel rack applications.

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. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publication Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington D.C. The filing of requests for hearing and petitions for leave to intervene are discussed below.

By April 11, 1990, 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 petition for leave to intervene. Request for a hearing and petitions 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. Interest 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, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at the Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida 32629. 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 fifteen (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 fifteen (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 amendments 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.

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 (NWP), 42 U.S.C. §10154. Under section 134 of the NWP, the Commission, at the request of any party to the proceeding, is authorized to 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 NHPA 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 41662, October 15, 1985) 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 requirement must be filed within ten (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 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 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 an adjudicatory hearing. If no party to the proceeding 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.

Subject to the above requirements and any limitations in the order granting leave to intervene, those permitted to intervene become parties to the proceeding and have the opportunity to participate fully in the conduct of any hearing which is held, including the opportunity to present evidence and cross-examine witnesses at such hearing.

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 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 involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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 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.

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, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (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) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Herbert Berkow: (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, D.C. 20555, and to A. H. Stephens, General Counsel, Florida Power Corporation, MAC - 25D, P.O. Box 14042, St. Petersburg, Florida 33733.

Nontimely filing 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 Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be 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, 1989, as supplemented January 25, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, Washington D.C. 20555 and at the Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida 32629.

Dated at Rockville, Maryland, this 5th day of March 1990.

FOR THE NUCLEAR REGULATORY COMMISSION



Harley Silver, Sr. Project Manager
Project Directorate II-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation