

UNITED STATES NUCLEAR REGULATORY COMMISSIONROCHESTER GAS AND ELECTRIC CORPORATIONDOCKET NO. 50-244NOTICE 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. DPR-18 issued to Rochester Gas and Electric Corporation (the licensee) for operation of the R. E. Ginna Nuclear Power Plant located in Wayne County, New York.

The proposed amendment would change the footnote to the Improved Technical Specifications associated with the Design Features Fuel Storage Specification 4.3.1.1.b which required that 2300 ppm boron be maintained in the Spent Fuel Pool until December 31, 1999. The footnote would be changed to require 2300 ppm boron be maintained until June 30, 2001.

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:

Evaluation of Administrative Change

The administrative change associated with the revision of the date specified in the Specification 4.3.1.1.b note associated with maintaining spent fuel pool boron concentration [greater than or equal to] 2300 ppm at all times until a permanent resolution can be implemented does not involve a significant hazards consideration as discussed below:

- 1) Operation of Ginna Station in accordance with the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. The change revises the required completion date for resolution of a boraflex degradation issue. As described in the bases for LCO [limiting condition for operation] 3.7.12, increases in spent fuel pool temperature, with the corresponding decrease in water density and void formation from boiling, will generally result in an decrease in reactivity due to the decrease in moderation effects. The only exception are temperature bands where positive reactivity is added as a result of the high boron concentration. This effect is bounded by the reactivity added as a result of a misloaded fuel assembly. With respect to the more limiting dropped fuel assembly accidents, boraflex neutron absorber panels were originally assumed in the criticality analysis. Requiring a high concentration of soluble boron in place of boraflex panels ensures that the spent fuel pool remains subcritical with k_{eff} [less than or equal to] 0.95 for these accidents. Fuel assembly movement will continue to be controlled in accordance with plant procedures and LCO 3.7.13 which specifies limits on fuel assembly storage locations. Periodic surveillances of boron concentration are required every 7 days with level verified every 7 days during fuel movement per LCO 3.7.11. Due to the large inventory within the spent fuel pool, dilution of the soluble boron within the pool is very unlikely without being detected by operations personnel during auxiliary operator rounds or available level detection systems. There is also a large margin between the analyzed boron concentration to maintain the pool subcritical k_{eff} [less than or equal to] 0.95 and the current required value. The extension of the date does not invalidate this conclusion. Therefore, the probability or consequences of an accident previously evaluated is not significantly increased.

- 2) Operation of Ginna Station in accordance with the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. Revising the date for requiring that 2300 ppm boron be maintained in the spent fuel pool, to address any potential dissolution of boraflex in neutron absorber panels, does not create the possibility of a new or different kind of accident since the spent fuel pool is required to be maintained with a high boron concentration. Assuming a boron dilution event to the level required to reach $k_{\text{eff}} > 0.95$ conditions within the spent fuel pool would require either overflow of the pool or a controlled feed and bleed process with unborated water. In both

cases, more than 105,000 gallons of unborated water would be required to reach $k_{\text{eff}} > 0.95$. There is no source of unborated water of this size available to reach the spent fuel pool under procedural control or via a pipe break other than a fire water system pipe break or SW [service water] leak through the spent fuel pool heat exchangers. However, there are numerous alarms available within the control room to indicate this condition including high spent fuel pool water level and sump pump actuations within the residual heat removal pump pit (lowest location in the Auxiliary Building). Auxiliary operators also perform regularly scheduled tours within the Auxiliary Building. This provides sufficient time to terminate the event such that there is no credible spent fuel pool dilution accident. Therefore, the possibility for a new or different kind of accident from any accident previously evaluated is not created.

- 3) Operation of Ginna Station in accordance with the proposed change does not involve a significant reduction in a margin of safety. High levels of soluble boron in the spent fuel pool provides a significant negative reactivity such that k_{eff} is maintained [less than or equal to] 0.95. The proposed surveillance frequency will ensure that the necessary boron concentration is maintained. A boron dilution event which would remove the soluble boron from the pool has been shown to not be credible. Therefore, this 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 Chief, Rules and Directives Branch, Division of Administrative 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 6D59, 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 December 20, 1999, 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 accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>). 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: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. 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 Nicholas

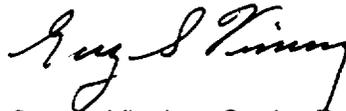
S. Reynolds, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005, attorney for the licensee.

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 October 20, 1999, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 15th day of November 1999.

FOR THE NUCLEAR REGULATORY COMMISSION



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Project Directorate
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