UNITED STATES NUCLEAR REGULATORY COMMISSION

RIVER BEND STATION

DOCKET NO. 50-458

NOTICE 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, located in West Feliciana Parish.

The proposed amendment would revise the formula for calculating the average power range monitor (APRM) flow biased simulated thermal power-high reactor trip and flow biased neutron flux-upscale control rod block trip setpoints T-factor specified in Technical Specification (TS) 3/4.2.2. The proposed changes are necessary to support implementation of recommendations contained in NRC Generic Letter 94-02, "Long-Term Solutions and Upgrade of Interim Operating Recommendations for Thermal-Hydraulic Instabilities in Boiling Water Reactors."

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant

increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. 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.

   This change only redefines the APRM setpoints T-factor. The modified APRM setpoints T-factor does not change or affect operator required actions in relation to the APRM setpoints T-factor and is only applied at different power peaking for given reactor power. Therefore, this change only affects the precursors to events that can be initiated as a result of different power peaking. The only event affected is the formation of coupled thermal-hydraulic and neutronic oscillations (reactor stability). Since the modified APRM setpoints T-factor allows power distributions which permits the application of stability controls to increase stability margin, the probability for initiation of reactor instability is significantly reduced. Therefore, this change does not involve a significant increase in the probability of any event previously evaluated.

   The consequence of a reactor instability event is minimized since the initial reactor conditions are associated with very stable power distributions. These stable conditions are established using stability controls which are permitted with the modified APRM setpoints T-factor. Since the initial reactor conditions are very stable, the severity of a postulated reactor instability event is significantly diminished. In addition, the modified APRM setpoints T-factor is confirmed to provide adequate LHGR [linear heat generation rate] protection at off-rated conditions for other anticipated events. Protection of other thermal limits for all previously analyzed events is accomplished by specific limits that are independent of the APRM setpoints T-factor. These are the power and flow dependent MCPR [miminum critical power ratio] Operating Limits which provide protection from fuel dryout and the rated MAPLHGR [maximum average planar linear heat-generation rate] limit which provides protection of the peak clad temperature for the DBA [design-basis accident] LOCA [loss-of-coolant accident]. Therefore, the proposed change does not involve a significant increase in the consequences of any event previously evaluated.

The proposed change in APRM setpoints T-factor permits implementation of appropriate reactor stability controls and maintains adequate off-rated LHGR margin for all operating conditions. This change, therefore, does not involve a significant increase in the probability and consequences of any event previously evaluated.

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

   This change only redefines the APRM setpoints T-factor. The proposed changes do not involve any new modes of operation or any plant modifications. The ability to implement reactor stability controls do not result in any new precursors to an accident. Therefore, the proposed changes do not create the possibility of a new or different type of accident from any accident previously analyzed.

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

   The change in the APRM setpoints T-factor definition allows the implementation of reactor stability controls during reactor operation at off-rated conditions which significantly improve the reactor stability performance. This is accomplished by achieving very stable power distributions outside the stability excluded region. Since the initial reactor conditions are very stable, the severity of a postulated reactor instability event is significantly diminished.

   The modified APRM setpoints T-factor accommodates higher power peaking to support the required stability controls. The modified APRM setpoints T-factor has been confirmed to provide adequate LHGR protection. Operation with higher peaking without APRM gains or flow bias trip setpoints adjustment does not involve a reduction in a margin of safety because the higher power peaking resulting from the APRM setpoints T-factor modification are below applicable LHGR limits. For power peaking conditions that result in APRM setpoints T-factor less than one, an adjustment to the APRM gains or trip setpoints is made to provide additional LHGR protection. Additionally, an upper bound is placed on power peaking by the modified APRM setpoints T-factor definition. Therefore, the modified APRM setpoint T-factor does not involve a reduction in a margin of safety because the higher power peaking resulting from the APRM setpoints T-factor modification is below applicable LHGR limits.

   Protection of other thermal limits for all previously analyzed events is accomplished by specific limits that are independent of

the T-factor. These are the power and flow dependent MCPR Operating Limits which provide protection from fuel dryout and the rated MAPLHGR limit which provides protection of the peak clad temperature for the DBA LOCA. The proposed change does not result in an increase in core damage frequency. Therefore, the proposed change does not involve a significant reduction in the margin of safety evaluated.

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 20555.

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

By October 21, 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 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, 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, NW., 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 12, 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 70[illegible].

Dated at Rockville, Maryland, this 15th day of September 1994.

FOR THE NUCLEAR REGULATORY COMMISSION

Ramon V. Azua, Acting Project Manager
Project Directorate IV-1
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation

amendment before the expiration of the notice period, provided that our final determination is that the amendment involves no significant hazards consideration.

Sincerely,

Original signed by:

Ramon V. Azua, Acting Project Manager
Project Directorate IV-1
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket No. 50-458

Enclosure: Notice

cc w/encl: See next page

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