

UNITED STATES NUCLEAR REGULATORY COMMISSIONNORTHEAST NUCLEAR ENERGY COMPANY ET AL.DOCKET NO. 50-243NOTICE 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-49 issued to Northeast Nuclear Energy Company, et al. (the licensee) for operation of the Millstone Nuclear Power Station, Unit No. 3 located in New London County, Connecticut.

The proposed amendment would revise Technical Specifications (TS) Table 3.3-1 to allow Millstone Unit No. 3 to change operational modes with both Shutdown Margin Monitors inoperable, and to revise Action Statements 5(a) and 5(b) to reference the locked valve list in TS 4.1.1.2.2.

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:

The proposed changes do not involve a [significant hazards consideration] SHC because the changes would not:

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

The proposed changes to Technical Specification 3.3.1, Table 3.3-1, Action 5(b) would allow Millstone Unit No. 3 to change Modes with the Shutdown Margin Monitors (SMMs) inoperable while in compliance with the Limiting Condition for Operation (LCO) governing this condition.

The SMMs are used only for the purpose of providing an alarm to allow the operator time to mitigate a boron dilution accident.

The LCO action to lock all dilution flow paths provides adequate protection to preclude a boron dilution event from occurring. The administrative controls placed upon the dilution flow paths per Technical Specification 4.1.1.2.2 are the basis for not having to analyze for a BDE in Mode 6. Consequently, the SMMs are not required to be operable in Mode 6.

With the dilution flow paths locked closed, the SMMs are not required to provide an alarm to the operators to allow them to mitigate the event, and their continued operation provides no added safety benefit. The LCO for both SMMs being inoperable does not require the plant to change Modes and therefore permits continued operation of the facility for an unlimited period of time. The proposed Technical Specification change will allow the plant to invoke Technical Specification 3.0.4 and increase modes while complying with the LCO action statements. These action statements are summarized below:

Positive reactivity operations via dilutions and rod withdrawal are suspended. The intent of this action is to stop any planned dilutions of the RCS [reactor coolant system]. The SMMs are not intended to monitor core reactivity associated with RCS temperature changes. The alarm set point is routinely re-set during the plant heat up due to the increasing count rate. During cooldowns as the count rate decreases, baseline count rates are continually lowered automatically by the SMMs. The Millstone Unit No. 3 boron dilution analysis assumes steady state RCS temperature operation. Plant cool downs, although considered positive reactivity additions, are allowed to be performed with the SMMs inoperable as the SMMs provide no protection during an RCS cool down. The SMMs are designed to monitor for dilution events, not

reactivity additions as a result of cool downs. Prohibiting an RCS cool down as a result of entrance into this LCO action statement could prevent the operator from placing the plant into an overall safer condition. As such, all RCS cool downs will be allowed when the plant has entered this action statement in an effort to place the plant in a safer condition. With the administrative controls placed on the dilution flow paths, the BDE [boron dilution event] is precluded and the effects of the cool down are normal, anticipated core reactivity changes are offset by higher RCS boron concentrations.

All dilution flow paths are isolated and placed under administrative control (locked closed). This action provides redundant protection and defense in depth (safety overlap) to the SMMs. In this configuration, a BDE cannot occur. This is the basis for not having to analyze for a BDE in Mode 6. Since the BDE cannot occur with the dilution flow paths isolated, the SMMs are not required to be operable as the event cannot occur and operable SMMs provide no benefit.

Increase the shutdown margin surveillance frequency from every 24 hours to every 12 hours. This action, in combination with the above, provides defense in depth and overlap to the loss of the SMMs.

It is concluded that Millstones Unit No. 3 can heat up from Mode 5 to Mode 3 while complying with the technical specification action statements of Technical Specification 3.3.1, Table 3.3-1, safely and without increasing the probability or consequences of an accident previously evaluated.

Thus, this proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

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

The proposed change will allow Millstone Unit No. 3 to change modes while complying with the LCO action statements. These action statements provide adequate protection to preclude a BDE from occurring. Changing Modes without the SMM OPERABLE will not create a new or different accident from any previously analyzed. The SMMs are used solely for the purpose of detecting a BDE by providing the operator with 15 minutes of mitigation response time. With the event precluded, (the dilution flow paths locked closed) the SMMs provide no additional safety benefit while in operation. Since their only function is to provide a 15 minute response time, their inoperability [cannot] create the possibility of a different accident from occurring.

Based on the nature of the change, the change does not introduce any new failure modes or malfunctions and it does not create the potential for a new unanalyzed accident. Thus, this proposed change 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 proposed Technical Specification change does not reduce the margin of safety. The proposed change will allow Millstone Unit No. 3 to increase Modes without the SMMs OPERABLE. However the plant would only perform the Mode increase with Technical Specification administrative controls in place that essentially preclude that accident from occurring. In the proposed plant configuration, there is no added safety benefit from having the SMMs OPERABLE during the Mode increase. As such, there is no reduction in the margin of safety.

Thus, this proposed change does 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 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 20555-0001, 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 hearing and petitions for leave to intervene is discussed below.

By July 22, 1996 , 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 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. 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.

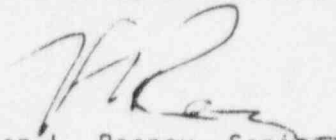
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 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 Phillip F. McKee: 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 20555-0001, and to Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, CT 06141-0270, 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 June 3, 1996, 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 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.

Dated at Rockville, Maryland, this 11th day of June 1996.

FOR THE NUCLEAR REGULATORY COMMISSION



Vernon L. Rooney, Senior Project Manager
Northeast Utilities Project Directorate
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation