



SECRETARY

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

May 28, 1998

DOCKETED  
USNRC

'98 JUN -1 P2:51

OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATIONS STAFF

MEMORANDUM TO: B. Paul Cotter, Jr.  
Chief Administrative Judge  
Atomic Safety and Licensing Board Panel

FROM: *J. C. Hoyle*  
John C. Hoyle, Secretary

SUBJECT: PETITION FOR LEAVE TO INTERVENE SUBMITTED  
BY THE CITIZENS REGULATORY COMMISSION

Attached is a petition to intervene dated May 21, 1998, and submitted by the Citizens Regulatory Commission. The petition was filed in response to a notice of a proposed determination by the staff that the issuance of a license amendment to the Northeast Nuclear Energy Company for the Millstone Nuclear Power Station, Unit No.3 (Docket No.50-423) would involve no significant hazards considerations. The amendment would add a new sump pump subsystem to address groundwater inleakage through the containment basemat. The notice was published in the Federal Register at 63 Fed. Reg. 19964, 19974 (April 22,1998) (copy attached).

The petition to intervene is being referred to you for appropriate action in accordance with 10 C.F.R. Sec. 2.772(j).

Attachment: as stated

cc: Commission Legal Assistants  
OGC  
CAA  
OPA  
EDO  
NRR  
Nancy Burton, Esquire  
Citizens Regulatory Commission  
Lillian M.Cuoco, Esquire  
Northeast Nuclear Energy Company

SECY-EHD-008

DS03

19154

UNITED STATES NUCLEAR REGULATORY COMMISSION

IN RE: APPLICATION FOR AMENDMENT  
NY NORTHEAST NUCLEAR ENERGY  
COMPANY, ET AL

: DOCKET NO. 50-423  
:  
:  
:  
:  
:  
:  
: MAY 21, 1998

DOCKETED  
USNRC

MILLSTONE NUCLEAR POWER STATION,  
UNIT NO. 3

'98 MAY 28 P1:34

NEW LONDON COUNTY, CONNECTICUT

OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATIONS STAFF

CITIZENS REGULATORY COMMISSION  
PETITION FOR LEAVE TO INTERVENE  
AND REQUEST FOR HEARING

The Citizens Regulatory Commission ("CRC") herewith petitions the United States Nuclear Regulatory Commission for leave to intervene in the above-captioned proceedings concerning a license amendment application dated April 1, 1998 and described as follows:

The proposed revision to the Millstone Unit 3 licensing basis adds a new sump pump subsystem to address groundwater inleakage through the containment basemat.

This petition is submitted in accordance with the provisions of 10 C.F.R. §2.714 and further requests a hearing:

In support of this petition, the CRC represents as follows:

1. The Citizens Regulatory Commission ("CRC") is an organization of citizens, including families with young children, who reside in southeastern Connecticut and are concerned about the safety of the Millstone Nuclear Power Station. CRC includes members who reside with their young children within the five-mile priority emergency evacuation zone of the Millstone Station.

2. The instant application involves issues which are critical to the safe operation of Millstone Unit 3 and thereby directly impact CRC members' health and safety.

U.S. NUCLEAR REGULATORY COMMISSION  
RULEMAKING & ADJUDICATIONS STAFF  
OFFICE OF THE SECRETARY  
OF THE COMMISSION

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3. The CRC opposes issuance of the requested amendment at this time.

4. The CRC's objections to the proposed amendment are summarized as follows:

(a) The present management of the license amendment applicant, Northeast Nuclear Energy Company Et Al ("NU"), has for the past two (2) years permitted the employment of faulty calculations on a persistent basis involving the operations of systems at Millstone Unit 3;

(b) The present management of NU has for the past two (2) years engaged in inadequate procedures, methods and analysis of safety systems at Millstone Unit 3;

(c) The present management of NU has long been aware of the longstanding problems associated with the Recirculation Spray System ("RSS") at Millstone Unit 3.

(d) The RSS is a critical safety system at Millstone Unit 3;

(e) The United States Nuclear Regulatory Commission publicly acknowledged on February 19, 1998 that Millstone Unit 3 has been permitted to operate for years although the RSS system was inoperable;

(f) The health, safety and welfare of the public, including the CRC membership, has been needlessly and recklessly jeopardized by the failure of NU and NRC to assure complete operability of the RSS system in the past;

(g) Failure of the RSS system could be catastrophic;

(h) Early in March 1998, NU tested a modification it had made to the RSS system at Millstone Unit 3;

(i) The modification to the safety-critical RSS system proved to have been very poorly designed and inadequately reviewed when testing of the modification resulted in serious damage to four pump systems which must be operable in a loss-of-coolant accident;

(j) CRC appends hereto the account of the March 1998 RSS modification failure which appeared in the April 3, 1998 issue of The New London Day newspaper;

(k) A nuclear engineer with the Union of Concerned Scientists is reported as having made the comment regarding the RSS modification failure: "This is engineering 101 stuff. Most disconcerting is nuclear oversight. Their sole job is to point out potential problems. When they raise a flag and it's ignored, something's wrong.";

(l) The instant amendment proposal addresses a safety concern of which NU was aware more than three (3) months prior to its submission of the amendment proposal;

(m) NU describes the need for the instant amendment as follows:

A Millstone Unit No. 3 Configuration Management Program review revealed that inleakage of groundwater has the potential to flood Engineered Safety Features (ESF) building sumps if the existing nonsafety-related sump pumps should fail to operate. If the sumps are not pumped out, the groundwater could eventually affect both trains of the Recirculation Spray System (RSS). This was previously reported in Licensee Event Report (LER) 97-046-00.

The containment substructure is encased within a waterproof membrane that is connected to sumps located in the ESF building. Degradation of the waterproof membrane has been detected, allowing groundwater inleakage. Any groundwater inleakage

permeates through a porous containment basemat containing embedded drainage pipes, and is directed to one of the two RSS cubicle sumps in the ESF building.

The current FSAR concluded that significant amounts of groundwater are not expected and thus, no safety-related dewatering system is required. The degradation of the waterproof membrane and the measurements of groundwater leakage has changed this conclusion. It is now recognized that enough groundwater inleakage can occur to potentially affect the operability of both trains of RSS pumps. Thus, the FSAR is being changed to reflect this new conclusion. In order to resolve this issue, two safety-related, air-driven sump pumps have been installed in the RSS sumps. A description of these new pumps is being added to the FSAR.;

(n) The present management of NU has for the past two (2) years compromised safety at Millstone Unit 3 in the interests of schedule-driven efforts to obtain approval for restart;

(o) That present NU management is schedule-driven at the expense of safety is illustrated by the fact that Bruce D. Kenyon, president and CEO of NU, will maximize a potential \$500,000 bonus if Millstone Unit 3 restart by a particular identified month, according to Mr. Kenyon's sworn testimony before the Connecticut Department of Public Utility Control on April 9, 1998;

(p) The present management of Millstone continues to perpetuate an employee environment in which workers are harassed, intimidated, retaliated against and discriminated against when they attempt to raise safety issues, which conduct is a violation of federal law;

(q) As recently as February 1998, a five-year employee with a stellar record at Millstone as well as a stellar 26-year record as a commander in the United States Navy resigned from Millstone in frustration that under present management he was not able to achieve adequate resolution on safety issues he raised;

(r) In light of the above circumstances, CRC has no confidence that NU has analyzed the Engineered Safety Features system which is the subject of the proposed amendment in a manner which is appropriate and adequate;

(s) In light of the above circumstances, CRC has no confidence that NU has analyzed the Engineered Safety Features system in accordance with the letter and spirit of the standards articulated on February 19, 1998 by Dr. Shirley Jackson, Chairman, NRC, during public proceedings concerning Millstone.

5. In light of the above circumstances, CRC respectfully represents that approval of the requested amendment in the present form as submitted by NU will directly adversely impact the health, safety and welfare of each of the members of CRC, including those families with young children.

**WHEREFORE**, Citizens Regulatory Commission petitions for leave to intervene and for a hearing in the above-referenced proceedings.

**CITIZENS REGULATORY COMMISSION**

By: Nancy Burton  
Nancy Burton, Esq.  
147 Cross Highway  
Redding Ridge CT 06876  
Tel. 203-938-3952  
Fax 203-938-3168

# The Day

FRIDAY, APRIL 2, 1995, NEW LONDON

SERVING EASTERN CONNECTICUT SINCE 1881

VOL. 117, No. 276 74 PAGES 50 CENTS

## Damage to Millstone 3 safety system raises more questions

### Engineering review process taken to task

By **PAUL CHOINIERE**  
Day Staff Writer

**Waterford** — In early March, engineers testing a newly modified safety system at the Millstone 3 nuclear power plant watched in alarm

as pipes began to vibrate. Later, when the system was dismantled, engineers discovered that a stainless steel liner inside the pipe had been ripped away.

The sleeve was found to be badly damaged, large chunks broken from it like bites from an apple. Three other pump systems — which had already passed vibration tests — were taken apart and found to have similar damage. The pumps

are needed to cool the reactor during a nuclear accident.

The incident provided dramatic evidence that the engineering review process had failed. On Dec. 22, a report from the Nuclear Oversight Department had warned that the planned modifications could cause serious problems. As a result of the warning, plant engineers repeatedly analyzed the proposed changes and concluded they would

work. They were wrong.

Millstone critics point to the incident as evidence that Millstone 3 is not ready to restart. They say they fear that corners are being cut in the rush to get the plant back on line.

"This is engineering 101 stuff," said David Lochbaum, a nuclear engineer with the Union of Concerned Scientists. "Most disconcerting is nuclear oversight. Their

sole job is to point out potential problems. When they raise a flag and it's ignored, something's wrong."

Michael Brothers, vice president of nuclear operations, said the warning was not ignored. He admitted that in retrospect engineering should have done a better job reviewing the modification. The review was too narrow in scope and as a result a problem was missed,

he said.

The incident, Lochbaum said, raises doubts whether one of the most serious and longstanding problems at Millstone 3 has been solved: the inability of management to take effective corrective action when a problem surfaces. Failing to correct documented problems was at the core of the Mill-

See **MORE** page **A2**

# More questions raised after Millstone 3 incident

From A1

stone plants' decline. It is a major reason they have been kept out of operation by the Nuclear Regulatory Commission for more than two years.

Brothers said it is wrong to allege the system failed. While management would have preferred the problem had been found earlier, it was, in the end, detected and corrected.

"As engineers, we like to be perfect, but no one's perfect. That is why the system as a whole has to be strong," he said. "Ultimately, the process did work."

The engineering mistake happened during the final stages of the Millstone 3 recovery effort. Northeast Utilities is racing to get the nuclear plant back in service, but cannot do so until it wins NRC approval. Engineers are working 60 hours or more a week to complete the recovery. Brothers estimated the problems with the safety system have caused a two-week delay.

The company is under severe financial pressure to get Unit 3 in service. The restart of Millstone 2 is still months away and Millstone 1 may never return to operation.

Modifications to the Recirculation Spray System were undertaken after a review showed that water flowing through the pipes could potentially flash to steam during an emergency. If that happened, the system would

be unable to fulfill its function of circulating a spray of cooling water over the reactor following a break in the primary cooling system.

The decision was made to place flow restrictors in the 10-inch diameter pipe, eliminating the potential for flashing. These restrictors work like the nozzle at the end of the hose, funneling the water into a smaller opening, thus increasing the velocity of the flow. The orifices used to restrict the flow were placed just downstream of expansion joints, metal accordion-like devices that have bellows that allow the pipes to expand and contract in response to dramatic changes in temperature and pressure.

The Dec. 23 Adverse Condition Report, issued by nuclear oversight, had warned that the modifications likely would cause problems.

"The orifice location will result in significantly higher velocities at the expansion joints, which could cause fatigue failure in the bellows and/or the liners," the report said.

Nuclear oversight had reviewed the safety evaluation that had been done on the proposed modification and found it lacking.

"The safety evaluation ... does not discuss the effects of higher velocities, vibration and initial operation ... on the expansion joint from the new orifice," the report said.

Lochbaum said it is an engineer-

ing rule of thumb that you do not place flow restrictors at locations where the increased flow velocity could cause problems, such as near an elbow or expansion joint.

"I can't imagine any worse place for these things," he said.

Brothers said he was aware of the potential problems, but was satisfied the modification would work.

When the testing was performed, the outcome that nuclear oversight had warned about is exactly what happened. The metal liners in the expansion joints were torn away by the increased velocity. Made of stainless steel and as thick as a compact disc, they were ripped and shredded.

Brothers was awakened in the middle of the night when the testing proved the change had failed.

"I remember coming in at 1 a.m. to look at the expansion joint. It created an awful feeling in my stomach," said Brothers. "But you know, you get over it. We've been shut down for almost two years, so a day or a week is not that important."

Donald Del Core Sr., a former Millstone employee who left the company in 1991 after facing harassment from management because of the safety issues he raised, questions how close engineers came to missing the problem. He said it was only during the evaluation of the fourth and last pump that engineers detected vibrations so severe that they decided to

open up the system and discovered the damage.

Had the vibrations been less intense, the system may have been approved without anyone realizing it had been severely damaged, Del Core said.

"You have to question whether the testing was adequate if, on three of four pumps tested, it did not pick up on a condition that was breaking the equipment," Lochbaum said.

Brothers said he, too, was troubled that the first three pumps tested were approved. He said engineers are reviewing the incident with the intent of improving testing. There are no similar tests scheduled at the plant, he said.

About a dozen slivers torn from the damaged liners, some an inch long, are still in the system, but Brothers said an analysis determined they will not pose a problem.

The system has undergone further modifications. The expansion joints have been replaced with new piping and pipe hangers have been added to handle the anticipated vibration. The system is now considered ready to operate, Brothers said.

Bruce D. Kenyon, president and chief executive officer for nuclear operations, called the incident a temporary setback and said Millstone is on schedule to gain Nuclear Regulatory Commission approval in May to restart.

CERTIFICATION

This is to certify that a copy of the foregoing was mailed on  
May 21, 1998 to the following:

DOCKETED  
USNRC

'98 MAY 28 P1:34

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Attention: Rulemakings and Adjudications Staff

OFFICE OF SECURITY  
RULEMAKING AND  
ADJUDICATIONS STAFF

Nuclear Regulatory Commission  
Public Document Room  
Gelman Building  
2120 L Street NW  
Washington, DC 20003-1527

Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Robert P. Wax, Esq.  
Northeast Utilities Service Company  
P.O. Box 270  
Hartford CT 06141-0270

  
\_\_\_\_\_  
Nancy Burton, Esq.  
147 Cross Highway  
Redding Ridge CT 06876  
Tel. 203-938-3952  
Fax 203-938-3168

Westinghouse Electric Company proprietary information pursuant to 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

*Monday, May 11, 1998—8:30 a.m. until the conclusion of business.*

*Tuesday, May 12, 1998—8:30 a.m. until the conclusion of business.*

The Subcommittee will continue its review of the results of the Westinghouse Test and Analysis Program supporting the AP600 design certification. Specifically, the Subcommittee will review issues pertaining to the AP600 Reactor Coolant System, including the resolution of issues identified in the February 19, 1998 ACRS letter. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Westinghouse Electric Company, the NRC staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the scheduling of sessions which are open to the public, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the cognizant ACRS staff engineer, Mr. Paul A. Boehnert (telephone 301/415-8065) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised

of any potential changes to the agenda, etc., that may have occurred.

Dated: April 16, 1998.

**Sam Duraiswamy,**

*Chief, Nuclear Reactors Branch.*

[FR Doc. 98-10663 Filed 4-21-98; 8:45 am]

BILLING CODE 7590-01-P

#### NUCLEAR REGULATORY COMMISSION

##### Advisory Committee on Reactor Safeguards; Subcommittee Meeting on Advanced Reactor Designs; Notice of Meeting

The ACRS Subcommittee on Advanced Reactor Designs will hold a meeting on May 13-15, 1998, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

*Wednesday, May 13, 1998—8:30 a.m. until the conclusion of business.*

*Thursday, May 14, 1998—8:30 a.m. until the conclusion of business.*

*Friday, May 15, 1998—8:30 a.m. until the conclusion of business.*

The Subcommittee will continue its review of the Westinghouse AP600 design. Specifically, the Subcommittee will review Chapters 3, 6, 9A, 14, 16, and 17 of the AP600 Standard Safety Analysis Report, the probabilistic risk assessment (PRA), regulatory treatment of non-safety systems (RTNSS), and the associated NRC staff's draft Final Safety Evaluation Report. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be

considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, Westinghouse Electric Company, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the cognizant ACRS staff engineer, Mr. Noel F. Dudley (telephone 301/415-6888) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: April 16, 1998.

**Sam Duraiswamy,**

*Chief, Nuclear Reactors Branch.*

[FR Doc. 98-10664 Filed 4-21-98; 8:45 am]

BILLING CODE 7590-01-P

#### NUCLEAR REGULATORY COMMISSION

##### Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

###### I. Background

Pursuant to Public Law 97-415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from March 30, 1998, through April 10, 1998. The last biweekly notice was published on April 8, 1998 (63 FR 17219).

**Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The Commission has made a proposed determination that the following amendment requests involve 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 basis for this proposed determination for each amendment request is shown below.

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.

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 before action is taken. Should the Commission take this action, it will publish in the **Federal Register** 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.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administration Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public

Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By May 22, 1998, 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 a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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, NW., Washington, DC and at the local public document room for the particular facility involved. 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 a 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 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 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 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 immediately 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.

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, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's

Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission; the presiding officer or the Atomic Safety and Licensing Board that the petition and/or 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 amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

*Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois.*

*Date of amendment request: March 14, 1997.*

*Description of amendment request:* The proposed amendment would delete license conditions which have been satisfied, revise others to delete parts which are no longer applicable or to revise references, and make editorial changes.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The initial conditions and methodologies used in the accident analyses remain unchanged. The proposed changes do not change or alter the design assumptions for the systems or components used to mitigate the consequences of an accident. Therefore, accident analyses results are not impacted.

The license conditions were one-time commitments that have been satisfied. There are no physical changes to the facility, and all operating procedures, limiting conditions for operation, limiting safety system settings, and safety limits are unchanged. Removal of these license conditions is appropriate and safe.

Therefore, the proposed changes do not involve a significant increase in the

probability or consequences of an accident previously evaluated.

B. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Many of the proposed changes delete references to items that have been completed. The NRC required these items as a condition of granting the license. Since they have been satisfied as intended, deleting them is administrative.

None of the proposed changes affect the design or operation of any system, structure, or component in the plant. The safety functions of the related structures, systems, or components are not changed in any manner, nor is the reliability of any structure, system, or component reduced by the revised surveillance or testing requirements. The changes do not affect the manner by which the facility is operated and do not change any facility design feature, structure, system, or component. No new or different type of equipment will be installed. Since there is no change to the facility or operating procedures, and the safety functions and reliability of structures, systems or components are not affected, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated. The remaining changes are editorial in nature and have no impact on plant operation or design.

C. The proposed changes do not involve a significant reduction in a margin of safety.

The proposed changes to the Operating License are generally administrative in nature and have no impact on the margin of safety of any Technical Specification. There is no impact on safety limits or limiting safety system settings. The changes do not affect any plant safety parameters or setpoints. The operating license conditions have been satisfied, as required. There are no changes to the conditions themselves. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Therefore, based on the above evaluation, Commonwealth Edison has concluded that these changes do not involve significant hazards considerations.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

*Local Public Document Room location:* Byron Public Library District, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010.

*Attorney for licensee:* Michael L. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60603.

*NRC Project Director:* Stuart A. Richards.

*Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois.*

*Date of amendment request: October 16, 1997.*

*Description of amendment request:* The proposed amendment would add an exemption from 10 CFR 70.24(a) to the Unit 1 license consistent with the Unit 2 license.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The initial conditions and methodologies used in the accident analyses remain unchanged. The proposed change does not change or alter the design assumptions for the systems or components used to mitigate the consequences of an accident. Therefore, accident analysis results are not impacted.

There are no physical changes to the facility, and all operating procedures, limiting conditions for operation, limiting safety system settings, and safety limits are unchanged.

The specific requirements for granting an exemption from 10 CFR 70.24(a) have been met. The request is authorized by law, will not endanger life or property or the common defense and security, and is in the public interest.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not affect the design or operation of any system, structure, or component in the plant. The safety functions of structures, systems, or components are not changed in any manner, nor is the reliability of any structure, system, or component reduced by the revised surveillance or testing requirements. The change does not affect the manner by which the facility is operated and does not change any facility design feature, structure, system, or component. No new or different type of equipment will be installed. Since there is no change to the facility or operating procedures, and the safety functions and reliability of structures, systems, or components are not affected, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

C. The proposed change does not involve a significant reduction in a margin of safety.

The proposed change to the Operating License has no impact on the margin of safety of any Technical Specification. There is not

reactivity changes and core alterations with both trains of the CREMAFS inoperable does not create the possibility of a new or different accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in the margin of safety.

The changes being proposed do not revise equipment design or operation nor do they make changes to Technical Specification required safety limits or safety system settings. In addition, they do not alter the environmental conditions which are to be maintained in the control room during normal operation and following an accident and they do not revise the accident analyses. Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis, and based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Exeter Public Library, Founders Park, Exeter, NH 03833.

*Attorney for licensee:* Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, CT 06141-0270.

*NRC Project Director:* Cecil O. Thomas.

*North Atlantic Energy Service Corporation, Docket No. 50-443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire*

*Date of amendment request:* April 3, 1998.

*Description of amendment request:* The proposed change would revise the Seabrook Station Technical Specifications (TSs) with administrative changes to support phased implementation of 24-month fuel cycle surveillance interval extensions. Specifically, the proposed change would: (1) provide wording changes in the Bases Section of TS 4.0.2 necessary to support 24-month surveillance interval extensions, (2) revise TS 4.0.5.b to provide revised terminology for inservice inspection and testing activities and their associated frequencies, (3) revise TS Table 1.1 to clarify current and future refueling intervals and their associated surveillance requirements and frequencies, and (4) delete the "during shutdown" restriction from the performance requirements of certain surveillance requirements.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the

issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The design basis accidents are not affected by the proposed editorial and administrative changes. The proposed changes do not change the level of programmatic controls or the procedural details currently in place. Furthermore, these changes have no adverse affect to the safe operation of the station. Performance of certain maintenance and testing activities during conditions or modes other than shutdown will be evaluated by North Atlantic to ensure proper regard to their effect on safe operation of the plant is given prior to conduct of a particular surveillance, or portion thereof. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed changes do not create the possibility of a new or different kind of accident from any previously analyzed.

The proposed changes do not introduce new features or modify plant structures, systems and components or procedures that could possibly affect station operations under normal or abnormal conditions, thus, the potential for an unanalyzed accident is not created. Performance of maintenance and testing activities on-line, as well as shutdown, are controlled by North Atlantic's procedures and policies to perform reviews and assessments of these activities to determine the affect on safe operation of the facility. The proposed editorial and administrative changes have no adverse affect on the safety limits or design basis accidents. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously analyzed.

3. The proposed changes do not involve a significant reduction in a margin of safety.

There are no changes being made to the Technical Specification safety limits or safety system settings that would adversely affect plant safety. The changes do not affect the operation of structures, systems or components nor do they introduce administrative changes to plant procedures that could affect operator response during normal, abnormal or emergency situations. Performance of certain maintenance and testing activities during conditions or modes other than shutdown will be evaluated by North Atlantic to ensure proper regard to their effect on safe operation of the plant is given prior to conduct of a particular surveillance, or portion thereof. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis, and based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Exeter Public Library, Founders Park, Exeter, NH 03833.

*Attorney for licensee:* Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, CT 06141-0270.

*NRC Project Director:* Cecil O. Thomas.

*Northeast Nuclear Energy Company (NNECO), et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut*

*Date of amendment request:* April 1, 1998.

*Description of amendment request:* The proposed revision to the Millstone Unit 3 licensing basis would add a new sump pump subsystem to address groundwater inleakage through the containment basemat.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

NNECO has reviewed the proposed revision in accordance with 10 CFR 50.92 and has concluded that the revision does not involve a significant hazards consideration (SHC). The bases for this conclusion is that the three criteria of 10 CFR 50.92(c) are not satisfied. The proposed revision does not involve an SHC because the revision would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The current FSAR [Final Safety Analysis Report] credits the waterproof membrane for assuring that groundwater inleakage is not significant and would have no impact on safety related structures and components. However, degradation of the waterproof membrane has been detected, and it is now concluded that groundwater inleakage can be significant in that it could affect the operability of the RSS [recirculation spray system] pumps. The original plant design had only nonsafety-related RSS sump pumps available for pumping the groundwater from the RSS sumps. These pumps are not powered from the emergency busses and would not be accessible during a design basis LOCA [loss-of-coolant accident].

Thus, it is assumed that they would not be available to mitigate a design basis accident. Two independent safety-related air-driven sump pumps have been installed to eliminate the potential for groundwater inleakage that would affect the RSS pumps.

Air-driven sump pumps have been installed with the air supply line routed to a connection outside the ESF [engineered safety features] building. This allows the installation of an air compressor in an area that is accessible during a design basis accident such as a LOCA. Two air compressors have been staged in designated locations, and will be maintained and

periodically tested to ensure their availability. Periodic testing of the sump pumps will also be performed. The surveillance requirements have been incorporated into the Technical Requirements Manual.

EOP [Emergency Operating Procedure] 35-ES1.3 has been modified to add a step to install the compressors and start the sump pumps. It is estimated that these sump pumps would be needed approximately ten hours after a design basis accident. Thus, there is sufficient time for the operators to perform this action. Since sufficient time is available, the action has been incorporated into procedures and the environmental conditions allow access to the area, it is concluded that credit for operator action can be taken.

Thus, the new system is single failure proof and meets the requirements of Standard Review Plan 3.4.1 which stated the following:

"If safety-related structures are protected from below-grade groundwater seepage by means of a permanent dewatering system, then the system should be designed as a safety-related system and meet the single failure proof criterion."

This provides assurance that the RSS pumps and other safety-related structures and components will perform the required safety function as assumed in the accident analysis.

The current nonsafety-related RSS sump pump system will continue to provide protection from groundwater leakage during normal operation. Thus, there is no impact on the probability of occurrence of a transient because of equipment or structural failure due to groundwater leakage. In addition, the new safety-related RSS sump pump system provides additional assurance that groundwater leakage would not affect structures or equipment during an extended loss of offsite power or a design basis accident. Thus, it is concluded that there is no impact on the probability of occurrence of any previously evaluated accident.

The change results in the use of the new air-driven sump pumps to remove groundwater in-leakage from the RSS cubicles. To preclude the possibility for radiological contamination of the groundwater, all sources of liquid radiological contamination to the sumps have been eliminated. The RSS cubicle floor drains leading to Sumps 7A/7B have been plugged. Drains from equipment determined not to be a potential source of radiological contamination continue to drain to Sumps 7A/7B (sources include CCP [component cooling water] and Service Water relief valves) and are covered with splash guards to prevent the entrance of contaminated spray. The Hydrogen Recombiner area floor drains and the drain from the PASS [post accident sampling system] sample sink, all of which are nonsafety-related, have been isolated from the indirect waste receptor which drains to Sump 7B. Sumps 7A and 7B have been cleaned and the existing nonsafety-related sump pumps replaced to remove any existing residual contamination. The nonsafety-related pumps (3DAS-P8A/B) discharge to ESF Building sump 3DAS-

SUMP 10. To preclude any potential siphoning from the potentially contaminated Sump 10 back to Sumps 7A/7B, the lines of the existing nonsafety-related pumps have been shortened to discharge above the water level in Sump 10.

The walls of Sumps 7A/7B have been extended to protect from a Limited Passive Failure and Pipe Break in the RSS cubicles. The expected flooding height is 6.6 inches [ ]. The sump cubicle height was extended to 3 ft. above the cubicle floor, well above this height. The sumps are covered with a vented hood to protect from pipe break spray and miscellaneous overhead leaks to further assure the sumps remain isolated from potentially contaminated RSS system fluids.

The existing SLCRS [supplementary leak collection and release system] boundary has been extended to the isolation valves located outside of the ESF building. Additionally, when the sump level is reduced while using the air driven pump, the pumps are designed to prevent air from being discharged through the pump discharge outside of the ESF building.

Thus, use of the new sump pumps would not affect the offsite doses following a design basis accident.

Therefore, the proposed revision does not involve a significant increase in the probability or consequence of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The current nonsafety-related RSS sump pump system will continue to provide protection from groundwater leakage during normal operation. This will continue to provide assurance there is no potential for a transient because of equipment or structural failure due to groundwater leakage. In addition, the new safety-related RSS sump pump system provides additional assurance that groundwater leakage would not affect structures or equipment during an extended loss of offsite power or a design basis accident.

Therefore, the proposed revision does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The current FSAR credits the waterproof membrane for assuring that groundwater in-leakage is not significant and would have no impact on safety related structures and components. However, degradation of the waterproof membrane has been detected and it is now concluded that groundwater in-leakage can be significant in that it could affect the operability of the RSS pumps. Original design had only nonsafety-related RSS sump pumps available for pumping the groundwater from the RSS sumps. These pumps are not powered from the emergency busses and would not be accessible during a design basis LOCA. Thus, it is assumed that they would not be available to mitigate a design basis accident. Two independent safety-related air-driven sump pumps have been installed to eliminate the potential for groundwater in-leakage that would affect the RSS pumps. The new system is single failure

proof and meets the requirements of Standard Review Plan 3.4.1.

Use of the new system requires operator action to install pre-staged air compressors to provide power for the new air-driven sump pumps. It is estimated that these sump pumps would be needed approximately ten hours after a design basis accident. Thus, there is sufficient time for the operators to perform this action. Since sufficient time is available, the action has been incorporated into procedures and the environmental conditions allow access to the area, it is concluded that credit for operator action can be taken.

With credit for the new single failure proof air-driven sump pumps and operator action to install pre-staged compressors to provide power for the pumps, the new subsystem provides the required assurance that the RSS pumps will not be affected by groundwater in-leakage. Thus, it is concluded that the RSS pumps would be operable for long term accident mitigation and there is no impact on the margin of safety as defined in the basis of the Emergency Core Cooling Technical Specifications or any other Technical Specification.

Therefore, the proposed revision does not involve a significant reduction in a margin of safety.

In conclusion, based on the information provided, it is determined that the proposed revision does not involve an SHC.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10.CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

**Local Public Document Room location:** Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut.

**Attorney for licensee:** Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, Connecticut.  
**NRC Deputy Director:** Phillip F. McKee.

*Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California*

**Date of amendment request:** December 23, 1997.

**Description of amendment request:** The proposed amendments would revise the combined Technical Specifications (TS) for the Diablo Canyon Power Plant, Unit Nos. 1 and 2 to revise Technical Specification (TS) 3/