

Mr. Robert J. Wanczyk
 Acting Director of Operations
 Vermont Yankee Nuclear Power Corporation
 185 Old Ferry Road
 Brattleboro, VT 05301

August 25, 1999

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING, VERMONT YANKEE NUCLEAR POWER STATION (TAC NO. MA6151)

Dear Mr. Wanczyk:

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing." This notice relates to your application for amendment dated July 20, 1999, as supplemented on August 17, 1999, to modify the operability requirements for the high pressure cooling systems—High Pressure Coolant Injection (HPCI), Reactor Core Isolation Cooling (RCIC) and Automatic Depressurization System (ADS)—and the safety and relief valves, and adding a time limitation for conducting operability testing of HPCI and RCIC.

Sincerely,

ORIGINAL SIGNED BY:

Richard P. Croteau, Project Manager, Section 2
 Project Directorate I
 Division of Licensing Project Management
 Office of Nuclear Reactor Regulation

Docket No. 50-271

Enclosure: As stated

cc w/encl: See next page

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NAME	RCroteau/rs1		TClark		JClifford				
DATE	08/25/99		08/25/99		08/25/99		08/ /99		08/ /99

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 25, 1999

Mr. Robert J. Wanczyk
Acting Director of Operations
Vermont Yankee Nuclear Power Corporation
185 Old Ferry Road
Brattleboro, VT 05301

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING, VERMONT YANKEE NUCLEAR POWER STATION (TAC NO. MA6151)

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Sincerely,

A handwritten signature in cursive script, appearing to read "R. Croteau".

Richard P. Croteau, Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-271

Enclosure: As stated

cc w/encl: See next page

Vermont Yankee Nuclear Power Station

cc:

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

Mr. David R. Lewis
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N.W.
Washington, DC 20037-1128

Mr. Richard P. Sedano, Commissioner
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620-2601

Mr. Michael H. Dworkin, Chairman
Public Service Board
State of Vermont
112 State Street
Montpelier, VT 05620-2701

Chairman, Board of Selectmen
Town of Vernon
P.O. Box 116
Vernon, VT 05354-0116

Mr. Richard E. McCullough
Operating Experience Coordinator
Vermont Yankee Nuclear Power Station
P.O. Box 157
Governor Hunt Road
Vernon, VT 05354

G. Dana Bisbee, Esq.
Deputy Attorney General
33 Capitol Street
Concord, NH 03301-6937

Chief, Safety Unit
Office of the Attorney General
One Ashburton Place, 19th Floor
Boston, MA 02108

Ms. Deborah B. Katz
Box 83
Shelburne Falls, MA 01370

Mr. Raymond N. McCandless
Vermont Department of Health
Division of Occupational
and Radiological Health
108 Cherry Street
Burlington, VT 05402

Mr. Gautam Sen
Licensing Manager
Vermont Yankee Nuclear Power
Corporation
185 Old Ferry Road
Brattleboro, VT 05301

Resident Inspector
Vermont Yankee Nuclear Power Station
U. S. Nuclear Regulatory Commission
P.O. Box 176
Vernon, VT 05354

Director, Massachusetts Emergency
Management Agency
ATTN: James Muckerheide
400 Worcester Rd.
P.O. Box 1496
Framingham, MA 01701-0317

Jonathan M. Block, Esq.
Main Street
P. O. Box 566
Putney, VT 05346-0566

August 25, 1999

MEMORANDUM TO: Rules and Directives Branch
 Division of Administrative Services
 Office of Administration

FROM: Office of Nuclear Reactor Regulation

SUBJECT: **VERMONT YANKEE NUCLEAR POWER CORPORATION - VERMONT YANKEE**

One signed original of the *Federal Register* Notice identified below is attached for your transmittal to the Office of the Federal Register for publication. Additional conformed copies (**Five**) of the Notice are enclosed for your use.

- Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s): Time for submission of Views on Antitrust matters.
- Notice of Consideration of Issuance of Amendment to Facility Operating License. (Call with 30-day insert date).
- Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- Notice of Availability of NRC Draft/Final Environmental Statement.
- Notice of Limited Work Authorization.
- Notice of Availability of Safety Evaluation Report.
- Notice of Issuance of Construction Permit(s).
- Notice of Issuance of Facility Operating License(s) or Amendment(s).
- Order.
- Exemption.
- Notice of Granting Exemption.
- Environmental Assessment.
- Notice of Preparation of Environmental Assessment.
- Receipt of Petition for Director's Decision Under 10 CFR 2.206.
- Issuance of Final Director's Decision Under 10 CFR 2.206.
- Other: **Pls. call Veronica Williams with the 30 day date to insert on page 5, she can be reached on 415-1430.**

NRC FILE CENTER COPY

DOCKET NO. 50-271

Attachment(s): As stated

Contact: **R. Croteau**
 Telephone: **415-1475 300134**

DOCUMENT NAME: BWNAG151.WPD

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OFFICE	LA/PDI-2/E									
NAME	TClark									
DATE	08/27/99									

UNITED STATES NUCLEAR REGULATORY COMMISSIONVERMONT YANKEE NUCLEAR POWER CORPORATIONDOCKET NO. 50-271NOTICE 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. DPR-28 issued to Vermont Yankee Nuclear Power Corporation (the licensee) for operation of the Vermont Yankee Nuclear Power Station (VY) located in Vernon, Vermont.

The proposed amendment would modify the operability requirements for the high pressure cooling systems—High Pressure Coolant Injection (HPCI), Reactor Core Isolation Cooling (RCIC) and Automatic Depressurization System (ADS)—and the safety and relief valves, and add a time limitation for conducting operability testing of HPCI and RCIC.

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, which is presented below:

1. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The changes proposed add clarity, additional limitations, and relaxation to operability requirements and also reflect current surveillance practices. The proposed changes do not change the function nor needed range of operability pressures for the affected systems. The revisions ensure the applicability of operating requirements consistent with the design and operational bases of these systems.

The high pressure cooling systems (HPCI, RCIC and ADS) and the steam safety and relief valves do not initiate any accident considered in the Updated Final Safety Analysis Report. HPCI and ADS (with relief valves), as emergency core cooling systems, do function to mitigate accidents. Credit is not taken for RCIC in this regard. This change will not alter assumptions relative to the initiation or mitigation of any accident event.

The less restrictive changes proposed to not require operability of HPCI, ADS (and safety and relief valves) and RCIC at reactor steam pressures below 150 psig when irradiated fuel is in the reactor vessel and do not affect the probability of any accident previously evaluated. These changes furthermore do not significantly increase the consequences of accidents previously evaluated since reliance on these systems is not assumed below 150 psig.

The addition of required surveillance testing and completion times are intended to require a reduction in reactor pressure if HPCI and RCIC system operability requirements are not met. These additional Technical Specifications testing requirements and completion times are consistent with the current licensing basis and represent current practice.

The proposed changes do not involve accident initiators, do not change the configuration or method of operation of any equipment used to mitigate the consequences of an accident, and do not alter any conditions assumed in the plant accident analysis. Therefore, operation in accordance with the proposed changes would not involve a significant increase in the probability or consequences of an accident previously evaluated since there is no physical alteration of the plant configuration or relaxation of required setpoints or operating parameters.

2. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes will not modify the physical plant or the modes of plant operation. The changes do not involve the addition or modification of equipment nor do they alter the design or operation of plant systems. These changes to operability requirements do not create any new or different kind of accident since they do not involve any change in the physical configuration of the plant, nor relaxation of required setpoints or operating parameters. Operation and design of the subject high pressure cooling systems (and the steam relief function) are not altered by the proposed changes.

The changes in operability requirements governing normal plant operation are consistent with the current safety analysis assumptions. These changes ensure adequate emergency core cooling system capability exists to mitigate the consequences of loss of coolant accidents without introducing new modes of operation.

Therefore, VY has determined that the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed changes are designed to clarify and add limitations to operation.

3. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

The proposed changes involve adding clarity, additional restrictions, and less restrictive requirements to current Technical Specifications without changing the safety bases. The added restrictions require an operability demonstration of HPCI and RCIC within an acceptable period of time following plant startup when testing is required.

These changes do not involve a significant reduction in a margin of safety because the assumptions used in analyses of postulated accidents are unchanged. The functional requirements of safety systems are also unaffected. Since equipment is expected to be operable, the delay (of up to 24 hours) in testing certain systems is acceptable based on the short time interval and is consistent with the allowable equipment out-of-service intervals.

The proposed changes to raise the Technical Specification minimum reactor steam pressure for operability to a consistent 150 psig for these systems do not involve a significant reduction in a margin of safety since these systems are not credited in the safety analyses to operate below 150 psig. The basis for any Technical Specification that is related to the establishment or maintenance of safety margins is not altered. Consequently, VY has determined that the proposed changes do not involve a significant reduction in a margin of safety since operation of the plant remains consistent with the plant's design and operational bases.

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 30 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 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.

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 **September 30, 1999**, 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 at the local public document room located at the Brooks Memorial Library, 224 Main Street, Brattleboro, VT. 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 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 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 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 David R. Lewis, Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW., Washington, DC, 20037-1128 attorney for the licensee.

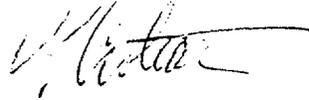
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should 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 July 20, 1999, as supplemented August 17, 1999, which is available for public inspection at the

Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Brooks Memorial Library, 224 Main Street, Brattleboro, VT.

Dated at Rockville, Maryland, this 25th day of August 1999.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "R. Croteau", with a long horizontal flourish extending to the right.

Richard P. Croteau, Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation