

September 14, 2000

Mr. Garry L. Randolph
Vice President and Chief Nuclear Officer
Union Electric Company
Post Office Box 620
Fulton, MO 65251

SUBJECT: CALLAWAY PLANT, UNIT 1 - NOTICE OF CONSIDERATION OF ISSUANCE
OF AMENDMENT TO FACILITY OPERATING LICENSE, PROPOSED NO
SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND
OPPORTUNITY FOR A HEARING (TAC NO. MA9913)

Dear Mr. Randolph:

Enclosed is a copy of the Notice of Consideration of Issuance of Amendment to Facility Operating License No. NPF-30, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing, for your information. This notice relates to your application for an exigent amendment dated September 8, 2000 (ULNRC-04308), to annotate the frequency for Surveillance Requirement 3.5.2.5 in the Callaway Plant, Unit 1 (Callaway) Technical Specifications, that verification of the automatic closure function of the residual heat removal pump suction Valve BNHV8812A shall be performed prior to the startup from the first shutdown to MODE 5 occurring after September 8, 2000, the date that the NRC staff granted Callaway the enforcement discretion as documented in the NRC's letter dated September 11, 2000, but no later than June 1, 2001.

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

Sincerely,

/RA/

Girija S. Shukla, Project Manager, Section 2
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-483

Enclosure: Notice

cc w/encl: See next page

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Callaway Plant, Unit 1

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UNITED STATES NUCLEAR REGULATORY COMMISSION

UNION ELECTRIC COMPANY

DOCKET NO. 50-483

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-30 issued to Union Electric Company (the licensee) for operation of the Callaway Plant, Unit 1 (Callaway) located in Callaway County, Missouri.

The proposed amendment request would revise the technical specifications (TS) to annotate the frequency for Surveillance Requirement (SR) 3.5.2.5 that verification of the automatic closure function of the residual heat removal (RHR) pump suction Valve BNHV8812A shall be performed prior to startup from the first shutdown to MODE 5 occurring after September 8, 2000, but no later than June 1, 2001.

In the application for the exigent amendment, the licensee stated that SR 3.5.2.5 requires that on an 18-month frequency each ECCS automatic valve in the flow path that is not locked, sealed, or otherwise secured in position, be tested to show that it will actuate to its correct position on an actual or simulated actuation signal. However, it was not previously recognized by the licensee that the surveillance should include subsequent valve actuations that are dependent on separate valves' position switch interlocks. Since Valve BNHV8812A does not actuate via a slave relay(s), it was not recognized by the licensee as being covered by

this surveillance requirement. Therefore, the automatic closure of Valve BNHV8812A was not included in the plant's technical specification surveillance procedures. However, the automatic closure function of the valve has been previously tested, but not within the 18-month interval required by SR 3.5.2.5. Since the valve should not be tested during power operation, the licensee requested that the NRC exercise discretion not to enforce compliance with Technical Specification 3.5.2, in that SR 3.5.2.5 has not been currently performed for the automatic closure function of Valve BNHV8812A within the specified 18-month surveillance interval, and that plant operation be allowed to continue until the proper plant conditions exist to test the valve. The licensee was granted enforcement discretion on September 8, 2000, as documented in the staff's letter dated September 11, 2000, in that the staff will not enforce compliance with the action statements of SR 3.5.2.5 because of the failure to test the automatic closure function of Valve BNHV8812A as required by the SR. This enforcement discretion will expire when either (1) the automatic closure function of Valve BNHV8812A is tested at the next plant shutdown to Mode 5 or, (2) the exigent amendment request is acted upon.

The exigent amendment request is in support of the granted enforcement discretion and would allow the licensee to defer testing of the automatic closure function of the valve until the first proper plant conditions exist to test the valve. The testing would be at the first shutdown to MODE 5 occurring after September 8, 2000, but no later than June 1, 2001. Callaway is scheduled to have a refueling outage in Spring 2001.

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Overall protection system performance will remain within the bounds of the previously performed accident analyses since there are no hardware changes. The Reactor Trip System (RTS) and Engineered Safety Feature Actuation System (ESFAS) instrumentation will be unaffected. These protection systems will continue to function in a manner consistent with the plant design basis. All design, material, and construction standards that were applicable prior to the request are maintained.

The proposed request will not affect the probability of any event initiators. There will be no degradation in the performance of, or an increase in the number of challenges imposed on, safety-related equipment assumed to function during an accident situation. There will be no change to normal plant operating parameters or accident mitigation performance.

The proposed request will not alter any assumptions or change any mitigation actions in the radiological consequence evaluations in the FSAR.

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

2. The proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

There are no hardware changes nor are there any changes in the method by which any safety-related plant system performs its safety function. This request will not affect the normal method of plant operation. No performance requirements will be affected.

No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of this request. There will be no adverse effect or challenges imposed on any safety-related system as a result of this request.

This request does not alter the design or performance of the 7300 Process Protection System, Nuclear Instrumentation System, or Solid State Protection System used in the plant protection systems.

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

3. The proposed amendment does not involve a significant reduction in a margin of safety.

There will be no effect on the manner in which safety limits or limiting safety system settings are determined nor will there be any effect on those plant systems necessary to assure the accomplishment of protection functions. There will be no impact on the overpower limit, departure from nucleate boiling ratio (DNBR) limits, heat flux hot channel factor (F_Q), nuclear enthalpy rise hot channel factor ($F_{\Delta H}$), loss of coolant accident peak cladding temperature (LOCA PCT), peak local power density, or any other margin of safety. The radiological dose consequence acceptance criteria listed in the Standard Review Plan will continue to be met.

Therefore, the proposed request does not involve a significant reduction in any 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 14 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 14-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 14-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. 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 and Directives Branch, Division of Administrative 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 6D59, 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, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 20, 2000, 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, NW., Washington, DC, and accessible electronically through the 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 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 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 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 the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. 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 John O'Neill, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037, 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 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 September 8, 2000, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, 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 14th day of September 2000.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Girija S. Shukla, Project Manager, Section 2
Project Directorate IV and Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation