

UNITED STATES NUCLEAR REGULATORY COMMISSIONENTERGY OPERATIONS, INC.DOCKET NO. 50-458NOTICE 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-47, issued to Entergy Operations, Inc. (the licensee), for operation of the River Bend Station (RBS), located in West Feliciana Parish.

The proposed amendment would provide the licensee the ability to search and determine the location, while at power, of leaking fuel bundles within the reactor core, by modifying Technical Specification (TS) 3.10.2. This modification adds the rod withdrawal limiter notch constraints as one of the items that can be bypassed to allow continuous rod withdrawal, in addition to adding fuel power suppression testing as one of the tests that can be performed while the rod withdrawal limiter is in the bypassed condition.

Entergy Operations, Inc. has requested the amendment at this time due to the fact that a small fuel leak was recently identified to exist in the reactor core at RBS. As a result of this leak the licensee has identified an increase in off-gas activity and off-site dose. Although these increases have not exceeded RBS off-site dose limits, the potential exists for further fuel degradation caused by either normal power changes, which

are needed to perform various TS surveillance tests, or inadvertent power excursions. Finally, should the leaking fuel bundle continue to degrade, RBS will be forced to de-rate to maintain off-gas activity within TS requirements. This could ultimately result in forcing the plant to shutdown to locate and remove the leaking fuel. Entergy Operations, Inc. has determined that if the location of the fuel leak can be identified, actions could be taken to suppress the leak, and to prevent further degradation. As a result, Entergy Operations, Inc. believes that the circumstances described above meets the requirements for emergency action per 10 CFR 50.91(a)(5).

The licensee's request was reviewed by the Commission and was found not to meet the requirements for emergency action as specified in 10 CFR 50.91(a)(5), but it was determined that the licensee's concerns were valid and did merit exigent action as specified in 10 CFR 50.91(a)(6).

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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) The request does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The event of concern is the rod withdrawal error at power, which is assumed to occur when the highest worth control rod is withdrawn while at a limiting critical power ratio condition. The rod withdrawal limiter provides protection for control rod withdrawal error events. The purpose of the rod withdrawal limiter is to limit control rod withdrawal to preclude a violation of a fuel design limit.

Administrative controls for bypassing the rod withdrawal limiter constraints in the rod pattern control system will include; direct control to be maintained and an approved procedure to be used to control the bypassing of individual control rods in the rod pattern control system. A test specific analysis will be performed assuming the rod withdrawal error occurs and a test pattern will be administratively imposed (i.e. controlled by procedure) that precludes any violation of fuel safety limits.

Performance of the power suppression testing with rod withdrawal limiter notch constraints bypassed will be more conservative since the bypassed control rod will not be withdrawn past its original pre-test position. The expected test conditions for which the power suppression test will be performed will also be much less than the assumed limiting thermal limit conditions expected by the safety analysis. Therefore, the evolution is less severe than that assumed in the safety analysis.

If an operator continuously withdraws a previously partially inserted control rod to its original position or beyond, an analysis will show there is no increase in the consequences of a rod withdrawal error of the type described in the basis for Technical Specification 3.10.2. Therefore, the rod pattern control system sequence constraints are not required for this special test, and the operation of the plant will remain as previously analyzed with the response of the plant within the limits of the analyses.

- 2) The request does not create the possibility of a new or different kind of accident from any previously evaluated.

Performance of the power suppression testing performed under the proposed change will be more conservative than previously reviewed events since the rod pattern control system bypassed control rod will

not be withdrawn past its original pre-test position. Therefore, the power suppression testing evolution is less severe than that assumed in the safety analysis and the response of the plant will remain within previous analysis.

The positioning of control rods will be in conformance with applicable safety analysis; the generic rod withdrawal error analysis or with a special analysis, to ensure that the conclusions of the rod withdrawal error analysis remains supported. The maintenance of these analysis limits will be through the use of administrative controls.

The use of operational control in lieu of control rod blocks will assure this analysis remains supported. This action is consistent with present allowances in Technical Specification 3.10.2. Therefore the above administrative controls ensure that positioning and movement of bypassed control rods remain within the bounds of the previous analysis.

- 3) The request does not involve a significant reduction in the margin of safety.

Technical Specifications currently allow bypassing a single control rod for the purpose of fully withdrawing the control rod to perform the four tests specified in Technical Specification 3.10.2. The margin of safety associated with the bypassing and withdrawal of control rods is established in the Technical Specifications for control rod scram time testing. Also the controls being placed on power suppression testing will assure fuel safety limits are met. Therefore, the margin of safety associated with power suppression testing is enveloped by the margin of safety defined for current control rod testing.

Therefore, the analysis, the hardware controls, and the administrative requirements all support and meet the requirements of General Design Criteria 10, Fuel Design Limits are not exceeded; 25, Protection System requirements for Reactivity; and 29, Protection against Anticipated Operational Occurrences.

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 15 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 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.

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 20555.

The filing of requests for hearing and petitions for leave to intervene is discussed below.



By October 17, 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 20555 and at the local public document room located at Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803. 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 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 the amendment is issued before the expiration of the 30-day hearing period, 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 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 20555, 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 William D. Beckner: 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 Mark Wetterhahn, Esq., Winston & Strawn, 1400 L Street, N.W., Washington, DC 20005, attorney for the licensee.

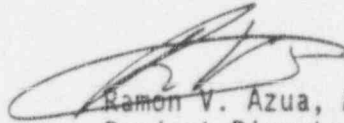
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should 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 September 8, 1994, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document

room, located at Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803.

Dated at Rockville, Maryland, this 13th day of September 1994.

FOR THE NUCLEAR REGULATORY COMMISSION



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