

Docket Nos. 50-266
and 50-301

APR 22 1987

Mr. C. W. Fay, Vice President
Nuclear Power Department
Wisconsin Electric Power Company
231 W. Michigan Street, Room 308
Milwaukee, Wisconsin 53201

Dear Mr. Fay:

Enclosed is a copy of the "Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing". This notice relates to your applications for amendments dated March 12 and April 10, 1987, to modify the Technical Specifications to remove certain limitations on the repair of leaking fuel rods so long as the repairs proposed during a given outage can be justified by a cycle-specific reload analysis.

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

Sincerely,

/s/

David H. Wagner, Project Manager
Project Directorate III-3
Division of Reactor Projects

Enclosure:
Notice of Issuance

cc's: See Next Page

Office: LA/PDIII-3
Surname: PKroutzer
Date: 04/22/87

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Mr. C. W. Fay
Wisconsin Electric Power Company

Point Beach Nuclear Plant
Units 1 and 2

cc:

Mr. Bruce Churchill, Esq.
Shaw, Pittman, Potts and Trowbridge
2300 N. Street, N.W.
Washington, DC 20037

Mr. James J. Zach, Manager
Point Beach Nuclear Plant
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Two Rivers, Wisconsin 54241

Town Chairman
Town of Two Creeks
Route 3
Two Rivers, Wisconsin 54241

Chairman
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UNITED STATES NUCLEAR REGULATORY COMMISSION
WISCONSIN ELECTRIC POWER COMPANY
POINT BEACH NUCLEAR PLANT, UNIT NOS. 1 AND 2
DOCKET NOS. 50-266 AND 50-301
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 License Nos. DPR-24 and DPR-27, issued to Wisconsin Electric Power Company (the licensee), for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2, located in the Town of Two Creeks, Manitowoc County, Wisconsin.

The amendments would modify Technical Specification 15.5.3 to remove certain limitations on the repair of leaking fuel rods so long as the repairs proposed during a given outage can be justified by a cycle-specific reload analysis. The current Technical Specifications allow repair of a fuel assembly which is suspected of leaking by substitution of an inert rod for a leaking rod, or removal of the leaking rod leaving a vacancy or "water hole." This repair method is presently limited to no more than one fuel rod in any single assembly and no more than six such modified assemblies may be in the core at any time. The proposed amendments would remove these limitations so

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long as a cycle-specific reload analysis is completed which justifies that safety limits would not be violated. Additionally, the proposed amendments would require that should filler rods be inserted into the vacancies, these rods will consist of either Zircaloy 4 or stainless steel in accordance with the licensee's applications for amendments dated March 12 and April 10, 1987.

Before issuance of the proposed license amendments, 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 Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples in 51 FR 7751. The examples of actions which involve no significant hazards consideration include Example (iii) which states: "For a nuclear power reactor, a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the

facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the technical specifications, that the analytical methods used to demonstrate conformance with the technical specifications and regulations are not significantly changed, and that the NRC has previously found such methods acceptable."

The licensee is not proposing to load fuel assemblies significantly different from those already approved for their facilities by the NRC. The licensee is merely requesting to eliminate the restrictions currently in effect relating to the number of assemblies and rods per assembly which may be repaired in accordance with approved repair procedures. The licensee has also indicated that all applicable safety criteria and margins will be met as supported by a cycle-specific reload analysis.

The licensee has evaluated the proposed change in accordance with the criteria of 10 CFR 50.92 to determine if the proposed amendments involve a significant hazards consideration. A proposed amendment involves no significant hazards consideration if 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, (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 stated that the first criterion is met. The present Technical Specification allows for fuel rod substitution or vacancies. While the proposed change removes the limits specified for such cases, the requirement

of satisfying a core-specific reload analysis remains in effect. By taking into account any fuel rod substitutions or vacancies, that analysis will verify that all applicable safety margins as defined in the licensing documents are not reduced. Therefore, there should be no increase in the probability or consequences of an accident.

The licensee also states that the second criterion is met. While fuel assemblies containing the rod substitutions or vacancies represent a change in the physical core configuration, it is not a significant change. Any such changes will be accounted for in the reload analysis. The proposed change states that rod substitutions or vacancies must be justified by reload analyses; therefore, the changes should not create the possibility of a new or different kind of accident.

The third criterion is also met for the same reasons described above. If the physical parameters of the reload core are evaluated as being within previously defined acceptance criteria, then a reduction in the margin of safety is precluded.

Based on the above, the staff proposes to determine that the amendments involve no significant hazards considerations.

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 Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U. S. Nuclear Regulatory Commission, Washington, DC 20555. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland, from 8:15 AM to 5:00 PM. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW, Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 27th 87 , 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 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 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 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 amendments and make them 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 amendments involve a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments 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 amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve 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, 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 David Wigginton, Acting Project Director: 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 General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, 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 Atomic Safety and Licensing Board that the request should be granted based upon a balancing of 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 which is available for public inspection at the Commission's Public

Document Room, 1717 H Street, N.W., Washington, D.C., and at the Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Dated at Bethesda, Maryland, this 22nd day of 1987.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script that reads "David H. Wagner". The signature is written in dark ink and is positioned above the typed name and title.

David H. Wagner, Project Manager
Project Directorate III-3
Division of Reactor Projects