

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.

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 S. Singh Bajwa, Acting Director, Project Directorate I-1: 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 Jay Silberg, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037, 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).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated December 4, 1996, 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 Calvert County Library, Prince Frederick, Maryland 20678.

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

For the Nuclear Regulatory Commission.

John A. Zwolinski,

*Deputy Director, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

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#### [Docket No. 50-368]

#### Entergy Operations, Inc., (Arkansas Nuclear One, Unit 2); Exemption

##### I

Entergy Operations, Inc. (the licensee) is the holder of Facility Operating License No. NPF-6, which authorizes operation of Arkansas Nuclear One,

Unit 2. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The facility consists of two pressurized water reactors, Arkansas Nuclear One, Units 1 and 2, located at the licensee's site in Pope County, Arkansas.

##### II

In its letter dated April 11, 1996, the licensee requested an exemption from the Commission's regulations for Arkansas Nuclear One, Unit 2. Title 10 of the Code of Federal Regulations, Part 50, Section 60 (10 CFR 50.60), "Acceptance Criteria for Fracture Prevention Measures for Lightwater Nuclear Power Reactors for Normal Operation," states that all lightwater nuclear power reactors must meet the fracture toughness and material surveillance program requirements for the reactor coolant pressure boundary as set forth in Appendices G and H to 10 CFR Part 50. Appendix G to 10 CFR Part 50 defines pressure/temperature (P/T) limits during any condition of normal operation, including anticipated operational occurrences and system hydrostatic tests to which the pressure boundary may be subjected over its service lifetime. It is specified in 10 CFR 50.60(b) that alternatives to the described requirements in Appendices G and H to 10 CFR Part 50 may be used when an exemption is granted by the Commission under 10 CFR 50.12.

To prevent low temperature overpressure transients that would produce pressure excursions exceeding the Appendix G P/T limits while the reactor is operating at low temperatures, the licensee installed a low temperature overpressure protection (LTOP) system. The system includes two relief valves to limit high system pressure. The relief valves are set at a pressure low enough so that if an LTOP transient occurred, the mitigation system would prevent the pressure in the reactor vessel from exceeding the Appendix G P/T limits. To prevent the relief valves from lifting as a result of normal operating pressure surges (e.g., reactor coolant pump starting, and shifting operating charging pumps) with the reactor coolant system in a solid water condition, the operating pressure must be maintained below the relief valve setpoint. However, the reactor coolant system pressure/temperature operating window at low temperatures is defined by the LTOP setpoint. Implementation of a LTOP setpoint without the additional margin allowed by American Society of Mechanical Engineers (ASME) Code

Case N-514 would restrict the pressure/temperature operating window and would potentially result in undesired actuation of the LTOP system. This constitutes an unnecessary burden that can be alleviated by the application of ASME Code Case N-514. Implementation of an LTOP setpoint as allowed by ASME Code Case N-514 does not significantly reduce the margin of safety associated with normal operational heatup and cooldown limits. Further, the LTOP guidelines will reduce the potential for an undesired lift of the LTOP valves.

The licensee has requested the use of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code) Case N-514, "Low Temperature Overpressure Protection," which allows exceeding the Appendix G safety limits by 10 percent. ASME Code Case N-514, the proposed alternate methodology, is consistent with guidelines developed by the ASME Working Group on Operating Plant Criteria to define pressure limits during LTOP events that avoid certain unnecessary operational restrictions, provide adequate margins against failure of the reactor pressure vessel, and reduce the potential for unnecessary activation of pressure-relieving devices used for LTOP. Code Case N-514 has been approved by the ASME Code Committee. The content of this code case has been incorporated into Appendix G of Section XI of the ASME Code and published in the 1993 Addenda to Section XI.

### III

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. Special circumstances are present whenever, according to 10 CFR 50.12(a)(2)(ii), "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule \* \* \*."

The underlying purpose of 10 CFR 50.60, Appendix G, is to establish fracture toughness requirements for ferritic materials of pressure-retaining components of the reactor coolant pressure boundary to provide adequate margins of safety during any condition of normal operation, including anticipated operational occurrences, to

which the pressure boundary may be subjected over its service lifetime. Section IV.A.2 of this appendix requires that the reactor vessel be operated with P/T limits at least as conservative as those obtained by following the methods of analysis and the required margins of safety of Appendix G of the ASME Code.

Appendix G of the ASME Code requires that the P/T limits be calculated: (a) using a safety factor of two on the principal membrane (pressure) stresses, (b) assuming a flaw at the surface with a depth of one-quarter ( $\frac{1}{4}$ ) of the vessel wall thickness and a length of six (6) times its depth, and (c) using a conservative fracture toughness curve that is based on the lower bound of static, dynamic, and crack arrest fracture toughness tests on material similar to the ANO-2 reactor vessel material.

In determining the setpoint for LTOP events, the licensee proposed to use safety margins based on an alternate methodology consistent with the ASME Code Case N-514 guidelines. The ASME Code Case N-514 allows determination of the setpoint for LTOP events such that the maximum pressure in the vessel would not exceed 110 percent of the P/T limits of the existing ASME Appendix G. This results in a safety factor of 1.8 on the principal membrane stresses. All other factors, including assumed flaw size and fracture toughness, remain the same. Although this methodology would reduce the safety factor on the principal membrane stresses, the proposed criteria will provide adequate margins of safety to the reactor vessel during LTOP transients and, thus, will satisfy the underlying purpose of 10 CFR 50.60 for fracture toughness requirements. The slight reduction in the membrane stress safety factor, as proposed by Code Case N-514, is compensated by increased safety from the standpoint of increased operational flexibility and the reduced potential for unnecessary opening of the LTOP relief valves. In summary, the use of Code Case N-514 is likely to improve overall safety when evaluated as part of the complete plant safety concern.

### IV

For the foregoing reasons, the NRC staff has concluded that the licensee's proposed use of the alternate methodology in determining the acceptable setpoint for LTOP events will not present an undue risk to public health and safety and is consistent with the common defense and security. The NRC staff has determined that there are special circumstances present, as specified in 10 CFR 50.12(a)(2), in that

application of 10 CFR 50.60 is not necessary in order to achieve the underlying purpose of this regulation.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), an exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Therefore, the Commission hereby grants an exemption from the requirements of 10 CFR 50.60 allowing the use of alternate criteria as described by Code Case N-514, which permits exceeding the Appendix G safety factor by 10 percent during low temperature operations.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (61 FR 20846).

This exemption is effective upon issuance.

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

For the Nuclear Regulatory Commission.  
Frank J. Miraglia,  
*Acting Director, Office of Nuclear Reactor Regulation.*

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[Docket Nos. 50-245, 50-336, 50-423 and 50-213]

### **Northeast Utilities, Millstone Nuclear Power Station, Units 1, 2, and 3, Connecticut Yankee Atomic Power Company, Haddam Neck Plant; Receipt of Petition for Director's Decision Under 10 CFR 2.206**

Notice is hereby given that on November 25, 1996, as amended on December 23, 1996, the Citizens Awareness Network (CAN) and the Nuclear Information and Resource Service (NIRS) (Petitioners) submitted a Petition pursuant to 10 CFR 2.206 requesting certain actions associated with the Haddam Neck plant, which the Petitioners refer to as Connecticut Yankee, and the three Millstone units operated by Northeast Utilities (NU).

Petitioners allege that NU has, over the past decade, mismanaged its nuclear facilities in Connecticut and operated them in flagrant disregard of NRC regulations; that NU has failed to fulfill its commitments to the NRC; that NU management had concrete particularized knowledge of serious ongoing violations of NRC regulations culminating in material misrepresentations to the NRC; that regulatory oversight by the NRC to assure NU's compliance with NRC