

UNITED STATES NUCLEAR REGULATORY COMMISSIONNORTH ATLANTIC ENERGY SERVICE CORPORATION

DOCKET NO. 50-443

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-86, issued to the North Atlantic Energy Service Corporation (the licensee), for operation of the Seabrook Station located in Rockingham County, New Hampshire.

The proposed amendment would change the provisions of Seabrook Station Technical Specification Surveillance Requirement 4.3.1.1 to delay the performance of one aspect of the trip actuating device operational test (TADOT) for the manual reactor trip function until no later than startup from the first planned or unplanned shutdown, to MODE 3 or lower, occurring after July 30, 1992. The licensee feels that it would be imprudent to conduct a complex surveillance test procedure with its attendant trip potential while operational. It is proposed to issue this amendment on an exigent basis under 10 CFR 50.91(a)(6). The proposed Technical Specification change eliminates the need to initiate a plant shutdown to Mode 3 to perform the one aspect of surveillance testing. The licensee plans to perform the entire surveillance test during its next refueling outage now scheduled to begin in September, 1992.

The licensee's independent safety engineering group identified a potential testing inadequacy for the reactor trip breakers and reactor trip

bypass breakers on July 28, 1992. Seabrook's management was apprised of this and on July 29, 1992, concluded that Seabrook's trip breaker testing had not been performed in compliance with all aspects of Seabrook's Technical Specifications. This determination was immediately discussed with NRC staff via a conference call, and on July 30, 1992, a temporary waiver of compliance (TWOC) was granted. On July 31, 1992, the NRC requested the licensee to submit a request for a Technical Specification amendment to support the TWOC, and the licensee's request was filed on August 3, 1992.

Accordingly, the Commission finds that exigent circumstances exist, and that the licensee did not act to create the exigency. Any comments on the proposed action are due within fifteen (15) days after the date of publication of this notice.

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 considerations. 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 proposed temporary waiver of compliance does not involve a significant increase in the probability or consequences of an accident previously evaluated. Although the surveillance test did not adequately test one aspect of the manual reactor trip function, there is no reason to believe that based on the preoperational and surveillance testing performed, that any element of the manual trip function is not functional. If for some reason manual actuation of the shunt trip failed to operate, the diversity and redundancy of the reactor protection system would still enable it to perform its design function. Therefore, since the response of the plant to an accident is unchanged there is no significant increase in either the probability or consequences of an accident previously evaluated as a result of this temporary waiver of compliance.
2. The proposed temporary waiver of compliance will not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed temporary waiver of compliance does not affect the operation or response of any plant equipment or introduce any new failure mechanisms. Therefore, the previous accident analyses are unchanged and bound all expected plant transients and there are no new or different accident scenarios introduced.

3. The proposed temporary waiver of compliance will not involve a significant reduction in a margin of safety.

The proposed temporary waiver of compliance will not reduce the margin of safety defined in the BASES of any Technical Specification. The BASES of Technical Specification 3.3[.], Reactor Trip System Instrumentation states in part that OPERABILITY of the reactor trip system ensures that a reactor trip will occur when needed. The reactor trip system possesses several diverse and independent features which enable it to shutdown the reactor on demand. The operation of any of these features demonstrates that the reactor protection system is capable of performing its safety function. Therefore, the assumptions in the BASES of Technical Specifications are not affected and the proposed temporary waiver of compliance will not result in 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 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 fifteen (15) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of the FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, 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, D.C. 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By August 21, 1992, 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 hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rule 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, D.C. 20555 and at the local public document room located at the Exeter Public Library, 47 Front Street, Exeter, New Hampshire 03833.

If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that 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 30-days, the Commission will make a final determination on the issue of no significant hazards considerations. 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 considerations, 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 considerations, any hearing held would take place before the issuance of any amendment.

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 considerations. 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.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch,

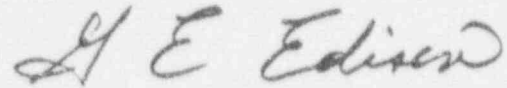
or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, D.C. 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Victor Nerses: 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, D.C. 20555, and to Thomas Dignan, Esquire, Ropes & Gray, One International Place, Boston, Massachusetts 02110-2624, 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)(i)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment, dated July 30, 1992, as supplemented August 3, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, D.C. 20555, and at the local public document room, located at Exeter Public Library, 47 Front Street, Exeter, New Hampshire 03833.

Dated at Rockville, Maryland, this 13th day of August 1992.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script that reads "G E Edison". The signature is written in dark ink and is positioned above the typed name and title.

Gordon Edison, Senior Project Manager
Project Directorate I-3
Division of Reactor Projects - 1/11
Office of Nuclear Reactor Regulation