

March 13, 1991

Docket No. 50-328

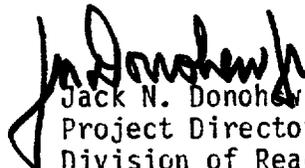
Mr. Dan A. Nauman
Senior Vice President, Nuclear Power
Tennessee Valley Authority
6N 38A Lookout Place
1101 Market Street
Chattanooga, Tennessee 37402-2801

Dear Mr. Nauman:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY
OPERATING LICENSE AND OPPORTUNITY FOR A HEARING (TAC NO. 79820)
SEQUOYAH NUCLEAR PLANT, UNIT 2

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing." This notice relates to your application for amendment dated February 14, 1991.

Sincerely,



Jack N. Donohew, Project Manager
Project Directorate II-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure:
Notice of Consideration

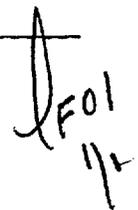
cc w/enclosure:
See next page

OFC	: PDII-4/LA	: PDII-4/PM	: PDII-4/DD	: PDII-4/D
NAME	: MKrebs mk	: JDonohew:as	: SBlack	: FHebdon
DATE	: 3/5/91	: 3/5/91	: 3/5/91	: 3/5/91

OFFICIAL RECORD COPY
Document Name: TS 90-01 IS

9103150273 910313
PDR ADDOCK 05000328
P PDR

13



Mr. Dan A. Nauman

CC:

Mr. Marvin Runyon, Chairman
Tennessee Valley Authority
ET 12A 7A
400 West Summit Hill Drive
Knoxville, Tennessee 37902

Mr. Edward G. Wallace
Manager, Nuclear Licensing
and Regulatory Affairs
Tennessee Valley Authority
5N 157B Lookout Place
Chattanooga, Tennessee 37402-2801

Mr. John B. Waters, Director
Tennessee Valley Authority
ET 12A 9A
400 West Summit Hill Drive
Knoxville, Tennessee 37902

Mr. Oliver D. Kingsley, Jr.
President, Generating Group
Tennessee Valley Authority
6N 38A Lookout Place
1101 Market Street
Chattanooga, Tennessee 37402-2801

General Counsel
Tennessee Valley Authority
400 West Summit Hill Drive
ET 11B 33H
Knoxville, Tennessee 37902

Mr. Dwight Nunn
Vice President, Nuclear Projects
Tennessee Valley Authority
6N 38A Lookout Place
1101 Market Street
Chattanooga, Tennessee 37402-2801

Dr. Mark O. Medford
Vice President, Nuclear Assurance,
Licensing and Fuels
Tennessee Valley Authority
6N 38A Lookout Place
Chattanooga, Tennessee 37402-2801

Mr. W. F. Willis
Chief Operating Officer
Tennessee Valley Authority
ET 12B 16B
400 West Summit Hill Drive
Knoxville, Tennessee 37902

Mr. Jack Wilson, Vice President
Sequoyah Nuclear Plant
Tennessee Valley Authority
P. O. Box 2000
Soddy Daisy, Tennessee 37379

Ms. Marci Cooper
Site Licensing Manager
Sequoyah Nuclear Plant
P. O. Box 2000
Soddy Daisy, Tennessee 37379

County Judge
Hamilton County Courthouse
Chattanooga, Tennessee 37402

Regional Administrator, Region II
U.S. Nuclear Regulatory Commission
101 Marietta Street, N.W.
Atlanta, Georgia 30323

Mr. Paul E. Harmon
Senior Resident Inspector
Sequoyah Nuclear Plant
U.S. Nuclear Regulatory Commission
2600 Igou Ferry Road
Soddy Daisy, Tennessee 37379

Mr. Michael H. Mobley, Director
Division of Radiological Health
T.E.R.R.A. Building, 6th Floor
150 9th Avenue North
Nashville, Tennessee 37219-5404

Tennessee Valley Authority
Rockville Office
11921 Rockville Pike
Suite 402
Rockville, Maryland 20852

UNITED STATES NUCLEAR REGULATORY COMMISSIONTENNESSEE VALLEY AUTHORITYDOCKET NO. 50-328NOTICE 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. DPR-79 issued to the Tennessee Valley Authority (the licensee) for operation of Sequoyah Nuclear Plant, Unit 2, which is located in Hamilton County, Tennessee.

The proposed amendment, in the licensee's letter dated February 14, 1991, would modify Section 3/4.5.1.1, Cold Leg Injection Accumulators, of the Sequoyah Nuclear Plant, Unit 2, Technical Specifications (TSs). The change would reduce the required boron concentration for one of the four cold leg injection accumulators from between 2,400 and 2,700 parts per million (ppm) boron to between 1,900 and 2,700 ppm boron. This would reduce the frequency at which the Unit 2 cold leg accumulator No. 3 is being removed from service for periodic draindowns and refills. This periodic evolution has been necessary as a result of a continuing small reactor coolant inleakage into the accumulator on the order of 0.1 to 0.2 gallon per minute. The licensee requested an expedited review so that this relief may be implemented as soon as possible. The change would be only for the current Unit 2 Cycle 5 operation. Unit 2 is scheduled to shut down for the Unit 2 Cycle 5 refueling outage in early October 1991.

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 request for amendment 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. The Commission's proposed determination is based on the licensee's evaluation of the proposed amendment against the criteria in 10 CFR 50.92(c). The licensee concluded in its application that the proposed amendment did not represent a significant hazards consideration because the proposed amendment will not:

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

The change of boron concentration requirements for a cold leg injection accumulator (CLA) cannot increase the probability of an accident because the CLA only provides accident mitigation functions and the boron concentration of a CLA cannot initiate any design basis accident. The consequences of an accident will not be increased as demonstrated in Westinghouse Electric Corporation's Safety Evaluation Check List (SECL) 90-631. This SECL evaluates all affected design basis accidents and verifies the acceptability of having one CLA at 1,900 parts per million (ppm) boron concentration with respect to the safety analysis. Additionally, if no changes were implemented, the CLA availability for accident mitigation would be reduced and thereby increase the possibility that the consequences of an accident could be increased. Therefore, this change will reduce the possibility that the consequences of an accident will be increased.

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

CLA boron concentration changes cannot create any accident. The CLA boron concentration requirements in the TS are for accident mitigation purposes only and therefore would not contribute to the creation of any accident previously analyzed or not.

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

The decrease from 2,400- to 1,900-ppm boron concentration for one CLA does not impact any margin of safety. This boron reduction is acceptable because extra conservatism exists in the present CLA boron concentration TS requirements. The changes to increase the minimum CLA boron concentration to 2,400 ppm employed the strategy to select the highest possible boron concentration to bound SQN Cycle 5 design changes and accommodate future fuel reloads. This provides CLA boron concentrations well above that required for the margin of safety. This decrease in CLA boron concentration reduces the available margin of the 180-ppm, mixed mean sump boron concentration to maintain the core subcritical by approximately 5 ppm. Therefore, additional conservatism exists in CLA boron concentration that will allow the reduction to 1,900-ppm boron without affecting the required margin of safety.

The NRC staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's determination. Therefore, based on the above considerations, the Commission has made a proposed determination 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. 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 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. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 10, 1991, 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 petition for leave to intervene. Request for a hearing and petitions 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, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at the Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402. 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 Section 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 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 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 request for amendment involves no significant hazards consideration, 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 a final determination is that the amendment 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 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 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.

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 Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 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 3737 and the following message addressed to Mr. Frederick J. Hebdon, Director, Project Directorate II-4: (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 the General Counsel, Tennessee Valley Authority, 400 West Summit Drive, E11 B33, Knoxville, Tennessee 37902, 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 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 February 14, 1991, 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 located at the Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Dated at Rockville, Maryland, this 5th day of March.

FOR THE NUCLEAR REGULATORY COMMISSION



Jack N. Donohew, Project Manager
Project Directorate II-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation