

UNITED STATES NUCLEAR REGULATORY COMMISSIONWASHINGTON PUBLIC POWER SUPPLY SYSTEMDOCKET NO. 50-397NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-21 issued to the Washington Public Power Supply System (the licensee) for operation of its Nuclear Project No. 2 located in Benton County, Washington.

The proposed amendment would modify Technical Specification (TS) 4.0.5.a. to delete the requirement to obtain prior written relief from the Commission for inservice inspection (ISI) and inservice testing (IST) of components conducted pursuant to 10 CFR 50.55a. This change would provide relief from the ASME Code requirement in the interim between the submittal of a relief request and the NRC's issuance of a safety evaluation regarding the relief request. The change would allow the plant to operate in accordance with a proposed relief request while the NRC staff completed its review of the relief request.

The licensee has also proposed to modify TS 4.0.5.b. to add a definition for biennial or every-2-year inspection and testing activities. The definition of biennial or every 2 years will be at least once per 731 days.

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.

9411220412 941109
PDR ADOCK 05000397
PDR

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. 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) Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

[Regarding the change to TS 4.0.5.a:]

The proposed amendment allows continued plant operation in situations where ISI/IST Code compliance may be impractical. Continued operation is allowed only if the Code nonconformance has been determined not to be an unreviewed safety question or require a Technical Specification change as defined by 10 CFR 50.59. Further, to support continued operation a relief request must be submitted for Commission approval in accordance with 10 CFR 50.55a.

The change being proposed is administrative in nature and does not affect assumptions contained in plant safety analyses, the physical design and/or operation of the plant, nor does it affect Technical Specifications that preserve safety analysis assumptions. Any relief from the approved ASME Section XI Code requirements, under the circumstances contemplated by NUREG-1482, will require a 10 CFR 50.59 evaluation to ensure no Technical Specification changes or unreviewed safety questions exist. Further, the required 10 CFR 50.59 review includes a determination as to "if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased." This evaluation will ensure that actions are not taken that could involve a significant increase in the probability or consequences of an accident previously evaluated.

For the above reasons, operation of the facility in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of previously evaluated accidents.

[Regarding the change to TS 4.0.5.b:]

Clarification of existing requirements as put forth in ASME XI for a biennial testing frequency as 731 days has no impact on the operation of the plant and does not have a credible impact on the possibility or consequences of a previously evaluated accident. The change does not result in any hardware or operating procedure changes. Hence, such a change cannot increase the probability of a previously evaluated accident. Because it does not involve any equipment modifications or operating mode changes, the consequences of an accident occurring with this change is the same as the consequences of an accident occurring without the change.

Incorporation of the change in the WNP-2 Technical Specifications will not alter the probability of a previously evaluated accident nor increase the consequences of an accident.

- (2) Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

[Regarding the change to TS 4.0.5.a:]

The proposed change is administrative in nature and will not change the physical plant or the modes of operation defined in the WNP-2 License. The change does not involve the addition or modification of equipment nor does it alter the design or operation of plant systems. Any relief requests from the approved ASME Section XI Code requirements, under the circumstances contemplated by NUREG-1482, will require a 10 CFR 50.59 evaluation to ensure no Technical Specification changes or unreviewed safety questions exist before implementation. The 10 CFR 50.59 evaluation will specifically address whether or not the "possibility for an accident or malfunction of a different type than any evaluated previously in the safety analysis report may be created."

Therefore, with the control provided by the 10 CFR 50.59 review process and the administrative nature of the change, operation of the facility in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

[Regarding the change to TS 4.0.5.b:]

Because the proposed change introduces no new mode of plant operation nor does it require physical modification of the plant,

the possibility of a new or different kind of accident that those previously evaluated is not created by this change.

- (3) Does the change involve a significant reduction in a margin of safety?

[Regarding the change to TS 4.0.5.a:]

The margin of safety established by the 4.0.5.a ISI/IST program surveillance requirements is in ensuring that the systems are operable and will perform adequately to support the assumptions of the accident analysis. The change being proposed is administrative in nature and does not alter the basis for assurance that safety-related activities are performed correctly. The change does not alter the basis for any Technical Specification that is related to the establishment of or maintenance of a safety margin. Any relief request from the approved ASME Section XI Code requirements, under the circumstances contemplated by NUREG-1482, will require a 10 CFR 50.59 evaluation to ensure that no Technical Specification changes or unreviewed safety questions exist as a result of the relief request. Further, the 10 CFR 50.59 review includes a determination as to "if the margin of safety as defined in the basis for any technical specification is reduced." This evaluation will ensure that actions are not taken that could involve a significant reduction in a margin of safety.

For these reasons, operation of the facility in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

[Regarding the change to TS 4.0.5.b:]

Clarification of the ASME XI testing frequency of "Biennially or every two years...At least once per 731 days" has no impact on the operation of the plant and can not significantly impact the margin of safety created by the affected Technical Specifications. The change clarifies and improves the accuracy and understanding of the Technical Specifications. Because it does not have a technical or operational impact, the margin of safety created by the affected specification is not significantly affected by this change.

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.

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. 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 Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, 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 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 hearing and petitions for leave to intervene is discussed below.

By December 14, 1994 , 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 located at the Richland Public Library, 955 Northgate Street, Richland, Washington 99352. 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 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 specific 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, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 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) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 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, DC 20555, and to M. H. Philips,

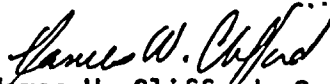
Jr., Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005-3502, attorney for the licensee.

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 August 8, 1994, 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 located at the Richland Public Library, 955 Northgate Street, Richland, Washington 99352.

Dated at Rockville, Maryland, this 9th day of November 1994.

FOR THE NUCLEAR REGULATORY COMMISSION


James W. Clifford, Senior Project Manager
Project Directorate IV-2
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

