

two of the beam pockets may impact the performance of the system. Based on the proximity of the unprotected beam pockets to the fire wrap, over 80 feet away, the licensee concludes that the smoke detectors in the general area are adequate to provide detection of any credible fire which may potentially damage the fire wrap. Based on the information provided by the licensee, the staff concurs that the code deviations and lack of detectors in all beam pockets would not adversely impact the fire detection system's performance in the area of the fire wrap.

An automatic area-wide wet pipe sprinkler system is installed in CT-1. The licensee states that the system meets the design requirements of NFPA-13, 1991, and is designed and installed as an Extra Hazard (Group 1) system. In addition, an in-tray automatic wet pipe water spray system is designed to suppress a tray based fire. The licensee states that the water spray system meets the design requirements of NFPA-15, 1990, Water Spray Systems. Water hose lines and fire extinguishers are available to the fire brigade inside the zone to support manual suppression. In addition, hose stations with additional lengths of hose are available outside of the area if needed.

Transient combustible materials in the area are kept to a minimum based on the administrative limits for the area. Administrative limits may be exceeded only when an evaluation has been performed and a combustible control permit has been issued. All station hot work, including cutting and welding, is controlled by administrative procedures. Special requirements for the CT-1 are that fire protection personnel will approve hot work in this area and that fire protection personnel will inspect the area during the performance of hot work at least every 2 hours.

The NRC staff examined the licensee's rationale to support the exemption request and believes that reasonable assurance that at least one means of achieving and maintaining safe shutdown conditions will remain available during and after any postulated fire in the plant. Accordingly, the request for an exemption from the requirements of 10 CFR part 50 appendix R, Section III.G.2.c with respect to fire area CT-1 meets the special circumstances delineated in 10 CFR part 50.12(a)(2)(ii), i.e., the application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule. While the installed fire barrier in CT-1 has less than a 1-hour fire endurance rating, it will provide some resistance to fire. The area

where the fire barrier is located has no ignition sources other than cables, has available manual suppression capability, and is equipped with automatic fire suppression and fire detection. Under these circumstances, there is an adequate level of fire safety such that there is reasonable assurance that at least one means of achieving and maintaining safe shutdown conditions will remain available during and after any postulated fire in the plant, and therefore, the underlying purpose of the rule is met.

Based on the NRC staff review, and circumstances described above, the staff concludes that an exemption from the technical requirements of Section III.G.2.c of appendix R to 10 CFR part 50 to the extent that it requires the enclosure of cables of one redundant train of safe shutdown equipment in a 1-hour fire rated barrier, is appropriate for fire area CT-1. See the safety evaluation that supports these findings dated May 29, 2001.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the 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. Also, special circumstances are present. Therefore, the Commission hereby grants Entergy Nuclear FitzPatrick, LLC and Entergy Nuclear Operations, Inc. the requested exemption from the requirements of Section III.G.2.c of appendix R to 10 CFR part 50 for the JAF.

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 (66 FR27540).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 29th day of May 2001.

For the Nuclear Regulatory Commission.

Cynthia A. Carpenter,

Acting Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-334 and 50-412]

FirstEnergy Nuclear Operating Company, et al.; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR-66 and NPF-73, issued to FirstEnergy Nuclear Operating Company, et al., (the licensee), for operation of the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS-1 and 2) located in Shippingport, Pennsylvania.

The proposed amendment would revise the Technical Specifications (TSs) associated with requirements for handling irradiated fuel assemblies in the reactor containment and in the fuel building. The proposed amendment would also revise the TSs associated with ensuring that safety analysis assumptions are met for a postulated fuel handling accident (FHA). Specifically, the revised FHA radiological analysis that is submitted in support of the proposed amendment, demonstrates that "non-recently" irradiated fuel does not contain sufficient fission products to require operability of accident mitigation features to meet the accident analysis assumptions. Consequently, the accident mitigation features such as building integrity and engineered safety feature (ESF) ventilation systems would not be required during fuel handling activities that do not involve "recently" irradiated fuel assemblies. The radiological analyses utilized to support this amendment request were performed based on the guidance provided in NUREG-0800, "Standard Review Plan," Chapter 15.0.1 and Regulatory Guide (RG) 1.183, "Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors." The decay time specified in TS 3/4.9.3, "Decay Time," would be revised from 150 hours to 100 hours. The proposed amendment also includes administrative, editorial, and format changes to the TSs and Bases associated with the revisions discussed above. Changes to the Updated Final Safety Analysis Reports for BVPS-1 and 2 associated with the description of a postulated FHA and its calculated radiological consequences are also included.

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.

By July 5, 2001, 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, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland and is accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>). 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 must 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 that may be entered in the proceeding on the petitioner's interest. The petition must 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 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 that must include a list of the contentions that the petitioner seeks to have litigated in the hearing. 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 each contention and a concise statement of the alleged facts or expert opinion that 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. The 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 that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that 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 and 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, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the request for a hearing and the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Mary O'Reilly, Attorney, FirstEnergy Legal Department, FirstEnergy Corporation, 76 S. Main Street, Akron, OH 44308, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the

Commission, the presiding officer, or the 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 amendment dated March 19, 2001 (ADAMS Accession No. ML010810433), which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 23rd day of May 2001.

For the Nuclear Regulatory Commission.

Lawrence J. Burkhardt,

Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-395]

South Carolina Electric and Gas Company, V. C. Summer Nuclear Station; Exemption

1.0 Background

South Carolina Electric & Gas Company (SCE&G) is the holder of Facility Operating License No. NPF-12, which authorizes operation of the V.C. Summer Nuclear Station (the facility), at steady-state core power levels not in excess of 2900 megawatts thermal. The license provides, among other things, that the V. C. Summer Nuclear Station is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The facility consists of a pressurized water reactor located in Fairfield County in South Carolina.

2.0 Purpose

Pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Section