

UNITED STATES NUCLEAR REGULATORY COMMISSIONVIRGINIA ELECTRIC AND POWER COMPANY, et al.DOCKETS NO. 50-338 AND 50-339NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO
FACILITY OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-4 and NPF-7, issued to Virginia Electric and Power Company and Old Dominion Electric Cooperative (the licensee), for operation of the North Anna Power Station, Units No. 1 and No. 2 located in Louisa County, Virginia, in accordance with the licensee's application for amendments dated September 19, 1985.

The amendments would add a statement to Technical Specification (TS) 3.7.10 specifying which snubbers shall be operable and deleting Tables 3.7-4a and 3.7-4b. The proposed change would remove the requirement to update the TS when a snubber is added or deleted from NA 1&2. These changes are in accordance with NRC Generic Letter 84-13 dated May 3, 1984 entitled "Technical Specification for Snubbers." Generic Letter 84-13 recommended that Tables 3.7-4a and 3.7-4b be eliminated from the TS. Generic Letter 84-13 also recommended that the TS be modified to specify which snubbers are required to be operable. This revision included a statement specifying "All snubbers utilized on safety related systems shall be OPERABLE. For those snubbers utilized on non-safety related systems, each snubber shall be OPERABLE if a failure of that snubber or the failure of the non-safety related system would have an adverse effect on any safety

related system." A list of snubbers will still be maintained as part of the plant records as required by TS 4.9.7.f. TS 4.9.7.f requires "a record of the service life of each snubber, the date at which the designated service life commenced and the installation and maintenance records on which the designated service life is based shall be maintained." The addition or deletion of a snubber will be documented in the NA-1&2 plant records. These changes are in accordance with the recommendations of Generic Letter 84-13. In addition references to Tables 3.7-4a and 3.7-4b have been deleted from the presently specified NA-1&2 TS.

The proposed change will also add a statement to surveillance requirement 4.7.10.a regarding the early inspection of snubbers. Early inspections can be used to set a new reference inspection date. However, the results of such early inspections cannot be used to increase the inspection interval. This statement is present in the bases section of the technical specifications and is being added to the surveillance requirements for clarification purposes. This statement is also consistent with the recommendation of Generic Letter 84-13. In section 4.7.10.c, the expression that is used to determine the sample size for additional functional testing of snubbers (should it be required) has been modified in accordance with Generic Letter 84-13. Finally, exemptions from functional testing for large snubbers greater than 50 kips during the Cycle 3 refueling and maintenance outage for Unit 1, and the Cycle 1 refueling and maintenance outage for Unit 2 have been deleted since these outages have been completed.

Before issuance of the proposed license amendments, 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 request for amendments 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 amendments 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.

The Commission has provided examples of changes that constitute no significant hazards consideration in FEDERAL REGISTER, Volume 48, page 14870. Example (i) is a purely administrative change to technical specifications, for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. Example (vii) is a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations in keeping with the regulations. The proposed changes to delete one time exemptions which have expired and to add a statement to the surveillance requirement which is presently in the Bases section are similar to example (i) in that they are administrative in nature. The proposed changes to delete the snubber tables and modify the expression determining sample size are similar to example (vii) in that they are consistent with the guidance provided in Generic Letter 84-13. Based on the above, the proposed changes are enveloped by examples (i) and (vii), and therefore, the staff proposes to determine that the proposed amendments do not involve significant hazards considerations.

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. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Records Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Comments may also be delivered to Room 4000, Maryland National Bank Building, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Monday through Friday.

By November 15, 1985, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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 petition for leave to intervene. Request for a hearing and petitions 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. 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 which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. 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 amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments involve a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments 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 amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish 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.

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, 1717 H Street, N.W., Washington, D.C., 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 (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Edward J. Butcher: (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 Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Michael W. Maupin, Esq., Hunton, Williams, Gay and Gibson, P. O. Box 1535, Richmond, Virginia 23212, 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 Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be 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 19, 1985 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093 and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Dated at Bethesda, Maryland this 4th Day of October, 1985.

FOR THE NUCLEAR REGULATORY COMMISSION

Leon B. Engle

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