

December 7, 1983

Docket No. 50-263

Mr. D. M. Musolf
Nuclear Support Services Department
Northern States Power Company
414 Nicollet Mall - 8th Floor
Minneapolis, Minnesota 55401

Dear Mr. Musolf:

Re: Monticello Nuclear Generating Plant

The Commission has filed the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing" with the Office of the Federal Register for publication. The notice relates to your request dated September 30, 1982, as supplemented November 4, 1983, regarding revisions to the Technical Specifications to allow the Source Range Monitor minimum count rate to fall below three counts per second during full core discharge and subsequent reloading.

Sincerely,

Original signed by/

Helen Nicolaras, Project Manager
Operating Reactors Branch #2
Division of Licensing

Enclosure:
Notice of Consideration

cc w/enclosure:
See next page

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Mr. D. M. Musolf
Northern States Power Company
Monticello Nuclear Generating Plant

cc:

Gerald Charnoff, Esquire
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UNITED STATES NUCLEAR REGULATORY COMMISSIONNORTHERN STATES POWER COMPANYDOCKET NO. 50-263NOTICE 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-22, issued to Northern States Power Company (the licensee), for operation of the Monticello Nuclear Generating Plant, located in Wright County, Minnesota.

The amendment proposed by the licensee would revise the Technical Specifications to change the Limiting Conditions for Operation to allow the Source Range Monitors (SRM) minimum count rate to fall below three counts per second (cps), during full core discharge and subsequent reloading. The SRMs monitor the core during periods of station shutdown and guide the operator during refueling operations and station startup. Requiring a minimum of 3 cps whenever criticality is possible provides assurance that neutron flux is being monitored. The licensee has proposed this change to allow full unloading of the fuel from the core. In the process of removing all the fuel from the core, the count rate on the SRMs will drop below 3 cps, without supplemental neutron sources. This amendment is supported by a September 30, 1982 letter from General Electric, the reactor vendor.

Before issuance of the proposed license amendment, the Commission will have made findings as 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.

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples. A proposed amendment will likely involve a significant hazards consideration, if operation of the facility, in accordance with the proposed amendment involves: (iii) a significant relaxation in Limiting Conditions for Operation (LCO) not accompanied by compensatory changes, conditions, or actions, that maintain a commensurate level of safety, such as allowing a plant to operate at full power during a period in which one or more safety systems are not operable.

The licensee has proposed to revise the LCO concerning the minimum Source Range Monitor count rate during full core discharge and subsequent reloading. In the process of removing all the fuel from the core, without supplemental neutron sources, the count rate on the SRMs will drop below 3 cps. Therefore, an inadvertent approach to criticality may occur.

Requiring a minimum of 3 cps whenever criticality is possible, provides assurance that the neutron flux is being monitored.

Since the LCO would be relaxed, the proposed changes in this application for amendment are similar to example (iii) cited above, which involves a significant hazards consideration. However, in this case, compensatory measures will be provided. These compensatory measures ensure that an approach to criticality is avoided when the count rate drops below 3 cps. The licensee states that special procedures will be used to unload and reload the core. Also, before the count rate drops below the minimum value, the remaining fuel assemblies would be in a special configuration to prevent an approach to criticality.

Therefore, since the application for amendment involves proposed changes that are not a significant relaxation in the LCO with compensatory measures being taken, the staff has made a preliminary determination that this application 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.

Comments should be addressed to the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attn: Docketing and Service Branch.

By January 12, 1984, 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. 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 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, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment 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 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 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 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, Attn: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H 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 (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Domenic B. Vassallo: 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 Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, and to Gerald Charnoff,

Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N. W.,
Washington, D. C. 20036, 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 designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be 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 September 30 1982, as supplemented November 4, 1983, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C., and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Dated at Bethesda, Maryland, this 7th day of December, 1983.

FOR THE NUCLEAR REGULATORY COMMISSION



Domenic B. Vassallo, Chief
Operating Reactors Branch #2
Division of Licensing