

Case N-514 would restrict the pressure/temperature operating window and would potentially result in undesired actuation of the LTOP system. This constitutes an unnecessary burden that can be alleviated by the application of ASME Code Case N-514. Implementation of an LTOP setpoint as allowed by ASME Code Case N-514 does not significantly reduce the margin of safety associated with normal operational heatup and cooldown limits. Further, the LTOP guidelines will reduce the potential for an undesired lift of the LTOP valves.

The licensee has requested the use of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code) Case N-514, "Low Temperature Overpressure Protection," which allows exceeding the Appendix G safety limits by 10 percent. ASME Code Case N-514, the proposed alternate methodology, is consistent with guidelines developed by the ASME Working Group on Operating Plant Criteria to define pressure limits during LTOP events that avoid certain unnecessary operational restrictions, provide adequate margins against failure of the reactor pressure vessel, and reduce the potential for unnecessary activation of pressure-relieving devices used for LTOP. Code Case N-514 has been approved by the ASME Code Committee. The content of this code case has been incorporated into Appendix G of Section XI of the ASME Code and published in the 1993 Addenda to Section XI.

### III

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. Special circumstances are present whenever, according to 10 CFR 50.12(a)(2)(ii), "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 \* \* \*."

The underlying purpose of 10 CFR 50.60, Appendix G, is to establish fracture toughness requirements for ferritic materials of pressure-retaining components of the reactor coolant pressure boundary to provide adequate margins of safety during any condition of normal operation, including anticipated operational occurrences, to

which the pressure boundary may be subjected over its service lifetime. Section IV.A.2 of this appendix requires that the reactor vessel be operated with P/T limits at least as conservative as those obtained by following the methods of analysis and the required margins of safety of Appendix G of the ASME Code.

Appendix G of the ASME Code requires that the P/T limits be calculated: (a) using a safety factor of two on the principal membrane (pressure) stresses, (b) assuming a flaw at the surface with a depth of one-quarter ( $1/4$ ) of the vessel wall thickness and a length of six (6) times its depth, and (c) using a conservative fracture toughness curve that is based on the lower bound of static, dynamic, and crack arrest fracture toughness tests on material similar to the ANO-2 reactor vessel material.

In determining the setpoint for LTOP events, the licensee proposed to use safety margins based on an alternate methodology consistent with the ASME Code Case N-514 guidelines. The ASME Code Case N-514 allows determination of the setpoint for LTOP events such that the maximum pressure in the vessel would not exceed 110 percent of the P/T limits of the existing ASME Appendix G. This results in a safety factor of 1.8 on the principal membrane stresses. All other factors, including assumed flaw size and fracture toughness, remain the same. Although this methodology would reduce the safety factor on the principal membrane stresses, the proposed criteria will provide adequate margins of safety to the reactor vessel during LTOP transients and, thus, will satisfy the underlying purpose of 10 CFR 50.60 for fracture toughness requirements. The slight reduction in the membrane stress safety factor, as proposed by Code Case N-514, is compensated by increased safety from the standpoint of increased operational flexibility and the reduced potential for unnecessary opening of the LTOP relief valves. In summary, the use of Code Case N-514 is likely to improve overall safety when evaluated as part of the complete plant safety concern.

### IV

For the foregoing reasons, the NRC staff has concluded that the licensee's proposed use of the alternate methodology in determining the acceptable setpoint for LTOP events 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), 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(a), an exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Therefore, the Commission hereby grants an exemption from the requirements of 10 CFR 50.60 allowing the use of alternate criteria as described by Code Case N-514, which permits exceeding the Appendix G safety factor by 10 percent during low temperature operations.

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 (61 FR 20846).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 28th day of January 1997.

For the Nuclear Regulatory Commission,  
Frank J. Miraglia,  
*Acting Director, Office of Nuclear Reactor Regulation.*

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[Docket Nos. 50-245, 50-336, 50-423 and 50-213]

### **Northeast Utilities, Millstone Nuclear Power Station, Units 1, 2, and 3, Connecticut Yankee Atomic Power Company, Haddam Neck Plant; Receipt of Petition for Director's Decision Under 10 CFR 2.206**

Notice is hereby given that on November 25, 1996, as amended on December 23, 1996, the Citizens Awareness Network (CAN) and the Nuclear Information and Resource Service (NIRS) (Petitioners) submitted a Petition pursuant to 10 CFR 2.206 requesting certain actions associated with the Haddam Neck plant, which the Petitioners refer to as Connecticut Yankee, and the three Millstone units operated by Northeast Utilities (NU).

Petitioners allege that NU has, over the past decade, mismanaged its nuclear facilities in Connecticut and operated them in flagrant disregard of NRC regulations; that NU has failed to fulfill its commitments to the NRC; that NU management had concrete particularized knowledge of serious ongoing violations of NRC regulations culminating in material misrepresentations to the NRC; that regulatory oversight by the NRC to assure NU's compliance with NRC

regulations has been a blatant and abject failure; that NU is in violation of 10 CFR Part 50, Appendix B; and that these failures have culminated in inconsistent and inaccurate updated Final Safety Analysis Reports at NU's nuclear facilities in Connecticut, thereby posing a significant safety concern for either continued operation of the plants or decommissioning.

The bases for these assertions are NU and NRC inspection findings and NU documents referred to in the Petition, the amendment and a VHS videotape, Exhibit A, which accompanied the Petition. The videotape has been transcribed and placed in the Commission's Public Document Room and local public document rooms. Areas identified are surveillance testing, operation outside the design basis, and degraded material condition. Petitioners assert that this information demonstrates that there are inadequate quality assurance programs at NU's nuclear facilities in Connecticut, that NU has made material false statements regarding its Millstone units, and that safe decommissioning of the Haddam Neck plant is not possible given the defective nature of the design and licensing basis for this facility. In addition, in the amendment the Petitioners assert that certain nitrogen calculations performed by NU for the Haddam Neck facility may not comply with 10 CFR Part 50, Appendix B, and that the NRC failed to identify this problem. The videotape records an August 29, 1996, Citizens Regulatory Commission televised interview of a former Millstone Station employee. The interview included the former employee's views relating to NU's poor management in allowing: Degradation of the material plant; poor radwaste practices resulting in potential radiation exposure to employees; and harassment intimidation and subsequent illegal termination of employees raising safety concerns.

Petitioners request the following actions: immediate suspension or revocation of NU's licenses to operate its nuclear facilities in Connecticut; investigation of possible NU material misrepresentations to the NRC; continued shutdown of the NU facilities in Connecticut until the Department of Justice completes its investigation and the results are reviewed by the NRC and until the NRC evaluates and approves NU remedial actions; continued listing of the NU facilities on the NRC "watch list" should NU resume operation; barring any predecommissioning or decommissioning activity at any NU nuclear facility in Connecticut until NU and the NRC take certain identified

steps to assure that such activities can be safely conducted; and initiation by the NRC of an investigation into how it allowed the asserted illegal situation at NU's nuclear facilities in Connecticut to exist and continue for more than a decade. In addition, in the amendment, Petitioners request copies of Connecticut Yankee's nitrogen calculations and an immediate investigation of the need for enforcement action for alleged violation of 10 CFR Part 50, Appendix B.

The issues in the Petition, as amended, are being treated pursuant to 10 CFR Section 2.206 of the Commission's regulations and have been referred to the Acting Director of the Office of Nuclear Reactor Regulation. As provided by 10 CFR Section 2.206, appropriate action with regard to these issues will be taken within a reasonable time. By letter dated January 23, 1997, the Acting Director denied the request for immediate suspension or revocation of the operating licenses for the NU nuclear facilities in Connecticut.

A copy of the Petition, the amendment to the Petition and a transcription of the videotape are available for inspection at the Commission's Public Document Room at 2120 L Street, N.W., Washington, DC 20037 and at the local public document rooms at (1) the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, CT 06360, and (2) the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, CT 06385.

Dated at Rockville, Maryland this 23rd day of January 1997.

For the Nuclear Regulatory Commission.  
Frank J. Miraglia, Jr.,  
*Acting Director, Office of Nuclear Reactor Regulation.*

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## PENSION BENEFIT GUARANTY CORPORATION

### Request for Comment on Proposed Collection of Information Under the Paperwork Reduction Act; Customer Satisfaction Survey for Pension Practitioners

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of intention to request OMB approval.

**SUMMARY:** The Pension Benefit Guaranty Corporation intends to request that the Office of Management and Budget

approve a new collection of information under the Paperwork Reduction Act. The purpose of the information collection is to help the PBGC assess the efficiency and effectiveness with which it serves its customers and to design actions to address identified problems. The effect of this notice is to advise the public of, and to solicit public comment on, this proposed collection of information.

**ADDRESSES:** All written comments should be addressed to: Office of General Counsel, Pension Benefit Guaranty Corporation, Suite 340, 1200 K St. NW., Washington, D.C. 20005. The comments will be available for public inspection at the PBGC's Communications and Public Affairs Department, Suite 240, 1200 K Street, NW., Washington, DC 20005, between the hours of 9 a.m. and 4 p.m. A copy of the proposed collection can be obtained, without charge, by writing to the PBGC at the above address.

**FOR FURTHER INFORMATION CONTACT:** Marc L. Jordan, Attorney, Office of the General Counsel, Suite 340, 1200 K Street, NW., Washington, DC 20005, 202-326-4026 (202-326-4179 for TTY and TDD). (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:** Executive Order 12862, Setting Customer Service Standards, directs all executive departments and agencies that provide significant services directly to the public to provide those services in a manner that seeks to meet the customer service standards established in the Executive Order.

The PBGC intends to conduct annual surveys to measure the satisfaction of its pension practitioner customers. The survey will be sent to a sampling of pension practitioners drawn from the following sources: 800 from plan administrators who have filed voluntary termination forms with the PBGC; 800 from plan administrators who have filed premium forms with the PBGC; and 800 from the directory of enrolled actuaries as maintained by the Joint Board of Enrolled Actuaries.

The PBGC intends to request that the Office of Management and Budget approve this voluntary collection of information, which will put a minimal burden on a very small percentage of the public. The PBGC's written surveys to approximately 2,400 persons each year will result in an estimated total annual burden of 480 hours.

The PBGC is specifically seeking public comments to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the