January 25, 1989

Docket No. 50-458

Gulf States Utilities Company
ATTN: Mr. James C. Deddens
Senior Vice President (RBNG)
Post Office Box 220
St. Francisville, Louisiana 70775

Dear Mr. Deddens:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING (TAC NO. 71749)

Enclosed is a copy of the subject notice which relates to your application for amendment dated December 16, 1988, as modified January 24, 1989, to revise the Technical Specifications (TS) to provide one-time exceptions to TS 3.0.4 for TS 3.7.2 main control room air conditioning system, and TSs 3.4.9.2 and 3.9.11.2, shutdown cooling mode loops of the residual heat removal system. The one-time exceptions are for use during the second refueling outage scheduled to begin in March 1989.

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

Sincerely,

/S/

Walter A. Paulson, Project Manager
Project Directorate - IV
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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Sincerely,

Walter A. Paulson

Walter A. Paulson, Project Manager
Project Directorate - IV
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

Mr. James C. Deddens
Gulf States Utilities Company

River Bend Nuclear Plant

cc:
Troy B. Conner, Jr., Esq.
Conner and Wetterhahn
1747 Pennsylvania Avenue, NW
Washington, D.C. 20006

Mr. Les England
Director - Nuclear Licensing
Gulf States Utilities Company
P. O. Box 220
St. Francisville, LA 70775

Richard M. Troy, Jr., Esq.
Assistant Attorney General in Charge
State of Louisiana Department of Justice
234 Loyola Avenue
New Orleans, Louisiana 70112

Resident Inspector
P. O. Box 1051
St. Francisville, Louisiana 70775

Gretchen R. Rothschild-Reinike
Louisianians for Safe Energy, Inc.
2108 Broadway Street
New Orleans, Louisiana 70118-5462

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
Office of Executive Director
for Operations
611 Ryan Plaza Drive, Suite 1000
Arlington, Texas 76011

Philip G. Harris
Cajun Electric Power Coop. Inc.
10719 Airline Highway
P. O. Box 15540
Baton Rouge, LA 70895

Mr. J. E. Booker
Manager-River Bend Oversight
P. O. Box 2951
Beaumont, TX 77704

Mr. William H. Spell, Administrator
Nuclear Energy Division
Office of Environmental Affairs
P. O. Box 14690
Baton Rouge, Louisiana 70898

Mr. J. David McNeill, III
William G. Davis, Esq.
Department of Justice
Attorney General's Office
7434 Perkins Road
Baton Rouge, Louisiana 70808

H. Anne Plettinger
3456 Villa Rose Drive
Baton Rouge, Louisiana 70806

President of West Feliciana
Police Jury
P. O. Box 1921
St. Francisville, Louisiana 70775

Mr. Frank J. Uddo
Uddo & Porter
6305 Elysian Fields Avenue
Suite 400
New Orleans, Louisiana 70122

7590-01

UNITED STATES REGULATORY COMMISSION

GULF STATES UTILITIES COMPANY

DOCKET NO. 50-458

NOTICE 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. NPF-47, issued to Gulf States Utilities Company (the licensee), for operation of River Bend Station, Unit 1, located in West Feliciana Parish, Louisiana.

The proposed amendment would modify the Technical Specifications (TSs) to provide one-time exceptions to the provision of TS 3.0.4 for three TSs for use during the second refueling outage scheduled to begin March 15, 1989. These exceptions are applicable in Operations Conditions 4 or 5 to allow entry into specified operational conditions without meeting the Limiting Condition for Operation (LCO), provided that the requirements of the associated action statements are met.

TS 3.0.4 states: 3.0.4 Entry into an OPERATIONAL CONDITION or other specified condition shall not be made unless the conditions for the Limiting Condition for Operation are met without reliance on provisions contained in the ACTION requirements. This provision shall not prevent passage through or to OPERATIONAL CONDITIONS as required to comply with ACTION requirements. Exceptions to these requirements are stated in the individual Specifications.

The proposed changes to the TSs would provide exceptions to TS 3.0.4 during the second refueling outage for the following TSs: (1) TSs 3.4.9.2 and 3.9.11.2. These TSs specify the shutdown cooling mode loop LCO's for COLD SHUTDOWN and for low water level during REFUELING OPERATIONS, respectively. The proposed change will add new Action "c" to these TSs to state that provisions of TS 3.0.4 are not applicable. A footnote will be added to each of these new Action statements to state that the change is applicable until startup from the second refueling outage. 2) TS 3.7.2, Main Control Room Air Conditioning System. This TS specifies the LCO for the main control room air conditioning system for all operational conditions. The proposed change will add a new Action "b.3.", to state that the provisions of TS 3.0.4 are not applicable. This change is applicable in COLD SHUTDOWN, REFUELING, and when irradiated fuel is being handled in the primary containment or Fuel Building. A footnote will also be added to this new Action statement to state that the change is applicable until startup from the second refueling outage.

During the second refueling outage presently scheduled to begin in March 1989, various combinations of RHR shutdown cooling mode subsystems and main control room air conditioning subsystems will be made inoperable to perform required maintenance, surveillance testing, and inspections and to make design changes. These activities will require the plant to enter Action statements for these systems at various times during the outage. These proposed changes will provide one-time exceptions to the provisions of TS 3.0.4 for these specifications for the second refueling outage only to allow the plant to enter Operational Conditions 4 and 5 to allow reactor head detensioning and

tensioning, reactor cavity draining, and modifications to control building chilled water systems. With the present TS requirements, the above activities would have to be suspended during a change in Operational Conditions to make the systems operable as required by the LCO. After completing the change in Operational Conditions, the systems would again be made inoperable and the Action statements entered to complete the required maintenance testing and modification activities.

The proposed TS changes will represent a significant savings in the time required to complete the second refueling outage by allowing reactor vessel head tensioning activities, reactor cavity draining evolutions, and modifications to the control building chilled water systems while in action statements. These changes will result in decreasing the length of the outage by approximately 6-8 days while maintaining the level of safety of the plant in accordance with the appropriate action statements.

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 licensee has provided an analysis that addressed the above three standards in the December 16, 1988 license application. The licensee's analysis for the three proposed TS changes is provided below.

1. No significant increase in the probability or the consequences of any accident previously evaluated results from this request because:

The proposed exceptions to the provisions of Specification 3.0.4 will allow a change in Operational Conditions or other specified conditions at River Bend Station during the second refueling outage only while complying with the Action requirements of the above Technical Specifications. This operation flexibility would be allowed following implementation of Generic Letter 87-09. The proposed changes will affect the Action statements for: RHR shutdown cooling mode and main control room air conditioning system. The proposed changes provide an acceptable safe alternative to meeting the LCO requirements as evidence by the current requirements in which compliance with the remedial action upon entering a condition is the same as compliance after having been in that condition.

During the second refueling outage at River Bend Station (RBS) various combinations of the above systems/subsystems will be made inoperable to perform required maintenance, surveillance testing and inspections and to make design changes. These activities will require the plant to enter Action statements for these systems at various times during the refueling outage. The proposed changes will provide one-time exceptions to the provisions of Specification

3.0.4 for the above Technical Specifications Action requirements for the second refueling outage only to allow the plant to enter Operational Conditions 4 and 5 by allowing reactor head tensioning and detensioning and allow reactor cavity draining while complying with these Action statements. With the present Technical Specification requirements, the above activities would have to be suspended during a change in Operational Conditions in order to make the systems operable as required by the LCO. After completing the change in Operational Conditions, the systems would again be made inoperable and the Action statements entered to complete the required maintenance and testing activities.

The current schedule for the second refueling outage relies upon approval of the proposed changes to Technical Specifications 3.4.9.2 and 3.9.11.2.

As discussed above, the Action requirements for the RHR shutdown cooling mode Technical Specifications (3.4.9.2, and 3.9.11.2) require establishing an alternate method for the functions(s) of the RHR shutdown cooling mode loop(s) required by the LCO (heat removal capability or coolant circulation, as applicable) within one hour. As such, the alternate method(s) completely replaces the function(s) of the RHR shutdown cooling mode loop(s) required by the LCO and therefore, provides the single failure protection as required by each LCO. Additionally, the proposed changes in Operational Conditions have no effect on decay heat generation or removal capability.

The Action requirements for the main control room air conditioning System (Technical Specification 3.7.2) require that with one subsystem inoperable, placing the operable subsystem in operation in the emergency mode and with both subsystems inoperable, suspending CORE ALTERATIONs, handling irradiated

fuel in the primary containment and Fuel Building and operations with a potential for draining the reactor vessel. The only design basis accident conditions for which this system would be required to operate in Operational Conditions 4 or 5 is a fuel handling accident. The required actions eliminate those conditions during which an accident is assumed to occur while in Operational Conditions 4 or 5 and hence, greatly reduced the chance of needing this system. The likelihood of needing the inoperable subsystem(s) while complying with the Action requirements is small and even smaller that they would be needed during the short period of time during the mode change.

As previously stated, the only design basis accident postulated to occur during Operational Conditions 4 or 5 is a fuel handling accident. The proposed changes in no way alter the plant design or administrative controls designed to prevent a fuel handling accident or the current Technical Specification requirements for the minimum equipment required to be operable to mitigate a fuel handling accident. Therefore, the proposed exceptions to the provisions of Specification 3.0.4 do not significantly increase the probability or the consequences of any accident previously evaluated.

2. This request would not create the possibility of a new or different kind of accident from any accident previously evaluated because:

The proposed exceptions to the provisions of Specification 3.0.4 do not result in any change to the plant design or Technical Specification requirements while in any Operational Condition or other specified condition. These proposed changes will provide one-time exceptions to the provisions of the Specification 3.0.4 for the second refueling outage only to allow the plant to enter Operational Condition 4 and 5 by allowing reactor head tensioning and detensioning and allow

reactor cavity draining while complying with these Action statements. With the present Technical Specification requirements, the above activities would have to be suspended during a change in Operational Conditions in order to make the systems operable as required by the LCO. After completing the change in Operational Conditions, the systems would again be made inoperable and the Action statements entered to complete the required maintenance and testing activities.

The proposed changes do not result in any new operating modes, only a change in the level of protection provided by these required systems during a change in plant conditions. The required actions eliminate those conditions during which an accident is likely to occur while in Operational Conditions 4 or 5 and hence, greatly reduce the chance of needing the safety systems required by their respective LCOs. The likelihood of needing these systems while complying with the Action requirements is small and even smaller that they would be needed during the short period of time during the mode change.

Therefore, the proposed exceptions to the provisions of Specification 3.0.4 do not create the possibility of a new or different kind of accident from any previously evaluated.

3. This request would not involve a significant reduction in the margin of safety because:

The proposed exceptions to the provisions of Specification 3.0.4 do not result in a change to the plant design or administrative controls designed to prevent a fuel handling accident. Additionally, the proposed changes do not result in a change to any operating limits. The only requirement affected by the proposed change is the availability of systems currently required to be

operable when making a change in plant conditions. The proposed changes will affect the Action statements for: RHR shutdown cooling mode and main control room air conditioning system.

The only design basis accident postulated to occur during Operational Conditions 4 or 5 is a fuel handling accident. The proposed changes in no way alter the plant design or administrative controls designed to prevent a fuel handling accident or the current Technical Specification requirements for the minimum equipment required to be operable to mitigate a fuel handling accident. The proposed changes only alter the requirements for the minimum equipment required to be operable during a change in plant conditions. The proposed changes provide an acceptable safe alternative to meeting the LCO requirements as evidenced by the current requirements in which compliance with the remedial actions upon entering a condition is the same as compliance after having been in that condition.

As shown above, the Action requirements for the RHR shutdown cooling mode Technical Specifications (3.4.9.2 and 3.9.11.2) require establishing an alternate method for the functions(s) of the RHR shutdown cooling mode loop(s) required by the LCO (heat removal capability or coolant circulation, as applicable) within one hour. As such, the alternate method(s) completely replaces the function(s) of the RHR shutdown cooling mode loop(s) required by the LCO and therefore, provides the single failure protection as required by each LCO. Additionally, the proposed changes in Operational Conditions have no effect on decay heat generation or removal capability.

The Action requirements for the main control room air conditioning system (Technical Specification 3.7.2) require that with one subsystem inoperable,

placing the operable subsystem in operation in the emergency mode and with both subsystems inoperable, suspending CORE ALTERATIONS, handling irradiated fuel in the primary containment and Fuel Building and operations with a potential for draining the reactor vessel. The only design basis accident conditions for which this system would be required to operate in Operational Conditions 4 or 5 is a fuel handling accident. The required actions eliminate those conditions during which an accident is assumed to occur while in Operational Conditions 4 or 5 and hence, greatly reduce the chance of needing this system. The likelihood of needing the inoperable subsystems while complying with the Action requirements is small and even smaller that they would be needed during the short period of time during the mode change.

Therefore, the proposed exceptions to the provisions of Specification 3.0.4 do not result in a significant reduction in the margin of safety.

Based upon the above considerations, the proposed changes do not result in a significant increase in the probability or the consequences of any accident previously evaluated, do not create the possibility of a new or different kind of accident than previously evaluated and do not result in a significant reduction in the margin of safety. Therefore, the licensee proposes that no significant hazards considerations are involved with approval of the proposed changes.

The staff has reviewed the licensee's no significant hazards consideration determination. Based on that review and the above discussion, the staff proposes to determine that the proposed changes do not involve a a 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 Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resource Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 8:15 am to 4:00 pm. Copies of written comments may be examined at the NRC Public Document Room, 2120 L Street NW, Washington, DC 20555. The filings of requests for hearing and petitions for leave to intervene is discussed below.

By March 2, 1989 , 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 must 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 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 must 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 the 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, the 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 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.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice 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 Service Branch,

or may be delivered to the Commission's Public Document Room, 2120 L 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 Jose A. Calvo: 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-Rockville, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Troy B. Conner, Jr., Esq., Conner and Wetterhan, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006, 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 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 which is available for public inspection at the Commission's Public Document Room, 2120 L Street, N.W., Washington, D.C. 20555, and at the Local

Public Document Room, Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803.

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

FOR THE NUCLEAR REGULATORY COMMISSION

José A. Calvo

Jose A. Calvo, Director
Project Directorate - IV
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation