

January 25, 1989

Docket Nos. 50-338
and 50-339

DISTRIBUTION

Mr. W. R. Cartwright
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Dear Mr. Cartwright:

SUBJECT: NORTH ANNA UNITS 1 AND 2 - PROPOSED CHANGE TO TECHNICAL
SPECIFICATIONS (TS) REGARDING REFUELING OPERATIONS WATER LEVEL

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

This notice relates to your January 13, 1989 application to change the Technical Specifications to allow control rod movement with the requirement of 23 feet of water above the irradiated fuel assemblies within the reactor pressure vessel.

Sincerely,

Original signed by

Leon B. Engle, Project Manager
Project Directorate II-2
Division of Reactor Projects-I/II
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

[LETTER/NORTH ANNA 1 AND 2]

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Mr. W. R. Cartwright
Virginia Electric & Power Company

North Anna Power Station
Units 1 and 2

cc:

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UNITED STATES NUCLEAR REGULATORY COMMISSION
VIRGINIA ELECTRIC AND POWER COMPANY
DOCKET NOS. 50-338 and 50-339
NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO
FACILITY OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses No. NPF-4 and NPF-7, issued to the Virginia Electric and Power Company (the licensee), for operation of the North Anna Power Station, Units No. 1 and No. 2 (NA-1&2) located in Louisa County, Virginia.

The amendments would revise the NA-1&2 Technical Specifications (TS) 3/4.9.10, Refueling Operations Water Level - Reactor Vessel, to allow control rod movement with the requirement of 23 feet of water above the irradiated fuel assemblies within the reactor pressure vessel. The proposed amendments remove the ambiguity associated with control rod latching and unlatching operations where control rods are raised (with the upper internals package installed) for weight or drag testing.

The proposed amendments would clarify the existing TS 3.9.10 by breaking it into two parts: TS 3.9.10.1 would address fuel assemblies and assure that at least 23 feet of water will be maintained over the top of the reactor pressure vessel flange in Mode 6 during movement of fuel assemblies within containment. References to control rod evolutions would be deleted. A new TS, 3.9.10.2, would be added to address control rod evolutions in Mode 6 and require at least 23 feet of water be maintained over the top of irradiated

fuel assemblies within the reactor pressure vessel. This is consistent with the existing basis for the specification.

On April 1, 1987, the licensee submitted a proposed TS change for NA-1&2 which revised the applicability of TS 3.9.10, "Refueling Operations Water Level - Reactor Vessel," to conform to Standard Technical Specifications for Westinghouse Pressurized Water Reactors, NUREG-0452, Rev. 3. The change was approved by the NRC on May 23, 1988 by issuance of License Amendment Nos. 102 and 89 for NA-1&2, respectively. As discussed in the NRC Safety Evaluation, the change allowed the removal of vessel internal assemblies with less than the specified water level but still required 23 feet of water above the reactor pressure vessel flange whenever fuel assemblies or control rods are moved.

The upcoming 1989 refueling outage for NA-2, currently scheduled to begin February 10, 1989, is the first refueling outage which will be conducted under the revised TS. In preparation for the upcoming refueling, and subsequent discussion with the NRC staff, it was determined that the wording of the revised TS appeared to preclude a refueling evolution that had previously been considered by the licensee to be routine. Current NA-1&2 refueling procedures and equipment design are based on this evolution.

Specifically, although not the intent of the TS, the wording could be interpreted to mean that weight/drag testing of control rods during unlatching/latching operations (i.e., movement) would require 23 feet of water above the reactor pressure vessel flange. The licensee believes these control rod unlatching/latching evolutions directly support and are part of the reactor vessel upper internals removal/installation evolutions. Until now, the licensee's normal refueling sequence has required the water level to be lowered to 23 feet above the top to the fuel assemblies within the reactor vessel for removal/installation of the upper internals package and maintained at that level during

control rod unlatching/latching. The licensee believes that evolution is acceptable, as is, and should not now be precluded because of the this rewording of the TS in May 1988.

Once the concern was identified, the license worked with the NRC staff in the fourth quarter of 1988 to determine the appropriate mechanism for correctly interpreting or clarifying TS 3.9.10. The licensee worked in good faith, attempting to resolve the issue in an efficient manner. After several discussions with the NRC staff, the licensee submitted a letter on December 23, 1988 requesting concurrence with the licensee's interpretation of the TS as described above. On January 4, 1989 the licensee was informed by the NRC staff that the appropriate mechanism to resolve the issue would be to submit a TS change.

Because the guidance to submit a TS change was received on January 4, 1989, and the NA-2 refueling outage is scheduled to commence February 10, 1989, insufficient time remains for publication of the 30 day notice in the FEDERAL REGISTER. Therefore, the licensee has requested that the change be processed in an exigent manner.

The licensee believes that appropriate and timely actions were taken prior to, and including the licensee's submittal for, an exigent TS change dated January 13, 1989. The licensee worked with the appropriate NRC staff to understand and define the scope of the TS in question. In addition, the licensee attempted to obtain clarification in December 1988 and acted promptly when notified in early January 1989 that the licensee's effort to obtain clarification was not the appropriate vehicle to resolve the issue and that a TS change would be required. In summary, the licensee believes that these actions constitute a best effort at obtaining resolution in a timely manner and that sufficient justification has been presented to permit exigent processing of the requested TS change.

The Commission has made a proposed determination that the 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 amendments 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 proposed change does not involve a significant hazards consideration as defined in 10 CFR 50.92 because operation of NA-1&2 in accordance with this change would not:

- (1) involve a significant increase in the probability or consequences of an accident previously evaluated. This change does not alter the conditions or assumptions of the accident analysis or the basis of the current TS. Fuel handling operations during refueling are unchanged and the refueling water level requirement remains consistent with the accident analysis assumptions in the UFSAR concerning the minimum required water level. Therefore the probability and the consequences of the fuel handling accident are not increased.
- (2) create the possibility of a new or different kind of accident from any accident previously identified. This change does not alter the conditions or assumptions of the accident analysis or the basis of the current TS. Fuel handling operations during refueling are unchanged and therefore the fuel handling accident evaluated in the UFSAR remains bounding in terms of the type of accidents that may occur and a new and different kind of accident is not created.

(3) involve a significant reduction in a margin of safety. This change does not alter the conditions or assumptions of the accident analysis or the basis of the current TS. Fuel handling operations during refueling are unchanged and the refueling water level requirement remains consistent with the assumptions of the accident analysis. Consequently, the margin of 10 CFR Part 100 dose limits is not reduced.

Accordingly, the Commission proposes to determine that this change does not involve significant hazards considerations.

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 and Resources Management, 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-216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 8:15 a.m. to 5:00 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 March 1, 1989 , the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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. 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 that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. 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 amendments are 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 amendments and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

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

amendments before the expiration of the 15-day notice period, provided that its final determination is that the amendments involve 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.

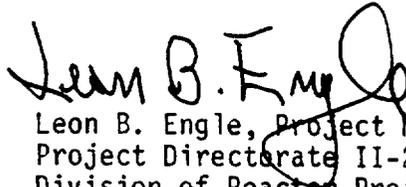
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, 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 Herbert N. Berkow: 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 Michael W. Maupin, Esq., Hunton and Williams, P.O. Box 1535, Richmond, Virginia 23212.

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 amendments dated January 13, 1989, 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 Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Dated at Rockville, Maryland, this 25th day of January , 1989.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Leon B. Engle". The signature is stylized and somewhat cursive, with a large loop at the end.

Leon B. Engle, Project Manager
Project Directorate II-2
Division of Reactor Projects I/II
Office of Nuclear Reactor Regulation