

April 10, 1990

Docket No. 50-423

Mr. Edward J. Mroczka
Senior Vice President
Nuclear Engineering and Operations
Connecticut Yankee Atomic Power Company
Northeast Nuclear Energy Company
Post Office Box 270
Hartford, Connecticut 06141-0270

Dear Mr. Mroczka:

SUBJECT: MILLSTONE UNIT 3 - TECHNICAL SPECIFICATION (TS) CHANGE REQUEST
REGARDING TS 3.7.12.1, "FIRE SUPPRESSION WATER SYSTEM"

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 April 2, 1990 application to amend the Millstone Unit 3 Technical Specifications to allow the changing of operational modes while remedial action is being taken to compensate for inoperable components of the fire suppression water system.

Sincerely,

/s/

David H. Jaffe, Project Manager
Project Directorate I-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

C/R

Enclosure:
As stated

cc w/enclosure:
See next page

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JFC	:LA:PDI-4	:PM:PDI-4	:PD:PDI-4	:	:
NAME	:S. Norris; JM	:DJaffe	:JStolz	:	:
DATE	:4/15/90	:4/15/90	:4/16/90	:	:

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

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Sincerely,

A handwritten signature in black ink, appearing to read "D. H. Jaffe", written over a horizontal line.

David H. Jaffe, 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

Mr. E. J. Mroczka
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271 South Union Street
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UNITED STATES NUCLEAR REGULATORY COMMISSIONNORTHEAST NUCLEAR ENERGY COMPANY, ET. ALDOCKET NO. 50-423NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND 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, et. al. (the licensee), for operation of Millstone Unit No. 3 located in New London County, Connecticut.

On March 15, 1990, a leak in the Millstone Unit No. 3 yard fire water supply header was detected. To make a repair, it was determined that an underground section of the northeast fire water header needed to be isolated. On March 19, 1990, bypass jumper 390-16 was approved by the plant operations review committee (PORC) which established compensatory measures to be taken during the isolation and repair of the northeast fire water supply header to be isolated and removed from service for excavation, location and repair of the leak. Additional lengths of fire hose were supplied to hydrant hose No. 4. A continuous fire patrol was established at the reserve station service transformer and alternate sources of fire protection water were supplied to the fuel and engineered safety features buildings to ensure compliance with the Limiting Condition for Operation of Technical Specification (TS) 3.7.12.1. Subsequently, on March 30, 1990, Millstone Unit 3 shutdown for unrelated causes. Since Millstone Unit 3 was being operated within the "Action Statement" of TS 3.7.12.1, the requirements of TS 3.0.4 would not allow restart of the plant without repair of the fire water supply header.

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The NRC staff has recognized that TS 3.0.4 has been applied in an inconsistent fashion. In this regard, TS which allow unlimited operation with compensatory measures being taken for inoperable equipment, restart of the facility with the same inoperable equipment should not be prevented. The NRC staff position on TS 3.0.4 is contained in Generic Letter (GL) 87-09, "Sections 3.0 and 4.0 of the Standard Technical Specifications (STS) on the Applicability of Limiting Conditions for Operations and Surveillance Requirements," which we issued on June 4, 1987. A resolution for generic problems associated with TS 3.0.4 was proposed by GL 87-09.

By letter dated April 1, 1990 the licensee requested a Temporary Waiver of Compliance to allow start-up within the "Action Statement" of TS 3.7.12.1 and while the application for license amendment (dated April 2, 1990) is being processed. The Temporary Waiver of Compliance was subsequently issued on April 2, 1990.

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 April 2, 1990 amendment request involves no significant hazards considerations. 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.

The licensee has determined that the Technical Specifications Change Request involves no significant hazards considerations as defined in 10 CFR 50.92. That determination is as follows:

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

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. Specification 3.0.3 requires when an LCO is not met, except as provided in the associated ACTION Statements, within one hour action shall be initiated to place the plant in a mode in which the Specification does not apply. Since Specification 3.7.12.1 applies at all times, Specification 3.0.3 cannot be met. It is noted that the systems, such as sprays, sprinklers and hoses that are supplied by the fire suppression water system and that protect safety-related equipment are individually controlled by other Technical Specifications. These individual Technical Specifications already have an exception to Specification 3.0.3. Since compensatory measures are required for those systems affected by the fire suppression water system, it is concluded that there is no significant impact on the reliability of the systems. Specification 3.0.4 states that an entry into an operation mode shall not be made unless the LCO is met without reliance on ACTION statements. In this case, the ACTION statement requires compensatory measures that provide a level of safety that is comparable to the LCO. Also, ACTION Statement 'c' allows operation for an unlimited period of time. Changing modes has no impact on the level of safety provided by the compensatory measures. Therefore, exception to Specification 3.0.4 will have no impact on the reliability of the safety systems. The proposed change has no impact on the probability of an accident. There are no design basis accidents impacted by the proposed change. The fire suppression water system is not credited in any accident analysis nor is a fire an initiator assumed in any accident analysis. Therefore, there is no impact on the consequences or probability of any design basis accident.
2. Create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change will not affect plant response in any way, and there are no new failure modes associated with the change that would create a new accident. Compensatory measures are provided for the inoperable portion of the fire suppression water system so that the likelihood of fire that is not suppressed is not affected. Therefore, there is no impact on the probability of an unmitigated fire such that it should be considered part of the design basis.

3. Involve a significant reduction in safety margin. The proposed change only affects the availability of the fire suppression water system and the compensatory measures, such as a backup fire suppression water system, are provided for the inoperable portion of the fire suppression water system. Therefore, protective boundaries are not affected. Allowing the plant to start-up in accordance with ACTION Statement 'c' is consistent with the basis of this Technical Specification.

The staff has reviewed the licensee's no significant hazards consideration determination analysis and agrees with its conclusion. Therefore, the staff proposes to determine that the application for amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 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 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 the 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, NW, Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 14, 1990, 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 hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rule 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 Learning Resources Center, Thomas Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360. 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 pre-hearing 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 amendments 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 considerations. 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 considerations, the Commission may issue the amendment and make it 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 significant hazards considerations, 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 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. 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

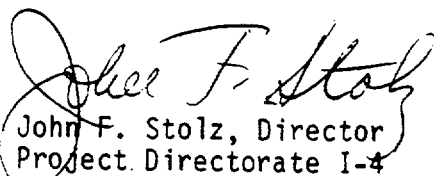
petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: petitioner's name and telephone 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, D.C. 20555, and to Gerald Garfield, Esquire, Day, Berry & Howard, Counselors at Law, 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 April 2, 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, the Learning Resources Center, Thomas Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Dated at Rockville, Maryland, this 6th day of April 1990.

FOR THE NUCLEAR REGULATORY COMMISSION



John F. Stolz, Director
Project Directorate I-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation