

the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by 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 General Counsel, Carolina Power & Light Company, P.O. Box 1551, Raleigh, North Carolina 27602, 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 February 23, 1998, as supplemented on March 27, 1998, 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 University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297. This notice supersedes the **Federal Register** notice of March 25, 1998 (63 FR 14484).

Dated at Rockville, Maryland, this 7th day of April 1998.

For the Nuclear Regulatory Commission.

**David C. Trimble,**

*Project Manager, Project Directorate II-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-286]

### Power Authority of the State of New York, Indian Point Nuclear Generating Unit No. 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 50.60 for Facility Operating License No. DPR-64, issued to the Power Authority of the State of New York (the licensee), for operation of the Indian Point Nuclear Generating Unit No. 3 (IP3) located in Westchester County, New York.

#### Environmental Assessment

##### Identification of the Proposed Action

The proposed action would exempt the licensee from the requirements of 10 CFR 50.60 to allow the use of the ABB Combustion Engineering Nuclear Operations methodology (the CE methodology) for developing pressure-temperature (P-T) limits.

The proposed action is in accordance with the licensee's application for exemption dated January 28, 1998.

##### The Need for the Proposed Action

Pursuant to 10 CFR 50.60, all light water nuclear power reactors must meet the fracture toughness requirements for the reactor coolant pressure boundary as set forth in 10 CFR Part 50, Appendix G. The licensee used the methodology by ABB Combustion Engineering Nuclear Operations (the CE methodology) for constructing its P-T

limits in place of the 1989 ASME Appendix G methodology approved by the staff in the regulations; therefore, the licensee applied for an exemption to use the CE methodology.

#### Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the CE methodology for developing P-T limits and concludes that there will be no physical or operational changes to IP3.

The Commission has evaluated the environmental impact of the proposed action and has determined that the probability or consequences of accidents would not be increased by the proposed action, and that post-accident radiological releases would not be greater than previously determined. Further, the Commission has determined that the proposed action would not affect routine radiological exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action would not affect nonradiological plant effluents and would have no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

#### Alternatives to the Proposed Action

Since the Commission has concluded that there are not significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impact need not be evaluated.

The principal alternative would be to deny the requested action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are identical.

#### Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for Indian Point Nuclear Generating Unit No. 3, dated February 1975.

#### Agencies and Persons Consulted

In accordance with its stated policy, on March 19, 1998, the staff consulted with the New York State Official, Jack Spath, of the New York State Research and Development Authority regarding the environmental impact of the

proposed action. The State official had no comments.

#### **Finding of No Significant Impact**

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated January 28, 1998, 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Dated at Rockville, Maryland, this 7th day of April 1998.

For the Nuclear Regulatory Commission.

**George F. Wunder,**

*Project Manager, Project Directorate I-1,  
Division of Reactor Projects—I/II, Office of  
Nuclear Reactor Regulation.*

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#### **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-286]

#### **Power Authority of the State of New York, Indian Point Nuclear Generating Unit No. 3; Environmental Assessment and Finding of no Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 50.60 for Facility Operating License No. DPR-64, issued to the Power Authority of the State of New York (the licensee), for operation of the Indian Point Nuclear Generating Unit No. 3 (IP3) located in Westchester County, New York.

#### **Environmental Assessment**

##### *Identification of the Proposed Action*

The proposed action would exempt the licensee from the requirements of 10 CFR 50.60 to allow the use of Code Case N-514 in place of the safety margins required by Appendix G to 10 CFR Part 50 to determine the low temperature overpressure (LTOP) parameters.

The proposed action is in accordance with the licensee's application for exemption dated November 3, 1997.

##### *The Need for the Proposed Action*

Pursuant to 10 CFR 50.60, all light water nuclear power reactors must meet the fracture toughness requirements for the reactor coolant pressure boundary as set forth in 10 CFR Part 50, Appendix G. Since the licensee wishes to use Code Case N-514 as opposed to the requirements of Appendix G, an exemption to the regulations is necessary.

##### *Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the use of Code Case N-514 in place of the safety margins required by Appendix G to 10 CFR Part 50 to determine the low temperature overpressure (LTOP) parameters and concludes that there will be no physical or operational changes to IP3.

The Commission has evaluated the environmental impact of the proposed action and has determined that the probability or consequences of accidents would not be increased by the proposed action, and that post-accident radiological releases would not be greater than previously determined. Further, the Commission has determined that the proposed action would not affect routine radiological exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

##### *Alternatives to the Proposed Action*

Since the Commission has concluded that there is no measurable environmental impact with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated.

The principal alternative would be to deny the requested action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are identical.

##### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for Indian Point Nuclear

Generating Unit No. 3, dated February 1975.

##### *Agencies and Persons Consulted*

In accordance with its stated policy, on March 20, 1998, the staff consulted with the New York State Official, Jack Spath, of the New York State Research and Development Authority regarding the environmental impact of the proposed action. The State official had no comments.

#### **Finding of No Significant Impact**

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 3, 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Dated at Rockville, Maryland, this 7th day of April 1998.

For the Nuclear Regulatory Commission.

**George F. Wunder,**

*Project Manager, Project Directorate I-1,  
Division of Reactor Projects—I/II, Office of  
Nuclear Reactor Regulation.*

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#### **NUCLEAR REGULATORY COMMISSION**

#### **State of Oregon Relinquishment of Sealed Source and Device Evaluation and Approval Authority and Reassumption by the Commission**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of reassumption of sealed source and device evaluation and approval authority from the State of Oregon.

**SUMMARY:** Notice is hereby given that effective April 1, 1998, the Nuclear Regulatory Commission reassumed regulatory authority for sealed source and device evaluations and approvals in the Agreement State of Oregon in response to a request from the Governor of the State of Oregon to relinquish this authority.

**EFFECTIVE DATE:** April 1, 1998.