

January 8, 1999

Mr. Martin L. Bowling, Jr.
Recovery Officer - Technical Services
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 HEARING,
MILLSTONE NUCLEAR POWER STATION, UNIT NO. 2 (TAC NO. MA4460)

Dear Mr. Bowling:

Enclosed is a copy of the subject notice for your information. This notice relates to your application dated January 4, 1999, pertaining to proposed revisions to Technical Specifications 3.5.2, "Emergency Core Cooling Systems - ECCS Subsystems - Tavg [greater than or equal to] 300 [degrees Fahrenheit];" 3.6.2.1, "Containment Systems - Depressurization and Cooling Systems - Containment Spray and Cooling Systems;" 3.7.1.2, "Plant Systems - Auxiliary Feedwater Pumps;" 3.7.3.1, "Plant Systems - Reactor Building Closed Cooling Water System;" and 3.7.4.1, "Plant Systems - Service Water System," for the Millstone Nuclear Power Station, Unit No. 2.

This notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,


Stephen Dembek, Project Manager
Project Directorate I-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-336

Enclosure: Notice

cc w/encl: See next page

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DOCUMENT NAME: MI4460.IND

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 8, 1999

Mr. Martin L. Bowling, Jr.
Recovery Officer - Technical Services
Northeast Nuclear Energy Company
c/o Ms. Patricia A. Loftus
Director - Regulatory Affairs
P. O. Box 128
Waterford, CT 06385

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This notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Dembek".

Stephen Dembek, Project Manager
Project Directorate I-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-336

Enclosure: Notice

cc w/encl: See next page

**Millstone Nuclear Power Station
Unit 2**

cc:

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

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

**Edward L. Wilds, Jr., Ph.D.
Director, Division of Radiation
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
15 Rope Ferry Road
Waterford, CT 06385**

**Mr. Wayne D. Lanning, Director
Millstone Inspections
Office of the Regional Administrator
475 Allendale Road
King of Prussia, PA 19406-1415**

**Charles Brinkman, Manager
Washington Nuclear Operations
ABB Combustion Engineering
12300 Twinbrook Pkwy, Suite 330
Rockville, MD 20852**

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

**Mr. F. C. Rothen
Vice President - Nuclear 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. Raymond P. Necci
Vice President - Nuclear Oversight
and Regulatory Affairs
Northeast Utilities Service Company
P. O. Box 128
Waterford, CT 06385**

**Mr. John Carlin
Vice President - Human Services
Northeast Utilities Service Company
P. O. Box 128
Waterford, CT 06385**

**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**

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

**Mr. J. A. Price
Director - Unit 2
Northeast Nuclear Energy Company
P.O. Box 128
Waterford, CT 06385**

Millstone Nuclear Power Station
Unit 2

cc:

Mr. Leon J. Olivier
Chief Nuclear Officer - Millstone
Northeast Nuclear Energy Company
P.O. Box 128
Waterford, CT 06385

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

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

The Honorable Terry Concannon
Co-Chair
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. Daniel L. Curry
Project Director
Parsons Power Group Inc.
2675 Morgantown Road
Reading, PA 19607

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

Mr. J. P. McElwain
Recovery Officer - Millstone Unit 2
Northeast Nuclear Energy Company
P. O. Box 128
Waterford, Connecticut 06385

UNITED STATES NUCLEAR REGULATORY COMMISSION

NORTHEAST NUCLEAR ENERGY COMPANY

THE CONNECTICUT LIGHT AND POWER COMPANY

THE WESTERN MASSACHUSETTS ELECTRIC COMPANY

DOCKET NO. 50-336

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. DPR-65 issued to Northeast Nuclear Energy Company, et al., (the licensee, or NNECO) for operation of the Millstone Nuclear Power Station, Unit No. 2, located in Waterford, Connecticut.

The proposed amendment would change Technical Specifications (TSs) 3.5.2, "Emergency Core Cooling Systems - ECCS Subsystems - Tavg [greater than or equal to] 300 [degrees Fahrenheit];" 3.6.2.1, "Containment Systems - Depressurization and Cooling Systems - Containment Spray and Cooling Systems;" 3.7.1.2, "Plant Systems - Auxiliary Feedwater Pumps;" 3.7.3.1, "Plant Systems - Reactor Building Closed Cooling Water System;" and 3.7.4.1, "Plant Systems - Service Water System." Changes to the acceptance criteria contained in these TSs are necessary based on revised hydraulic analyses and related accident analyses. Also, the bases of the associated TSs will be modified to address the proposed changes.

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.

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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:

In accordance with 10CFR50.92, NNECO has reviewed the proposed changes and has concluded that they do not involve a significant hazards consideration (SHC). The basis for this conclusion is that the three criteria of 10CFR50.92(c) are not compromised. The proposed changes do not involve an SHC because the changes would not:

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

The proposed changes to the acceptance criteria of the Technical Specification surveillance requirements for various Engineered Safety Features (ESF) pumps are consistent with the hydraulic and accident analyses. The revised acceptance criteria will ensure that pump degradation, which could adversely impact the accident analyses, will be detected.

The proposed changes to the Technical Specification surveillance requirements and associated Bases will have no adverse effect on plant operation or accident mitigation equipment. The proposed changes can not cause an accident, and they do not affect pump operation. The pumps will continue to operate as assumed in the analyses to mitigate the design basis accidents. Therefore, there will be no significant increase in the probability or consequences of an accident previously evaluated.

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

The proposed changes to the acceptance criteria of the Technical Specification surveillance requirements for various ESF pumps are consistent with the hydraulic

and accident analyses. The revised acceptance criteria will ensure that pump degradation, which could adversely impact the accident analyses, will be detected.

The proposed changes to the Technical Specification surveillance requirements and associated Bases will not affect the way the pumps are operated during normal plant operations, or how the pumps will operate after an accident. In addition, ESF pump operation is not an accident initiator. Therefore, the proposed changes will 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 proposed changes to the acceptance criteria of the Technical Specification surveillance requirements for various ESF pumps are consistent with the hydraulic and accident analyses. The revised acceptance criteria will ensure that pump degradation, which could adversely impact the accident analyses, will be detected.

The proposed changes to the Technical Specification surveillance requirements and associated Bases will have no adverse effect on equipment important to safety. The equipment will continue to function as assumed in the design basis accident analysis. Therefore, there will be no significant reduction in the margin of safety as defined in the Bases for the Technical Specifications affected by these proposed changes.

The NRC has provided guidance concerning the application of standards in 10CFR50.92 by providing certain examples (March 6, 1986, 51 FR 7751) of amendments that are considered not likely to involve an SHC. The minor change from "psi" [pounds per square inch] to "psid" [pounds per square inch differential] is enveloped by example (i), a purely administrative change to Technical Specifications. The other changes proposed herein are not enveloped by a specific example.

As described above, this License Amendment Request does not impact the probability of an accident previously evaluated, does not involve a significant increase in the consequences of an accident previously evaluated, does not create the possibility of a new or different kind of accident from any accident previously evaluated, and does not result in a significant reduction in a margin of safety. Therefore, NNECO has concluded that the proposed changes do 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 February 16, 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 Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, or the Waterford Public 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, 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 January 4, 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 Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and the Waterford Public Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut.

Dated at Rockville, Maryland, this 8th day of January 1999.

FOR THE NUCLEAR REGULATORY COMMISSION



Stephen Dembek, Project Manager
Project Directorate 1-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation