

G requires that P-T limits be established for reactor pressure vessels (RPVs) during normal operation and vessel hydrostatic testing. In particular, 10 CFR Part 50, Appendix G, Section IV.2.b., requires that these limits must be "at least as conservative as limits obtained by following the methods of analysis and the margins of safety of Appendix G of Section XI of the ASME Code." The *Code of Federal Regulations* at 10 CFR 50.55(a) specifies that the applicable ASME Code is the 1989 Edition. The *Code of Federal Regulations* at 10 CFR 50.60, which broadly addresses the establishment of criteria for fracture prevention, states that "proposed alternatives to the described requirements in Appendices G and H of this part or portions thereof may be used when an exemption is granted by the Commission under § 50.12." The licensee used 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.

IV

In the submittal, the exemption was requested under the special circumstances given in 10 CFR 50.12(a)(2)(ii). The provisions of this section state that special circumstances are present whenever "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." In the application, the licensee stated that "The use of ABB-CE alternate methodology requested by this exemption provides greater operational flexibility while still maintaining reactor vessel integrity. In addition, the use of the ABB-CE methodology to generate pressure-temperature curves yields comparable results to the use of the ASME Appendix G methodology. Therefore, the reactor vessel is protected against nonductile failure and the underlying purpose of the rule is achieved."

The staff reviewed the licensee's application and the CE methodology and has concluded that this alternative method meets the underlying intent of the regulations. The thermal analysis method of the CE methodology consists of a plant-specific thermal analysis and a fracture mechanics analysis based on influence coefficients from finite element analyses under thermal loading. The staff review determined that this thermal analysis method is more rigorous than that of the 1989 methodology and that the rest of the CE

methodology is the same as the 1989 ASME Appendix G methodology. The staff concludes, therefore, that an exemption under the special circumstances of 10 CFR 50.12(a)(2)(ii) is appropriate, and that the application of the CE methodology meets the underlying intent of the regulations.

V

For the foregoing reasons, the NRC staff has concluded that the licensee's proposed use of the alternative methodology in determining the P-T limits 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)(ii), 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, this exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security.

Therefore, the Commission hereby grants the following exemption:

The Power Authority of the State of New York is exempt from the requirements of 10 CFR 50.60 in that they are permitted to use the CE methodology detailed in their application for exemption dated January 28, 1998, for developing P-T limits for the Indian Point Nuclear Generating Station Unit No. 3.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (63 FR 17902).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 10th day of April 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98-10102 Filed 4-15-98; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-286]

In the Matter of Power Authority of the State of New York; (Indian Point Nuclear Generating Unit No. 3); Exemption

I

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-64, which authorizes operation of the Indian Point Nuclear Generating Unit No. 3 (IP3). The license provides that the licensee is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility is a pressurized water reactor located in Westchester County, New York.

II

The *Code of Federal Regulations*, 10 CFR 50.60, states that the reactor coolant pressure boundaries for light water reactors must meet the fracture toughness and material surveillance program requirements set forth in Appendices G and H to 10 CFR Part 50.

By letter dated November 3, 1997, the licensee requested an exemption from 10 CFR 50.60 to allow the use of the American Society of Mechanical Engineers (ASME) Code Case N-514 for the determination of the low temperature overpressurization system (LTOP) parameters in place of the margins required by Appendix G to 10 CFR Part 50. The Code Case limits the overpressurization system (OPS) curve to not greater than 110% of the pressure determined to satisfy Appendix G, paragraph G-2215 of ASME Code, Section XI, Division 1, further reduced to allow for static head due to elevation differences and dynamic head effect of the operation of the four reactor coolant pumps. The Code Case also allows some latitude in determining the OPS enable temperature.

III

The NRC has established requirements in 10 CFR Part 50 to protect the integrity of the reactor coolant system pressure boundary. As a part of these, 10 CFR Part 50, Appendix G, requires that P-T limits be established for reactor pressure vessels (RPVs) during normal operation and vessel hydrostatic testing and as stated in Appendix G, "The appropriate requirements on * * * the pressure-temperature limits * * * must be met for all conditions." The *Code of Federal*

Regulations, 10 CFR 50.60, states that "Proposed alternatives to the described requirements in Appendices G and H of this part or portions thereof may be used when an exemption is granted by the Commission under § 50.12." 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.

IV

In referring to 10 CFR 50.12 on specific exemptions, the licensee cited special circumstance 10 CFR 50.12(a)(2)(ii) on achieving the underlying purpose of the regulations, 10 CFR 50.12(a)(iii) on undue hardship, and 10 CFR 50.12 (a)(iv) on good faith compliance as their bases for requesting this exemption.

The licensee noted in support of the 10 CFR 50.12(a)(2)(ii) criterion that the underlying purpose of the subject regulations is to establish limits to protect the reactor vessel from brittle failure during low temperature operation and that the OPS provides a physical means of protecting these limits. The licensee proposed that establishing the OPS pressure setpoint per the N-514 provisions such that the vessel pressure would not exceed 110 percent of the P-T limit allowables "* * * reduces the unnecessary actuation of the LTOP system due to normal pressure surges that occur during low temperature operation * * * while maintaining acceptable safety margins." The staff determined that the "acceptable level of safety" using N-514 was based on the conservatism which has been explicitly incorporated into the procedure for developing the P-T limits. This procedure, referenced from Appendix G to Section XI of the ASME Code, includes the following conservatisms: (1) a safety factor of 2 on the pressure stresses; (2) a margin factor applied to RT_{NDT} using Regulatory Guide 1.99, Revision 2; (3) an assumed 1/4 T flaw with a 6:1 aspect ratio; (4) a limiting material toughness based on dynamic and crack arrest data.

The licensee noted in support of the 10 CFR 50.12(a)(iii) criterion that, as the reactor vessel ages, the operating window for the LTOP system is reduced. This reduced window could lead to inadvertent actuation of the LTOP system which could, in turn, lead to rapid pressure changes.

The licensee noted in support of the 10 CFR 50.12(a)(iv) criterion that the plant is currently in conformance with 10 CFR 50.60 and that relief is being requested in order to maintain sufficient operating margin. The licensee also notes that the staff, in Draft Regulatory

Guide 1050, has proposed to endorse Code Case N-514.

The staff reviewed the licensee's rationale to support the exemption request on the basis of 10 CFR 50.12(a)(iii) and the staff concluded that the use of Code Case N-514 would also meet the underlying intent of the regulations. Based upon a consideration of the conservatism which is explicitly defined in the Appendix G methodology (as listed Section 3.0 above), the staff concluded that permitting the OPS setpoint to be established such that the vessel pressure would not exceed 110 percent of the P-T limits would provide an adequate margin of safety against brittle failure of the reactor vessel. This is also consistent with the determination that the staff has reached for other licensees under similar conditions based on the same considerations.

The staff reviewed the licensee's rationale to support the exemption on the basis of 10 CFR 50.12(a)(iii). The staff has previously granted exemptions for other licensees under similar circumstances; therefore, the staff has determined that operating with a reduced LTOP window would result in an undue hardship that is significantly in excess of that incurred by others similarly situated.

The staff reviewed the licensee's rationale to support the exemption on the basis of 10 CFR 50.12(a)(iv) and has determined that the licensee has made a good faith effort to comply with the regulation.

V

The NRC staff has determined that there are special circumstances present, as specified in 10 CFR 50.12(a)(2)(ii), 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, this exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security.

Therefore, the Commission hereby grants the following exemption.

The Power Authority of the State of New York is exempt from the requirements of 10 CFR 50.60 in that they are permitted to use Code Case N-514 in place of the safety margins required by Appendix G to 10 CFR Part 50 to determine the LTOP parameters.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (63 FR 17903).

This exemption is effective upon issuance. Dated at Rockville, Maryland, this 10th day of April 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98-10103 Filed 4-15-98; 8:45 am]

BILLING CODE 7590-01-P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are Invited on

(a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and Purpose of Information Collection

Report of Medicaid State Office on Beneficiary's Buy-In Status; OMB 3220-0185

Under Section 7(d) of the Railroad Retirement Act, the RRB administers the Medicare program for persons covered by the railroad retirement system. Under Section 1843 of the Social Security Act, states may enter into "buy-in agreements" with the Secretary of Health and Human Services for the purpose of enrolling certain groups of needy people under the Medicare medical insurance (Part B) program and paying the premiums for their insurance coverage. Generally, these individuals are categorically needy under Medicaid and meet the eligibility requirements for Medicare Part B. States can also include in their buy-in agreements, individuals who are eligible for medical assistance only. The RRB uses Form RL-380-F, Report to State Medicaid Office, to obtain information needed to determine if certain railroad beneficiaries are