letters dated July 2, and August 6 and 20, 2001, the licensee requested that the staff exempt RBS from application of specific requirements of 10 CFR part 50, Section 50.60(a) and appendix G, and substitute use of ASME Code Case N–640. Code Case N–640 permits the use of an alternate reference fracture toughness (K_{Ic} fracture toughness curve instead of K_{Ia} fracture toughness curve) for reactor vessel materials in determining the P–T limits. Since the K_{Ic} fracture toughness curve shown in ASME Code Section XI, appendix A, Figure A–2200–1 provides greater allowable fracture toughness than the corresponding K_{Ia} fracture toughness curve of ASME Code Section XI, appendix G, Figure G–2210–1, using the K_{Ic} fracture toughness, as permitted by Code Case N–640, in establishing the P–T limits would be less conservative than the methodology currently endorsed by 10 CFR part 50, appendix G. Considering this, an exemption to apply the Code Case would be required by 10 CFR 50.60.

The licensee has proposed to revise the P–T limits for RBS using the K_{Ic} fracture toughness curve, in lieu of the K_{Ia} fracture toughness curve, as the lower bound for fracture toughness.

Use of the K_{Ic} curve in determining the lower bound fracture toughness in the development of P–T operating limits curve is more technically correct than the K_{Ia} curve since the rate of loading during a heatup or cooldown is slow and is more representative of a static condition than a dynamic condition. The K_{Ic} curve appropriately implements the use of static initiation fracture toughness behavior to evaluate the controlled heatup and cooldown process of a reactor vessel. The staff has required use of the initial conservatism of the K_{Ia} curve since 1974 when the curve was codified. This initial conservatism was necessary due to the limited knowledge of RPV materials. Since 1974, additional knowledge has been gained about RPV materials, which demonstrates that the lower bound on fracture toughness provided by the K_{Ia} curve is well beyond the margin of safety required to protect the public health and safety from potential RPV failure.

In summary, the ASME Code Section XI, appendix G, procedure was conservatively developed based on the level of knowledge existing in 1974 concerning RPV materials and the estimated effects of operation. Since 1974, the level of knowledge about these topics has been greatly expanded. The NRC staff concludes that this increased knowledge permits relaxation of the ASME Code Section XI, appendix G requirements by applying the K_{Ic} fracture toughness, as permitted by Code Case N–640, while maintaining, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the ASME Code and the NRC regulations to ensure an acceptable margin of safety.

3.0 Discussion

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. The staff accepts the licensee's determination that an exemption would be required to approve the use of Code Case N–640.

The staff examined the licensee's rationale to support the exemption request and concluded that the use of the Code Case would meet the underlying purpose of 10 CFR part 50. Based upon a consideration of the conservatism that is explicitly incorporated into the methodologies of 10 CFR part 50, appendix G; appendix G of the Code; and Regulatory Guide 1.99, Revision 2, the staff concluded that application of Code Case N–640 as described would provide an adequate margin of safety against brittle failure of the RPV. This is also consistent with the determination that the staff has reached for other licensees under similar conditions based on the same considerations.

The safety evaluation may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC website, *http://www.nrc.gov* (the Electronic Reading Room).

Therefore, the staff concludes that requesting exemption under the special circumstances of 10 CFR 50.12(a)(2)(ii) is appropriate and that the methodology of Code Case N–640 may be used to revise the P–T limits for RBS, subject to the limitation of 16 EFPYs.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Also, special circumstances are present. Therefore, the Commission hereby grants Entergy Operations, Inc., an exemption from the requirements of 10 CFR part 50, Section 50.60(a) and 10 CFR part 50, appendix G, for River Bend Station, Unit 1.

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 FR 48069, published on September 17, 2001).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 20th day of September, 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

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

[FR Doc. 01–24175 Filed 9–26–01; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–331]

Nuclear Management Company, LLC; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. to Facility Operating License No. DPR–49 issued to Nuclear Management Company, LLC (the licensee), which revised the license for operation of the Duane Arnold Energy Center located in Linn County, Iowa. The amendment is effective as of the date of issuance.

The amendment modified the license to allow refueling activities in accordance with a revised thermal-hydraulic analysis based upon use of advanced core designs employing advanced fuel, increased fuel burnup, increased cycle length, and increased reload batch size. The revised analysis also corrects several input parameter discrepancies in the existing analysis.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing in connection with this action was published in the **Federal Register** on March 7, 2001 (66 FR 13793). No

request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of the amendment will not have a significant effect on the quality of the human environment (66 FR 38442).

For further details with respect to the action see (1) the application for amendment dated November 17, 2000, and supplemented February 16, and April 9, 2001, (2) Amendment No. 242 to License No. DPR–49, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room Reference staff at 1–800–397–4209, 301–415–4737 or by email to pdr@nrc.gov.

Dated at Rockville, Maryland, this 21st day of September 2001.

For the Nuclear Regulatory Commission.

Brenda L. Mozafari,

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

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–331]

Nuclear Management Company, LLC; 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 No. DPR–49, held by Nuclear Management Company, LLC (the licensee), for operation of the Duane Arnold Energy Center (the facility) located in Linn County, Iowa.

By letter dated November 16, 2000, as supplemented April 16 (2 letters), April 17, May 8 (2 letters), May 10, May 11 (2 letters), May 22, May 29, June 5, June 11, June 18, June 21, June 28, July 11, July 19, July 25, August 1 (2 letters), August 10, August 16, and August 21, 2001, the licensee proposed an amendment to change the operating license. Specifically, the proposed amendment would allow an increase of the operating power level authorized by Section 2.C.(1) of the operating license from 1658 megawatts thermal (MWt) to 1912 MWt at the facility. The request includes supporting technical specification (TS) changes and a revision of license condition, 2.C.(2)(a) to Operating License No. DPR–49, which are necessary to implement this increase in licensed power level. The change represents an increase of 15.3 percent above the current rated thermal power and is considered an extended power uprate. The proposed changes include:

Operating License DPR–49, Section 2.C.(1): Revise the Maximum Power Level to be 1912 MWt.

Operating License DPR–49, Section 2.C.(2)(a): Modify existing license condition 2.C.(2)(a) to allow existing Surveillance Requirements (SRs) whose acceptance criteria is affected by this increase in authorized power level, to be considered to be performed per TS SR 3.0.1, upon implementation of the license amendment approving this application, until their next scheduled performance, in accordance with TS SR 3.0.2.

Section 1.1, Definitions: Revise the definition of *Rated Thermal Power* to be the extended power uprate maximum licensed power level of 1912 MWt.

SL 2.1.1.1: Revise the safety limit (SL) for fuel cladding integrity at low core flow and reactor pressure from the current 25 percent rated thermal power (RTP) to 21.7 percent RTP (25 percent x 1658/1912).

LCO 3.2.1: Applicability, Required Action B.1, and SR 3.2.1.1: Revise the percentage of RTP value related to thermal limits monitoring from 25 percent RTP to 21.7 percent RTP.

LCO 3.2.2: Applicability, Required Action B.1, and SR 3.2.2.1: Revise the percentage of RTP value related to thermal limits monitoring from 25 percent RTP to 21.7 percent RTP.

LCO 3.3.1.1: SR 3.3.1.1.2: Revise the percentage of RTP value related to deferral of the SR until 12 hours after reaching 25 percent RTP during plant startup, from 25 percent RTP value to 21.7 percent. The RTP value being changed is contained in the SR and the associated NOTE.

LCO 3.3.1.1: Required Action E.1, SR 3.3.1.1.16, and Table 3.3.1.1–1 Functions 8 and 9: Revise the percentage of RTP value corresponding to the power level where the direct reactor protection system (RPS) trips, *i.e.*, scram, on turbine stop valve (TSV) or turbine control valve (TCV) fast closure are automatically bypassed from 30 percent RTP to 26 percent RTP.

LCO 3.3.4.1: Applicability, Required Action C.2, and SR 3.3.4.1.4: Revise the percentage of RTP value corresponding to the power level where the end-of-cycle recirculation pump trip on TSV or TCV fast closure is automatically bypassed from 30 percent RTP to 26 percent RTP.

LCO 3.3.1.1: Table 3.3.1.1–1 Function 2b: Description of Change: Replace the current allowable values (AVs) for the two-loop operation average power range monitor (APRM) flow-biased, high RPS trip with the equation for the AV to implement the maximum extended load line limit analysis (MELLLA). A new footnote (c) is being added to define the term ''W'' used in the AV equation.

LCO 3.3.1.1: Table 3.3.1.1–1 Footnote (b): Replace the current AVs for the single-loop operation APRM flow biased-high RPS trip with the equation for the AV to implement the MELLLA. The new footnote (c) identified above is used to define the term ''W'' used in the AV equation.

LCO 3.4.1: SR 3.4.1.1 a & b: Revise the percentage of RTP value corresponding to the power level where a recirculation pump speed mismatch surveillance is performed from 80 percent RTP to 69.4 percent RTP.

LCO 3.4.2: SR 3.4.2.1: Revise the percentage of RTP value contained in NOTE 2 corresponding to the power level where the evaluation of jet pump performance can be deferred for up to 24 hours from 25 percent RTP to 21.7 percent RTP.

LCO 3.6.3.1: SR 3.6.3.1.1: Revise the volume requirement for nitrogen storage for the containment atmospheric dilution (CAD) system from 50,000 scf to 67,000 scf.

LCO 3.6.3.1: SR 3.6.3.1.2: Add a comma to clearly delineate the requirement for performing the SR for both manual and power-operated valves in the CAD system.

LCO 3.7.7: Applicability and Required Action B.1: Revise the percentage of rated thermal power value where the main turbine bypass valve system is required to be OPERABLE from 25 percent RTP to 21.7 percent RTP.