May 4, 1990

Docket Nos. 50-313
and 50-368

Mr. Neil S. Carns
Vice President, Nuclear
Arkansas Power and Light Company
P. O. Box 551
Little Rock, Arkansas 72203

Dear Mr. Carns:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING - ARKANSAS NUCLEAR ONE, UNITS 1 AND 2

Enclosed is a copy of the subject notice which relates to your application for amendment dated May 4, 1990 to revise the amendment conditions in License Amendment Nos. 128 and 102 dated December 14, 1989, to extend the effective date of license conditions by 90 days. The December 14, 1989 amendment approved the transfer of operations of Arkansas Nuclear One, Units 1 and 2 to the Entergy Operations, Inc.

The notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/s/
Thomas W. Alexion, Project Manager
Project Directorate IV
Division of Reactor Projects - III, IV, V and Special Projects
Office of Nuclear Reactor Regulation

/s/
Chester Poslusny, Jr., Project Manager
Project Directorate IV
Division of Reactor Projects - III, IV, V and Special Projects
Office of Nuclear Reactor Regulation

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P PDC

Enclosure:
As stated

cc w/enclosure:
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

May 4, 1990

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and 50-368

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Vice President, Nuclear
Arkansas Power and Light Company
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Sincerely,

Thomas W. Alexion

Thomas W. Alexion, Project Manager
Project Directorate IV
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation

Thomas W. Alexion

for Chester Poslusny, Jr., Project Manager
Project Directorate IV
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

Mr. Neil S. Carns
Arkansas Power & Light Company

Arkansas Nuclear One
Unit Nos. 1 and 2

cc:
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Mr. Jerry Yelverton, Director
Nuclear Operations
Arkansas Nuclear One
P. O. Box 608
Russellville, Arkansas 72801

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U.S. Nuclear Regulatory Commission
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Ms. Greta Dicus, Director
Division of Environmental Health
Protection
Arkansas Department of Health
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Little Rock, Arkansas 72201

Mr. Robert B. Borsum
Babcock & Wilcox
Nuclear Power Generation Division
1700 Rockville Pike, Suite 525
Rockville, Maryland 20852

Mr. Charles B. Brinkman, Manager
Washington Nuclear Operations
Combustion Engineering, Inc.
12300 Twinbrook Parkway, Suite 330
Rockville, Maryland 20852

Honorable Joe W. Phillips
County Judge of Pope County
Pope County Courthouse
Russellville, Arkansas 72801

UNITED STATES NUCLEAR REGULATORY COMMISSION

ARKANSAS NUCLEAR ONE, UNITS 1 AND 2

DOCKET NOS. 50-313 AND 50-368

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO FACILITY OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-51 and NPF-6 issued to Arkansas Power and Light Company (the licensee) for operation of Arkansas Nuclear One, Units 1 and 2, located in Pope County, Arkansas.

The proposed amendments would revise the license amendment condition in Amendment Nos. 128 and 102 dated December 14, 1989 to extend the effective date of the license conditions by 90 days. Amendment Nos. 128 and 102 approved the transfer of operations of Arkansas Nuclear One, Units 1 and 2 to the Entergy Operations, Inc.

Before issuance of the proposed license amendments, 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 request for amendments 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 amendments 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.

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The proposed amendments are to extend by 90 days the effective date for implementing license conditions which have been previously approved for transfer of operations to Entergy Operations, Inc. Unforeseen scheduling of other regulatory agency processes may delay the implementation date beyond the original 180 days (due to end on June 12, 1990). The proposed amendments are administrative changes so as not to impact other agency requirements. As such, the proposed amendments do not involve any previously analyzed accident, do not create any new accidents, and do not involve any consideration of any change to a margin of safety. Therefore, based on the above considerations, the Commission has made a proposed determination that the request for amendments 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. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By June 11, 1990, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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 petition for leave to intervene. Request for a hearing and petitions 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, D.C. 20555 and at the Local Public Document Room located at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 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 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 fifteen (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 fifteen (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 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 considerations. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendments involves no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If a final determination is that the amendments involve a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments 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 amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish 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.

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, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (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) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Frederick J. Hebdon: (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, D.C. 20555, and to Nicholas S. Reynolds, Esquire, Bishop, Cook, Purcell and Reynolds, 1400 L Street N.W., 12th Floor, Washington, D.C. 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 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 amendments dated May 4, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Dated at Rockville, Maryland, this 4th day of May 1990.

FOR THE NUCLEAR REGULATORY COMMISSION

Frederick J. Hebdon

Frederick J. Hebdon, Director
Project Directorate IV
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation