

February 25, 1991

Docket No. 50-382

Mr. Ross P. Barkhurst
Vice President Operations
Entergy Operations, Inc.
Post Office Box B
Killona, Louisiana 70066

Dear Mr. Barkhurst:

SUBJECT: EXIGENT NOTICE OF CONSIDERATION OF ISSUANCE OF LICENSE AMENDMENT -
WATERFORD STEAM ELECTRIC STATION (TAC NO. 79629)

Enclosed is a "Notice of Consideration of Issuance of Amendment to Facility
Operating License and Proposed No Significant Hazards Consideration
Determination and Opportunity for Hearing." This amendment was requested by
your letter dated January 24, 1991 (W3P90-1549).

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

Sincerely,

Original Signed By:

L. Raynard Wharton, Acting Project Manager
Project Directorate IV-1
Division of Reactor Projects III, IV, and V
Office of Nuclear Reactor Regulation

Enclosure:
Notice

cc w/enclosure:
See next page

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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Sincerely,

A handwritten signature in cursive script that reads "L. Raynard Wharton".

L. Raynard Wharton, Acting Project Manager
Project Directorate IV-1
Division of Reactor Projects III, IV, and V
Office of Nuclear Reactor Regulation

Enclosure:
Notice

cc w/enclosure:
See next page

Mr. Ross P. Barkhurst
Entergy Operations, Inc.

Waterford 3

cc:

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UNITED STATES NUCLEAR REGULATORY COMMISSIONENTERGY OPERATIONS, INC.DOCKET NO. 50-382NOTICE 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-38, issued to Entergy Operations, Inc. (the licensee), for operation of the Waterford Steam Electric Station located in St. Charles Parish, Louisiana.

The amendment would revise the Technical Specifications to delete the reference to "key-locked" open and alter the text of the surveillance to require that the Shutdown Cooling System suction isolation valves be checked open instead of checked key-locked open.

The proposed change to Section 4.4.8.3.1 of the Technical Specifications is required to ensure that surveillance requirements accurately reflect the design characteristics of the installed shutdown cooling system suction line isolation valves. The licensee's application for amendment dated January 24, 1991, requested issuance prior to the scheduled shutdown associated with the March 15, 1991, refueling outage. Performance of the stated requirements during shutdown would force the licensee to violate current Technical Specifications. Consequently, the staff has determined that exigent circumstances exist which justify reducing the public notice period normally provided for licensing amendments.

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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 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 proposed amendment does not involve a significant increase in the probability or consequences of any accident previously evaluated. No credit is taken for key-locked open Shutdown Cooling System Isolation valves in any accident previously evaluated. All assumptions and results for previously evaluated accidents remain unchanged by the proposed amendment. As a result, the modification to Technical Specification 4.4.8.3.1 to enable the isolation valves to be checked "open" vice "key-locked open" will not cause an increase in the probability or consequence of any previously evaluated accident.

The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. The amended surveillance requirement still prompts a valve lineup check once per 12 hours. This check provides the necessary high degree of confidence in the ability of the shutdown cooling system (SDCS) suction relief valves to protect the reactor vessel from low temperature overpressure transients.

Moreover, an amendment to the specification is clearly more desirable than the alternative- that is, an equipment change to satisfy the requirement as it

is currently written. Modifying control room equipment in order to provide the capability to key-lock open the suction line isolation valves would provide no measurable safety benefit. On the contrary, it would restrict SDCS flexibility and impede timely operator response to a potential casualty.

Consequently, operation in accordance with the amended Technical Specification surveillance requirement will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment does not involve a significant reduction in the margin of safety. No credit is taken in any accident evaluation for the ability to lock open the SDCS suction line isolation valves. From a safety standpoint, the proposed amendment is clearly more desirable than the specification as it is currently written. Operation with the valves "open" vice "key-locked open" provides an increased margin of safety by providing the operational flexibility needed for timely response to SDCS casualties and avoidance of potential loss of shutdown cooling scenarios.

The protection provided by the amended specification is equivalent to that in the current specification. Since this change does not affect any of the assumptions or results of the safety analyses, does not diminish the protection provided by any limiting condition for operation in the Technical Specifications, and does not affect any bases, it does not involve a reduction in the margin of safety.

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

The Commission is seeking public comments on this proposed determination. Any comments received within fifteen (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, 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, NW, Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 14, 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 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 "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 University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122. 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. 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 the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards consideration. 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 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 request 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 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 amendment before the expiration of the 15-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. 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., 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 Theodore R. Quay: 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

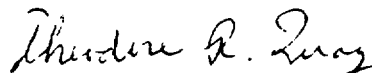
be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Ernest L. Blake, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N St., N.W., Washington, D.C. 20037, attorney for the licensee.

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 24, 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, University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122

Dated at Rockville, Maryland, this 25th day of February 1991.

FOR THE NUCLEAR REGULATORY COMMISSION



Theodore R. Quay, Director
Project Directorate IV-1
Division of Reactor Projects III, IV, and V
Office of Nuclear Reactor Regulation