

January 28, 1993

Docket No. 50-334
Serial No. BV-92-047

Distribution:
Docket File
NRC & Local PDRs
PD I-3 Reading
SVarga
JCalvo
WButler
GEdison
TClark
DHagan
ACRS (10)

OPA
OC/LFDCB
OGC
JFRogge, RI

Mr. J. D. Sieber, Senior Vice President
and Chief Nuclear Officer
Nuclear Power Division
Duquesne Light Company
Post Office Box 4
Shippingport, Pennsylvania 15077-0004

Dear Mr. Sieber:

SUBJECT: BEAVER VALLEY POWER STATION, UNIT 1 - FEDERAL REGISTER
NOTICE RELATED TO TECHNICAL SPECIFICATION CHANGE REQUEST
NO. 202 (TAC M84673)

The Commission has forwarded the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing" to the Office of the Federal Register for publication.

The notice relates to your November 2, 1992, application to amend the Technical Specifications to increase the storage capacity of the spent-fuel pool at the Beaver Valley Power Station, Unit No. 1.

Sincerely,

/s/
Gordon E. Edison, Sr. Project Manager
Project Directorate I-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

*Previously concurred

OFFICE	LA:PDI-3	PM:PDI-3	D:PDI-3	OGC*	
NAME	TClark	GEdison:mw	WButler	AHodgdon	
DATE	1/28/93	1/28/93	1/28/93	1/25/93	/ /

OFFICIAL RECORD COPY
Document Name: S:\84673FRN

020007

9302030151 930128
PDR ADOCK 05000334
P PDR

DF01
CP-1



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

January 28, 1993

Docket No. 50-334
Serial No. BV-92-047

Mr. J. D. Sieber, Senior Vice President
and Chief Nuclear Officer
Nuclear Power Division
Duquesne Light Company
Post Office Box 4
Shippingport, Pennsylvania 15077-0004

Dear Mr. Sieber:

SUBJECT: BEAVER VALLEY POWER STATION, UNIT 1 - FEDERAL REGISTER
NOTICE RELATED TO TECHNICAL SPECIFICATION CHANGE REQUEST
NO. 202 (TAC M84673)

The Commission has forwarded the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing" to the Office of the Federal Register for publication.

The notice relates to your November 2, 1992, application to amend the Technical Specifications to increase the storage capacity of the spent-fuel pool at the Beaver Valley Power Station, Unit No. 1.

Sincerely,

A handwritten signature in cursive script that reads "G E Edison".

Gordon E. Edison, Sr. Project Manager
Project Directorate I-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

Mr. J. D. Sieber
Duquesne Light Company

Beaver Valley Power Station
Units 1 & 2

cc:

Jay E. Silberg, Esquire
Shaw, Pittman, Potts & Trowbridge
2300 N Street, NW.
Washington, DC 20037

Nelson Tonet, Manager
Nuclear Safety
Duquesne Light Company
Post Office Box 4
Shippingport, Pennsylvania 15077

Commissioner Roy M. Smith
West Virginia Department of Labor
Building 3, Room 319
Capitol Complex
Charleston, West Virginia 25305

John D. Borrows
Director, Utilities Department
Public Utilities Commission
180 East Broad Street
Columbus, Ohio 43266-0573

Director, Pennsylvania Emergency
Management Agency
Post Office Box 3321
Harrisburg, Pennsylvania 17105-3321

Ohio EPA-DERR
ATTN: Zack A. Clayton
Post Office Box 1049
Columbus, Ohio 43266-0149

Bureau of Radiation Protection
Pennsylvania Department of
Environmental Resources
ATTN: R. Janati
Post Office Box 2063
Harrisburg, Pennsylvania 17120

Mayor of the Borough of
Shippingport
Post Office Box 3
Shippingport, Pennsylvania 15077

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, Pennsylvania 19406

Resident Inspector
U.S. Nuclear Regulatory Commission
Post Office Box 181
Shippingport, Pennsylvania 15077

UNITED STATES NUCLEAR REGULATORY COMMISSIONDUQUESNE LIGHT COMPANY, ET ALDOCKET NO. 50-334NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-66 issued to Duquesne Light Company (the licensee) for operation of the Beaver Valley Power Station, Unit No. 1, located in Beaver County, Pennsylvania.

The proposed amendment would modify the Appendix A Technical Specifications (TSs) to allow for increasing the number of spent fuel assemblies that may be stored in the spent-fuel pool. The changes would allow for 1627 storage locations, including two that would be used for storage cans for defective fuel. Additionally, the changes also would allow for the storage of fuel with U-235 enrichment up to 5.0% (weight). The proposed amendment would affect TS sections 3/4 9.14, 5.6.1, and 5.6.3, and Table 3.9-1.

The present allowable spent fuel storage at Unit 1 is limited to 833 assemblies. The number of unused storage locations in the spent-fuel storage racks is sufficient for operational needs, including sufficient reserve capacity for full-core discharge, through 1996. The proposed increased

capacity is projected to be sufficient to support facility operation through the year 2013, including full-core reserve storage capability.

The proposed increase in the storage capacity will be accomplished by replacing the current spent-fuel storage racks with 13 new free-standing high-density storage modules (racks). Two different rack designs would be used to accommodate fuel with initial U-235 enrichments up to 5% (weight), and various fuel burnup. Both designs would be fabricated from stainless steel and would incorporate Boral neutron absorber material.

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. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below.

A. The changes do not involve a significant increase in the probability or consequences of an accident previously evaluated

(10 CFR 50.92(c)(1)). The following previously analyzed accidents have been considered by the licensee:

1. Dropped spent fuel assembly - The radiological consequences of a dropped spent fuel assembly are not significantly increased from the previous analysis. The thyroid dose and whole body gamma dose at the exclusion boundary are bounded by the results of the previous analysis, and the whole body beta dose is increased only slightly. Criticality analysis shows that k_{eff} will remain ≤ 0.95 as before. The fuel handling equipment is not affected by the proposed storage rack replacement; therefore, the probability of a dropped spent fuel assembly accident is unchanged.
2. Dropped spent-fuel cask - The proposed rack replacement has no effect upon the procedures or equipment to be used for handling a spent-fuel cask. Therefore, the probability or consequences of this type accident are unchanged.
3. Dropped heavy load - The movement of loads in excess of 3000 pounds over spent fuel stored in the storage pool is prohibited whenever spent fuel assemblies are in the pool by the Appendix A Technical Specifications. This prohibition is not affected by the proposed rack replacement. All rack replacement work in the spent-fuel pool will be controlled and performed in accordance with specific written procedures and administrative control to preclude movement of a rack directly over any fuel. Therefore, the probability of this type accident is not changed significantly.

4. Seismic events - The new racks are designed and will be fabricated as seismic Category I structures in accordance with Regulatory Guide 1.29, Rev. 3 (1978) whereas the existing racks are seismic Category II structures. The racks are designed so that the integrity of the racks and pool structure will be maintained during and after a safe shutdown earthquake for all postulated loading conditions. Therefore, the consequences of a seismic event are not increased.
 5. Loss of spent-fuel pool cooling flow - The proposed modification will increase the heat load in the spent-fuel pool. However, even in the event of a complete failure of the spent-fuel pool cooling system, the evaluation shows that there is sufficient time available to provide alternate means of pool cooling. Therefore, the consequences of this accident are not increased. The proposed rack replacement does not involve any change to the spent-fuel pool cooling system; therefore, the probability of this accident is not affected.
- B. The changes do not create the possibility of a new or different kind of accident from any accident previously evaluated (10 CFR 50.92(c)(2)). The physical and/or operational changes that would be allowed by the amendment are an increase in the initial fuel enrichment and an increase in the amount of spent fuel that may be stored in the pool through replacement of the existing storage racks. These changes do not create the possibility of a new or different kind of accident. The fuel handling operations that will be conducted with the new racks are

similar to those that are currently in use, and the fuel handling operations will be accomplished using the currently-installed equipment. However, the change to a two-region spent-fuel pool requires the performance of additional evaluations to assure that the criticality criterion is not violated through misplacement of unirradiated fuel with 5% initial enrichment into a Region 2 storage cell or adjacent to the outside of a Region 2 rack module. No new types of operations will be conducted as a result of the proposed amendment following the replacement of the storage racks, and no unproven technology is utilized in the replacement racks.

- C. The changes do not involve a significant reduction in a margin of safety (10 CFR 50.92(c)(3)). Analyses have been performed to demonstrate that the established criticality acceptance criterion ($k_{eff} \leq 0.95$), including uncertainties, is satisfied under all conditions of storage rack loading, fuel enrichment and burnup, and events involving mispositioned fuel. Thermal-hydraulic analyses demonstrate that even though the heat load to the pool will be increased, the existing poolcooling system will maintain the bulk water temperature below 165°F assuring a substantial margin to bulk boiling. These analyses also show that nucleate boiling will not occur in the hottest fuel assembly. Structural considerations assure that margins of safety for spent-fuel pool structural loading and margins of safety against rack tilting, deflection, or movement have been maintained. Rack materials used are proven to be compatible with the pool and fuel assemblies.

Based on this review, it appears that the three criteria of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within thirty (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 Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 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. 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 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By _____, 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 20555 and at the local public document room located at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. 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 Panel, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board, 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 also should 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 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.

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

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.

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, 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 20555, 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) 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 John F. Stolz:

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, and to Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 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 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).

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPAA), 42 U.S.C. 10154. Under section 134 of the NWPAA, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are

to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR Part 2, Subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41670, October 15, 1985) to 10 CFR 2.1101 et seq. Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within 10 days of an order granting a request for a hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR Part 2, Subpart G, and 2.714 in particular, continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer shall grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the **hybrid** hearing procedures. In essence, these procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in adjudicatory hearing. If no party to the proceedings requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR Part 2, Subpart G, apply.

For further details with respect to this action, see the application for amendment dated November 2, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Dated at Rockville, Maryland, this 28th day of January, 1993.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script that reads "Walter R. Butler".

Walter R. Butler, Director
Project Directorate I-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation