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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, 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 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,

NW., 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 15th 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. 50-382]

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. NPF-38 issued to Entergy Operations Inc., (the licensee) for operation of the Waterford Steam Electric Station, Unit 3, (Waterford 3) located in St. Charles Parish, Louisiana.

The proposed amendment would change Waterford 3 Technical Specifications by revising Technical Specification 3.6.2.2 and Surveillance Requirement 4.6.2.2 for the Containment Cooling System. The purpose of this amendment is to make the Technical Specification 3.6.2.2 and Surveillance Requirement 4.6.2.2 consistent with the containment cooling assumptions in the Waterford 3 containment analysis. Additionally, a Surveillance Requirement has been added to verify valves actuate on a Safety Injection Actuation Signal. A change to the Technical Specification Bases 3/4.3.6.2.2 has been included to support this change.

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.

The Commission has made a proposed determination 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:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The results of the reanalysis show that the consequences of an accident are not increased by this change to the required number of operable fan coolers and [Component Cooling Water] CCW flow to each fan cooler. Specifically, the acceptance criteria for peak containment pressure during an accident and pressure reduction at 24 hours after the accident are met. The calculated peak pressure for the limiting [Main Steam Line Break] MSLB is less than the containment design pressure of 44 psig. The pressure at 24 hours after the start of the limiting [Loss of Coolant Accident] LOCA is less than one half of the peak pressure.

Therefore, revising the containment fan cooler Technical Specification to require two fan coolers per train operable with a lower CCW flow rate of 1200 gpm to each will not adversely impact the consequences of accidents previously evaluated. The flow rate of 1200 gpm is conservatively greater than the assumed flow rate in the analysis (1100 gpm). Furthermore, since the fan coolers are not an initiator of any event, the proposed change will not impact the probability of occurrence of an accident previously evaluated.

An [Ultimate Heat Sink] UHS analysis has been performed of the effect of the lower CCW flows to the [Containment Fan Coolers] CFC and shutdown cooling heat exchanger used in this [Technical Specification Change Request] TSCR. The analysis has shown that the peak accident heat load and wet cooling tower basin water consumption is bounded by the existing UHS analysis.

An analysis has been performed to determine the impact on environmentally qualified equipment based on the lower flows to the CFCs and shutdown cooling heat exchanger. The current temperature profile and containment peak pressure used to determine post accident operability on environmentally qualified equipment bounds this analysis.

Therefore, the proposed change will not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different type of accident from any accident previously evaluated?

Response: No.

The proposed change does not alter the operation of the fan coolers in a manner that

would create a new or different accident. Although both CFCs per train are now required to be operable with a lower CCW flow to each CFC, the manner in which the CFCs perform their safety function is not changed. There are no new system interactions that could lead to a different kind of accident. This change serves to clarify the specification with respect to the Waterford 3 safety analysis and provide further information in the Bases. The configuration required by the proposed specification is permitted by the existing specification.

Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises Technical Specification 3.6.2.2 and Surveillance Requirement 4.6.2.2 for the Containment Cooling System. This change revises the required number of fan coolers from one fan cooler per train to two fan coolers per train. This change also revises the surveillance flow requirement from 1325 gpm to a value consistent with containment cooling assumptions in Waterford 3 containment analyses. This flow rate will be tested with the CCW system in the accident lineup to be consistent with the analysis assumptions.

The containment cooling system is designed, as described in the containment depressurization and cooling system Technical Specification Bases, to maintain the post accident containment peak pressure below its design value of 44 psig. The system is also designed to reduce the containment pressure by a factor of 2 from its post-accident peak within 24 hours.

The revised analyses done to support this Technical Specification change has shown that the peak containment pressure remains below 44 psig and the 24 hour pressure is less than half the peak. Therefore, the proposed change does not adversely impact margin of safety.

The revised analysis has also shown that the containment peak temperature remains below the temperature provided in the Technical Specification 3.6.2.1 and 3.6.2.2 Bases.

An UHS analysis has been performed of the effect of the lower CCW flows to the CFC and shutdown cooling heat exchanger used in this TSCR. The analysis has shown that the peak accident heat load and wet cooling tower basin water consumption is bounded by the existing UHS analysis.

An analysis has been performed to determine the impact on environmentally qualified equipment based on the lower flows to the CFCs and shutdown cooling heat exchanger. The current temperature profile and containment peak pressure used to determine post accident operability on environmentally qualified equipment bounds this analysis.

Therefore, the proposed change will not involve a significant reduction in a margin of safety.

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 30 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 30-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 30-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 and provide for opportunity for a hearing after 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, N.W., 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, 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. 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 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 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.

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.

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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.