

November 19, 1992

Docket No. 50-423

Mr. John F. Opeka
Executive Vice President, Nuclear
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Northeast Nuclear Energy Company
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Dear Mr. Opeka:

SUBJECT: MILLSTONE NUCLEAR POWER STATION, UNIT NO. 3 -
NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT

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

The notice relates to your application dated November 12, 1992, and supplemental information dated November 12 and 18, 1982, to amend the Millstone Nuclear Power Station, Unit No. 3 Operating License to temporarily modify the Technical Specification definition of operability of the charging pump for Cycle 4 operation only, to recognize that with outside temperature below 17°F, the operability of the charging pump will rely upon a temporary heat source.

Sincerely,

Original signed
by

Vernon L. Rooney, Senior Project Manager
Project Directorate I-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

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Millstone Nuclear Power Station
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UNITED STATES NUCLEAR REGULATORY COMMISSIONNORTHEAST NUCLEAR ENERGY COMPANY, ET AL.DOCKET NO. 50-423NOTICE 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. NPF-49, issued to Northeast Nuclear Energy Company (the licensee), for operation of the Millstone Nuclear Power Station, Unit No. 3 located in New London, Connecticut.

The proposed amendment would temporarily modify the definition of operability of the charging pump for cycle 4 operation only, to recognize that with outside temperature below 17°F, the operability of the charging pump will rely upon a temporary heat source. The licensee has requested this temporary definition because equipment changes made to correct recently-identified design deficiencies also resulted in removing the plant's ability to automatically regulate ambient temperature around the charging pump. Use of a temporary heat source became necessary to assure charging pump operability at outside temperatures below 17°F.

The licensee requested expeditious review of this request because the licensee estimated that outside temperatures would reach 17°F December 1, 1992, although the actual date could be earlier or later. Without this

amendment, with temperatures at or below 17°F, the plant will be required to shut down. Modifications will be made prior to Cycle 5 operations to remove reliance upon a temporary heating source.

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:

The proposed change does not involve a significant hazards consideration because the change would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The supplemental heaters can be considered part of the ABVS. The ABVS is a safety-related system used to mitigate the consequences of an accident and therefore, changes to this system cannot increase the probability of occurrence of previously evaluated accidents.

Although the proposed change relies on non-QA equipment to maintain the temperature in the auxiliary building, this reliance does not change the performance characteristics of any safety-related equipment contained in the auxiliary building (i.e., charging system). Thus, the accident analysis results are unaffected and the doses will not be increased. The installation of the heaters along with the previous changes to the system will improve the capability

of ABVS in assisting SLCRS to draw a negative pressure and thus the design basis analysis offsite dose calculations are not affected. Therefore, the proposed changes have no effect on the consequences of the previously evaluated accidents.

The proposed change has no adverse impact on the electrical distribution system or EDG loading. Since one EDG load is being replaced with a smaller EDG load and the Class 1E busses and non-Class 1E heaters will be isolated by two Class 1E breakers in series, there is no increase in loads on the electrical systems such that they would be operated outside of their design or tested limits. Therefore, the probability of occurrence of those accidents initiated by the electrical distribution system (i.e., LOP) and the consequences resulting from such an accident, remain unchanged.

The fuel building ventilation system is required to support fuel handling and spent fuel cask drop accidents. However, there will be no movement of new or spent fuel or heavy loads over the storage pool during the time the fuel building exhaust filter system is disconnected. Therefore, these previously evaluated accidents cannot occur during this time period and their dose consequences will not be increased.

2. Create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change and its associated failure modes do not increase the possibility of an accident of a different type. Although multiple failures associated with the change can result in the initiation of an accident, they are similar to failure modes that exist with the current system. The possibility of a failure of all the heaters which causes a loss of CCP and charging injection without an LOP is negligibly low. The reasons for this being negligibly low are because there are two redundant trains of heaters, and the outdoor temperature would seldom be low enough to reduce the auxiliary building temperature below 32°F. There are also two temperature alarms that would alert the operators of a low temperature and there is sufficient time available for operators to take actions.

3. Involve a significant reduction in a margin of safety.

The proposed changes do not impact the physical protective boundaries, nor do they affect the performance of the charging or ABV systems. Therefore, there is no impact on the margin of safety.

Further, as discussed above, the changes will improve the overall reliability of the ABVS when compared to the as found system and thus provides added assurance that the offsite dose calculations in the FSAR remain valid.

With the addition of credit for non-QA equipment, the impact on charging system reliability is judged to be negligible.

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 fifteen (15) 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 December 9, 1992, 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 Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut.

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 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 the amendment is issued before the expiration of 30-days, 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.

Normally, the Commission will not issue the amendment until the expiration of the 15-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 15-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.

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, N.W., 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) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Mr. 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 Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103-3499, attorney for the licensee.

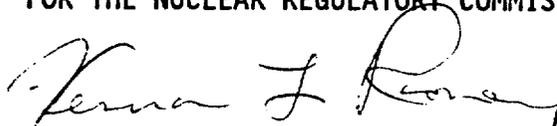
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should 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 November 12, 1992, and supplemental information dated November 12 and 18, 1982, 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 Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut.

Dated at Rockville, Maryland, this 19th day of November 1992.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, appearing to read "Vernon L. Rooney".

Vernon L. Rooney, Senior Project/Manager
Project Directorate I-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation