

Mr. Martin L. Bowling, Jr  
 Recovery Officer - Millstone  
 Unit No. 2  
 Northeast Nuclear Energy Company  
 c/o Ms. Patricia A. Loftus  
 Director - Regulatory Affairs  
 P. O. Box 128  
 Waterford, CT 06385

April 1, 1998

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING, MILLSTONE NUCLEAR POWER STATION, UNIT 3 - (TAC NO. MA1421)

Dear Mr. Bowling:

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 April 7, 1998, which would replace the pressurizer maximum water inventory requirement with a pressurizer maximum indicated level requirement. The proposed amendment would also make editorial changes and modify the associated Bases section.

Sincerely,

original signed by  
 D. McDonald for/  
 James W. Andersen, Project Manager  
 Special Projects Office - Licensing  
 Office of Nuclear Reactor Regulation

Docket No. 50-423

Enclosure: Notice of Consideration

cc w/encl: See next page

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

April 17, 1998

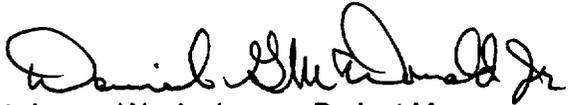
Mr. Martin L. Bowling, Jr.  
Recovery Officer - Millstone  
Unit No. 2  
Northeast Nuclear Energy Company  
c/o Ms. Patricia A. Loftus  
Director - Regulatory Affairs  
P. O. Box 128  
Waterford, CT 06385

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY  
OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING,  
MILLSTONE NUCLEAR POWER STATION, UNIT 3 - (TAC NO. MA1421)

Dear Mr. Bowling:

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 April 7, 1998, which would replace the pressurizer maximum water inventory requirement with a pressurizer maximum indicated level requirement. The proposed amendment would also make editorial changes and modify the associated Bases section.

Sincerely,

  
for James W. Andersen, Project Manager  
Special Projects Office - Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-423

Enclosure: Notice of Consideration

cc w/encl: See next page

UNITED STATES NUCLEAR REGULATORY COMMISSION

NORTHEAST NUCLEAR ENERGY COMPANY

DOCKET NO. 50-423

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-49 issued to Northeast Nuclear Energy Company (the licensee) for operation of Millstone Nuclear Power Station, Unit 3, located in New London County, Connecticut.

The proposed change to Technical Specification 3/4.4.3, Pressurizer, would replace the pressurizer maximum water inventory requirement with a pressurizer maximum indicated level requirement. The proposed amendment would also make editorial changes and modify the associated Bases section.

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:

Northeast Nuclear Energy Company (NNECO) has reviewed the proposed revision in accordance with 10CFR50.92 and has concluded that the revision does not involve a significant hazards consideration (SHC). The basis for this conclusion is that the three criteria of 10CFR50.92(c) are not satisfied. The proposed revision does not involve [an] SHC because the revision would not:

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

The proposed Technical Specification provides added restrictions on pressurizer level to ensure that the pressurizer will not overflow or empty in a transient and that RCS [reactor coolant system] pressure control will be maintained. The proposed Technical Specification requires pressurizer level to be maintained at the programmed level. The programmed level is a curve that varies linearly from 28% at no load  $T_{ave}$  to 61.5% at full power  $T_{ave}$ . This is more restrictive than the current upper limit of 92% of volume and provides added assurance that pressurizer overflow will not occur for those events where prevention of overflow is a criterion and that the pressurizer would not empty due to a transient. In addition, it assures that there is enough steam space available to prevent RCS overpressurization in a transient. This requirement also applies to manual operation to ensure that pressurizer level is maintained in a band around the programmed level of +/- 6% of full scale. A two hour restriction on operation with pressurizer level not within programmed level +/-6% of full scale has been added. This will provide added assurance that operator error in pressurizer level control will not result in a transient. Based on the above, the changes do not negatively impact the probability of occurrence of the previously evaluated accidents.

For Modes 1 and 2, the Chapter 15 FSAR [Final Safety Analysis Report] accident analysis assumes that pressurizer level is being maintained by the automatic control system at the programmed level. For most of the accident analysis, pressurizer level is assumed to be at 61.5% for power conditions and 28% for hot zero power. For events where pressurizer level overflow is a concern, initial pressurizer level is assumed to be 6% over the nominal value of 61.5% at full power. This bounds the automatic control system uncertainty as documented in WCAP 14353. Thus, the proposed Technical Specification LCO [Limiting Condition for Operation] for Modes 1 and 2 is consistent with the Chapter 15 FSAR accident analysis. When pressurizer level is being maintained by manual operator action, a 6% operating band is specified. This band is consistent with the 6% error assumed for the pressurizer overflow events, but it does not take into account instrument uncertainty. Because of the infrequent use of manual operation combined with the multiple main board indications and the randomness associated with instrumentation uncertainty, it is unnecessary to apply instrument uncertainty effects on top of the operating band. As such, the 6% band is

bounded by the current Chapter 15 FSAR analysis. Thus, it is concluded that the proposed Technical Specification is consistent with analysis assumptions.

With regard to Mode 3 operation, an evaluation has been performed for those events analyzed in Chapter 15 for Mode 3. The only accident analysis provided in Chapter 15 of the FSAR for Mode 3 is the boron dilution event. Pressurizer level has no impact on the results. As stated in the evaluation, the other events either would not occur, or the plant response would be extremely slow or not meaningful without power generation.

For Inadvertent Operation of ECCS [emergency core cooling system] that Increases Reactor Coolant Inventory, the MP3 [Millstone Unit 3] FSAR Section 15.5.1 clearly identifies this transient as an event evaluated at Power Operation. This is consistent with SRP [Standard Review Plan] Section 15.5.1-15.5.2 where the initial power condition is specified as the licensed core thermal power with allowance for measurement uncertainty. Thus, the current licensing basis does not require analysis of this event for the shutdown modes, including Modes 3 and 4.

Thus, the current specification which assures that a steam bubble exists in Mode 3 is sufficient [ ] to ensure consistency with the accident analysis assumptions.

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

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

The Technical Specification changes provide tighter restrictions on pressurizer level to ensure that pressurizer level will be controlled as intended. The Bases change better reflects what assures the validity of the accident analyses assumptions and the bases for the maximum level. A two hour restriction on operation with pressurizer level not within +/- 6% (full scale) has been added. This provides added assurance that pressurizer level will be maintained consistent with the accident analysis initial condition assumption. The changes provide added assurance that RCS pressure control will be maintained and reduces the likelihood of pressurizer emptying or overfill. These changes modify neither accident mitigation nor system response post-accident.

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

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

The Technical Specification changes provided are consistent with the initial condition assumed in the Chapter 15 accident analysis by placing tighter restrictions on pressurizer level. The Chapter 15 FSAR accident analysis assumes that pressurizer level is being maintained by the automatic control system at the programmed level. For most of the accident analysis, pressurizer

level is assumed to be at 61.5% for power conditions and 28% for hot zero power. For events where pressurizer overfill is a concern, initial pressurizer level is assumed to be 6% above the nominal value of 61.5% at full power. This bounds the automatic control system uncertainty as documented in WCAP 14353. Thus, the proposed Technical Specification LCO for Modes 1 and 2 is consistent with the Chapter 15 FSAR accident analysis. When pressurizer level is being maintained by manual operator action, a 6% operating band is specified. This band is consistent with the 6% error assumed for the pressurizer overfill events, but it does not take into account instrument uncertainty. Because of the infrequent use of manual operation combined with the multiple main board indications and the randomness associated with instrumentation uncertainty, it is unnecessary to apply instrument uncertainty effects on top of the operating band. As such, the 6% band is bounded by the current Chapter 15 FSAR analysis. For Mode 3, the current specification which assures that a steam bubble exists in Mode 3 is sufficient to assure consistency with the accident analysis assumptions. The Bases are modified to reflect the proposed changes and define the consistency with the Chapter 15 accident analysis. Therefore, the change does not reduce the margin of safety.

Therefore, the proposed revision does not involve a significant reduction in a margin of safety.

In conclusion, based on the information provided, it is determined that the proposed revision does not involve an SHC.

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 May 26, 1998, 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 Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and at the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, 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 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.

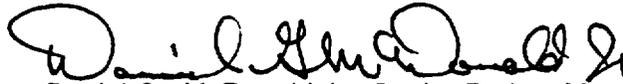
A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, Connecticut, 06141-0270, attorney for the 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 7, 1998, 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 Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and at the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut.

Dated at Rockville, Maryland, this 17th day of April 1998.

FOR THE NUCLEAR REGULATORY COMMISSION



Daniel G. McDonald Jr., Senior Project Manager  
Special Projects Office - Licensing  
Office of Nuclear Reactor Regulation

**Northeast Nuclear Energy Company**

cc:

Lillian M. Cuoco, Esquire  
Senior Nuclear Counsel  
Northeast Utilities Service Company  
P. O. Box 270  
Hartford, CT 06141-0270

Mr. Kevin T. A. McCarthy, Director  
Monitoring and Radiation Division  
Department of Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

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

First Selectmen  
Town of Waterford  
Hall of Records  
200 Boston Post Road  
Waterford, CT 06385

Mr. Wayne D. Lanning  
Deputy Director of Inspections  
Special Projects Office  
475 Allendale Road  
King of Prussia, PA 19406-1415

Mr. M. H. Brothers  
Vice President - Operations  
Northeast Nuclear Energy Company  
P.O. Box 128  
Waterford, CT 06385

Mr. M. R. Scully, Executive Director  
Connecticut Municipal Electric  
Energy Cooperative  
30 Stott Avenue  
Norwich, CT 06360

Mr. David Amerine  
Vice President - Nuclear Engineering  
and Support  
Northeast Utilities Service Company  
P. O. Box 128  
Waterford, CT 06385

**Millstone Nuclear Power Station  
Unit 3**

Mr. William D. Meinert  
Nuclear Engineer  
Massachusetts Municipal Wholesale  
Electric Company  
P.O. Box 426  
Ludlow, MA 01056

Joseph R. Egan, Esquire  
Egan & Associates, P.C.  
2300 N Street, NW  
Washington, DC 20037

Mr. F. C. Rothen  
Vice President - Work Services  
Northeast Utilities Service Company  
P. O. Box 128  
Waterford, CT 06385

Ernest C. Hadley, Esquire  
1040 B Main Street  
P.O. Box 549  
West Wareham, MA 02576

Mr. John Buckingham  
Department of Public Utility Control  
Electric Unit  
10 Liberty Square  
New Britain, CT 06051

Mr. James S. Robinson, Manager  
Nuclear Investments and Administration  
New England Power Company  
25 Research Drive  
Westborough, MA 01582

Mr. D. M. Goebel  
Vice President - Nuclear Oversight  
Northeast Utilities Service Company  
P. O. Box 128  
Waterford, CT 06385

Deborah Katz, President  
Citizens Awareness Network  
P.O. Box 83  
Shelburne Falls, MA 03170

**Northeast Nuclear Energy Company**

cc:

Mr. Allan Johanson, Assistant Director  
Office of Policy and Management  
Policy Development and Planning  
Division  
450 Capitol Avenue - MS# 52ERN  
P. O. Box 341441  
Hartford, CT 06134-1441

Citizens Regulatory Commission  
ATTN: Ms. Susan Perry Luxton  
180 Great Neck Road  
Waterford, CT 06385

The Honorable Terry Concannon  
Nuclear Energy Advisory Council  
Room 4035  
Legislative Office Building  
Capitol Avenue  
Hartford, CT 06106

Mr. Evan W. Woollacott  
Co-Chair  
Nuclear Energy Advisory Council  
128 Terry's Plain Road  
Simsbury, CT 06070

Little Harbor Consultants, Inc.  
Millstone - ITPOP Project Office  
P.O. Box 0630  
Niantic, CT 06357-0630

Mr. B. D. Kenyon  
Chief Nuclear Officer - Millstone  
Northeast Nuclear Energy Company  
P.O. Box 128  
Waterford, CT 06385

Mr. Daniel L. Curry  
Project Director  
Parsons Power Group Inc.  
2675 Morgantown Road  
Reading, PA 19607

**Millstone Nuclear Power Station  
Unit 3**

Mr. Don Schopfer  
Verification Team Manager  
Sargent & Lundy  
55 E. Monroe Street  
Chicago, IL 60603

Mr. J. P. McElwain  
Vice President (Acting) - Millstone 3  
Northeast Nuclear Energy Company  
P.O. Box 128  
Waterford, CT 06385

Mr. G. D. Hicks  
Unit Director - Millstone Unit 3  
Northeast Nuclear Energy Company  
P.O. Box 128  
Waterford, CT 06385

Senior Resident Inspector  
Millstone Nuclear Power Station  
c/o U.S. Nuclear Regulatory Commission  
P. O. Box 513  
Niantic, Connecticut 06357

Attorney Nicholas J. Scobbo, Jr.  
Ferriter, Scobbo, Caruso, Rodophele, PC  
1 Beacon Street, 11th Floor  
Boston, MA 02108