

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 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: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., 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 William D. Beckner: 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 Winston & Strawn, 1400 L Street, N.W., Washington, DC, attorney for the licensee.

Non-timely 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 April 11, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, DC, and at the local public document room located at the University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, LA 70122.

Dated at Rockville, Maryland, this 16th day of April 1997.

For the Nuclear Regulatory Commission.

Chandu P. Patel,

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

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

Entergy Operations, Inc.; 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. DPR-51, issued to Entergy Operations, Inc. (the licensee), for operation of Arkansas Nuclear One, Unit 1, located in Pope County, Arkansas.

The proposed amendment would permit steam generator tubes with intergranular corrosion indications that may exceed through-wall limits to remain in service until the next refueling outage.

The proposed amendment is being processed under exigent circumstances for the following reason. During the 1R13 refueling outage, an eddy current technique was used for the satisfactory completion of the ANO-1 steam generator inspection surveillance. The technique used had been qualified per Appendix H of the EPRI "PWR Steam Generator Tube Examination Guidelines." This technique was used to depth size all intergranular attack flaws within the upper tubesheet. As required by the technical specifications, all upper tube sheet IGA indications with a depth size of greater than the plugging limit as determined by the qualified sizing technique, were also removed from service by plugging.

During the steam generator inspections, three tube samples containing upper tubesheet IGA flaws were removed from the "B" OTSG and sent offsite to be analyzed for future development of an alternate repair criteria and to further support the qualified eddy current sizing technique employed during refueling outages. The preliminary destructive examination results were recently received by the ANO staff. This data arrived approximately 5 months after the resumption of operation following the steam generator inspections that occurred during 1R13. These results indicate that the flaw depths do not correlate well with the depths sized using the qualified eddy current technique. Upon further review, ANO has determined that the application of the sizing criterion is no longer valid. With the qualified sizing technique invalidated, there is a potential that tubes could have been left in service with indications that have through-wall depths greater than the plugging limit specified in the technical specifications. This would be considered a condition that is not allowed by the technical specifications. Prior to the receipt of the preliminary destructive examination results, ANO had no reason to question the adequacy of the steam generator inspections that occurred during 1R13.

Based on the developments described above, on April 9, 1997, the NRC verbally issued a Notice of Enforcement Discretion (NOED). The NOED was documented by letter dated April 11, 1997. The NOED expressed NRC's intention to exercise discretion in enforcing compliance with portions of the technical specifications related to steam generator tubes. The NOED will remain in effect until an exigent technical specification amendment is processed but in no case later than May 7, 1997.

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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:

An evaluation of the proposed change has been performed in accordance with 10 CFR 50.91(a)(1) regarding no significant hazards considerations using the standards in 10 CFR 50.92(c). A discussion of these standards as they relate to this amendment request follows:

Criterion 1—Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The steam generators are used to remove heat from the reactor coolant system during normal operation and during accident conditions. The steam generator tubing forms a substantial portion of the reactor coolant pressure boundary. A steam generator tube failure is a violation of the reactor coolant pressure boundary and is a specific accident analyzed in the ANO-1 Safety Analysis Report.

The purpose of the periodic surveillance performed on the steam generator in accordance with ANO-1 Technical Specification 4.18, is to ensure that the structural integrity of this portion of the reactor coolant system (RCS) will be maintained. The technical specification (TS) plugging limit of 40% of the nominal tube wall thickness requires tubes to be repaired or removed from service because the tube may become unserviceable prior to the next inspection. Unserviceable is defined in the TS as the condition of a tube if it leaks or contains a defect large enough to affect its structural integrity in the event of an operating basis earthquake, a loss-of-coolant accident, or a steam line break.[sic] Of these accidents, the most severe condition with respect to patch intergranular attack (IGA) degradation within the upper tube sheet is the main steam line break (MSLB). During this event the differential pressure across the tube could be as high as 2500 psid. The rupture of a tube during this event could permit the flow of reactor coolant into the

secondary coolant system thus bypassing the containment.

From testing performed on simulated flaws within the tubesheet it has been shown that the patch IGA indications within the upper tubesheet left in service during 1R13 with potential depths greater than the plugging limit, do not represent structurally significant flaws which would increase the probability of a tube failure beyond that currently assumed in the ANO-1 Safety Analysis Report.

Burst tests were conducted on tubing with simulated flaws within the tubesheet. In these tests, through-wall holes of varying sizes up to 0.5 inch in diameter were drilled in test specimens. The flawed specimen tubes were then inserted into a simulated tubesheet and pressurized. In all cases the tube burst away from the flaw in that portion of tube that was outside the tubesheet. The size of these simulated flaws bound the indications left in service within the upper tubesheet during 1R13. These tests demonstrate for flaws similar to the patch IGA found in the ANO-1 upper tubesheet that the tubes will not fail at this location under accident conditions.

The dose consequences of a MSLB accident are analyzed in the ANO-1 accident analysis. This analysis assumes the unit is operating with a 1 gpm steam generator tube leak and that the unit has been operating with 1% defective fuel.

Increased leakage during a postulated MSLB accident resulting from the patch IGA left in service in the upper tube sheet is not expected. IGA has been present in the ANO-1 steam generators for many years with no known leakage attributed to this damage mechanism. Because of its localized nature and morphology, the flaw does not open under accident pressure conditions.

This change allows continued operation with IGA indications within the upper tube sheet with the potential of through-wall depths greater than the technical specification plugging limit. Continued operation with these flaws present does not result in a significant increase in the probability or consequences of an accident previously evaluated for ANO-1.

Therefore, this change does *not* involve a significant increase in the probability or consequences of any accident previously evaluated.

Criterion 2—Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

The steam generators are passive components. The intent of the technical specification surveillance requirements are being met by this change in that adequate structural and leakage integrity will be maintained. Additionally, the proposed change does not introduce any new modes of plant operation.

Therefore, this change does *not* create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—Does Not Involve a Significant Reduction in the Margin of Safety.

The ANO-1 Technical Specification Bases specify that the surveillance requirements (which includes the plugging limits) are to ensure the structural integrity of this portion

of the RCS pressure boundary. The technical specification plugging limit of 40% of the nominal tube wall thickness requires tubes to be repaired or removed from service because the tube may become unserviceable prior to the next inspection. Unserviceable is defined in the technical specification as the condition of a tube if it leaks or contains a defect large enough to affect its structural integrity in the event of an operating basis earthquake, a loss-of-coolant accident, or a MSLB.[sic] Of these accidents the most severe condition with respect to IGA within the upper tubesheet is the MSLB.

Testing of tubes with representative IGA flaws removed from ANO-1 OTSGs during 1R13, showed the flawed tubes to be capable of withstanding differential pressures in excess of 10,000 psid without the presence of the tubesheet. Testing of simulated through-wall flaws of up to 0.5 inch in diameter within a tubesheet showed that the tubes always failed outside of the tubesheet. Thus the structural requirements listed in the bases of the technical specification is satisfied considering this change.

Leakage under accident conditions would be limited due to the small size and morphology of the flaws and would be low enough to ensure offsite dose limits are not exceeded.

Therefore, this change does *not* involve a significant reduction in the margin of safety.

In conclusion, based upon the reasoning presented above and the previous discussion of the amendment request, Entergy Operations has determined that the requested change does *not* involve a significant hazards consideration.

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 14 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 14-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 14-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. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, 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 22, 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 Tomlinson Library, Arkansas Tech University, Russellville, AR 72801. 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 14 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 14 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 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 Dr. William Beckner: 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 Winston & Strawn, 1400 L Street, N.W., Washington, 20005-3502, 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 April 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 Tomlinson Library, Arkansas Tech University, Russellville, AR 72801.

Dated at Rockville, Maryland, this 16th day of April, 1997.

For the Nuclear Regulatory Commission.
George Kalman,
Senior Project Manager, Project Directorate IV-1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.
 [FR Doc. 97-10332 Filed 4-21-97; 8:45 am]
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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-346]

Toledo Edison Company, Centerior Service Company and the Cleveland Electric Illuminating Company (Davis-Besse Nuclear Power Station, Unit No. 1); Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company (the licensees) to withdraw their June 6, 1994, application, as supplemented by letters dated July 20, 1994, November 11, 1994, April 12, 1995, September 19, 1995, September 27, 1995, and October 30, 1995, for proposed amendment to Facility Operating License No. NPF-3 for the Davis-Besse Nuclear Power Station, Unit No. 1, located in Ottawa County, Ohio. The September 19, 1995, submittal included a request for license transfer pursuant to 10 CFR 50.80.

The proposed amendment would have revised the license to reflect the proposed merger of Toledo Edison Company into The Cleveland Electric Illuminating Company.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on July 6, 1994, (59 FR 34669) and an Environmental Assessment published in the **Federal Register** on July 20, 1994 (59 FR 37059). However, by letter dated October 9, 1996, the licensee withdrew the proposed changes, including the request for license transfer.

For further details with respect to this action, see the licensees' application for amendment dated June 6, 1994, as supplemented by letters dated July 20, 1994, November 11, 1994, April 12, 1995, September 19, 1995, September 27, 1995, and October 30, 1995, and the licensees' letter dated October 9, 1996, which withdrew the application for license amendment and the request for license transfer. The above documents are 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 Toledo, William Carlson Library, Government Documents Collection, 2801 West Bancroft Avenue, Toledo, Ohio 43606.

Dated at Rockville, Maryland, this 16th day of April 1997.

For the Nuclear Regulatory Commission.
Allen G. Hansen,

Project Manager, Project Directorate III-3, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 97-10330 Filed 4-21-97; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket 70-7001]

Notice of Amendment to Certificate of Compliance GDP-1 for the U.S. Enrichment Corporation, Paducah Gaseous Diffusion Plant, Paducah, KY

The Director, Office of Nuclear Material Safety and Safeguards, has made a determination that the following amendment request is not significant in accordance with 10 CFR 76.45. In making that determination, the staff concluded that: (1) There is no change in the types or significant increase in the amounts of any effluents that may be released offsite; (2) there is no significant increase in individual or cumulative occupational radiation exposure; (3) there is no significant construction impact; (4) there is no significant increase in the potential for, or radiological or chemical consequences from, previously analyzed accidents; (5) the proposed changes do not result in the possibility of a new or different kind of accident; (6) there is no significant reduction in any margin of safety; and (7) the proposed changes will not result in an overall decrease in the effectiveness of the plant's safety, safeguards or security programs. The basis for this determination for the amendment request is shown below.

The NRC staff has reviewed the certificate amendment application and concluded that it provides reasonable assurance of adequate safety, safeguards, and security, and compliance with NRC requirements. Therefore, the Director, Office of Nuclear Material Safety and Safeguards, is prepared to issue an amendment to the Certificate of Compliance for the Paducah Gaseous Diffusion Plant. The staff has prepared a Compliance Evaluation Report which provides details of the staff's evaluation.

The NRC staff has determined that this amendment satisfies the criteria for

a categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for this amendment.

USEC or any person whose interest may be affected may file a petition, not exceeding 30 pages, requesting review of the Director's Decision. The petition must be filed with the Commission not later than 15 days after publication of this **Federal Register** Notice. A petition for review of the Director's Decision shall set forth with particularity the interest of the petitioner and how that interest may be affected by the results of the Decision. The petition should specifically explain the reasons why review of the Decision should be permitted with particular reference to the following factors: (1) The interest of the petitioner; (2) how that interest may be affected by the Decision, including the reasons why the petitioner should be permitted a review of the Decision; and (3) the petitioner's areas of concern about the activity that is the subject matter of the Decision. Any person described in this paragraph (USEC or any person who filed a petition) may file a response to any petition for review, not to exceed 30 pages, within 10 days after filing of the petition. If no petition is received within the designated 15-day period, the Director will issue the final amendment to the Certificate of Compliance without further delay. If a petition for review is received, the Decision on the amendment application will become final in 60 days, unless the Commission grants the petition for review or otherwise acts within 60 days after publication of this **Federal Register** Notice.

A petition for review 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.

For further details with respect to the action see (1) the application for amendment and (2) the Commission's Compliance Evaluation Report. These items are 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.

Date of amendment request: December 23, 1996.

Brief description of amendment: The amendment changes the Technical Safety Requirement surveillance for the