

January 4, 1991

Docket No. 50-334  
Serial No. BV-90-027

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Mr. J. D. Sieber, Vice President  
Nuclear Group  
Duquesne Light Company  
P. O. Box 4  
Shippingport, Pennsylvania 15007

Dear Mr. Sieber:

SUBJECT: BEAVER VALLEY POWER STATION, UNIT 1 - FEDERAL REGISTER  
NOTICE RELATED TO TECHNICAL SPECIFICATION CHANGE REQUEST NO. 180  
(TAC 77499)

The Commission has forwarded the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing" to the Office of the Federal Register for publication.

The notice relates to your September 4, 1990, application to amend the Appendix A Technical Specifications (TSs) to modify certain Limiting Conditions for Operation and Surveillance Requirements to allow for a temporary reduction to the minimum number of operable movable incore-detector thimbles.

Sincerely,



Albert W. De Agazio, Senior Project Manager  
Project Directorate I-4  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

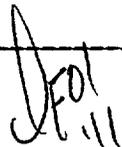
Enclosure:  
As Stated

cc w/enclosure: See next page

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NAME	:SNorris	:ADeAgazio:cn	:JStolz	:	:
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PDR ADOCK 05000334  
P PDR



Mr. J. Sieber  
Duquesne Light Company  
cc:

Beaver Valley Power Station  
Units 1 & 2

Jay E. Silberg, Esquire  
Shaw, Pittman, Potts and Trowbridge  
2300 N Street, N.W.  
Washington, DC 20037

Nelson Tonet, Manager  
Nuclear Safety  
Duquesne Light Company  
P. O. Box 4  
Shippingport, Pennsylvania 15077

Commissioner Roy M. Smith  
West Virginia Department of Labor  
Building 3, Room 319  
Capitol Complex  
Charleston, WV 25305

John D. Borrows  
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Public Utilities Commission  
180 East Broad Street  
Columbus, Ohio 43266-0573

Director, Pennsylvania Emergency  
Management Agency  
Post Office Box 3321  
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Bureau of Radiation Protection  
Pennsylvania Department of  
Environmental Resources  
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Mayor of the Borough of  
Shippingport  
Post Office Box 3  
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Regional Administrator, Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, Pennsylvania 19406

Resident Inspector  
U.S. Nuclear Regulatory Commission  
Post Office Box 181  
Shippingport, Pennsylvania 15077

UNITED STATES NUCLEAR REGULATORY COMMISSIONDUQUESNE LIGHT COMPANY, ET ALDOCKET NO. 50-334NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE AND 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. DPR-66 issued to Duquesne Light Company (the licensee) for operation of the Beaver Valley Power Station, Unit No. 1, located in Beaver County, Pennsylvania.

The proposed amendment to the Appendix A Technical Specifications (TSs) would modify certain Limiting Conditions for Operation and Surveillance Requirements to allow for a temporary reduction to the minimum number of operable movable incore-detector thimbles. The temporary reduction would be applicable only for the remainder of the current operating fuel cycle. Specification 3.3.3.2 a would be modified to allow the minimum number of operable, movable, incore-detector thimbles to be 50 percent of the incore-detector thimbles vice the present value of 75 percent. Surveillance Requirements 4.2.2.2.b, 4.2.2.3, and 4.2.3.2 would be modified to provide for increased uncertainty allowances to account for the reduced minimum operability requirement.

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 request for amendment 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.

The proposed change does not involve a significant hazards consideration because:

- 1) The changes do not involve a significant increase in the probability or consequences of an accident previously evaluated (10 CFR 50.92(c)(1)). The proposed changes would incorporate increased uncertainty factors to be applied to the peaking factors when flux mapping is done with less than 75% of the thimbles to compensate for the reduced number of measurements available.
- 2) The changes do not create the possibility of a new or different kind of accident from any accident previously evaluated (10 CFR 50.92(c)(2)). Adequate margin to the peaking factor limits is available, and the increased compensatory uncertainty factors ensure the limits are not exceeded. Further, there are other means available to assist with monitoring core conditions.

3. The changes do not involve a significant reduction in a margin of safety (10 CFR 50.92(c)(3)) because no plant set points are affected, and the compensatory increased measurement uncertainty factors assure core conditions will be adequately monitored.

Therefore, based on the above considerations, the Commission has made a proposed determination 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. 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 Regulatory Publications 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 this 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. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By February 11, 1991, 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 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. 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, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. 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 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. 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 request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If a final determination is that the amendment involves a significant hazards consideration, 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 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 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 Services Branch,

or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L 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 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz:

(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 Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037, 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 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 4, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120

L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Dated at Rockville, Maryland, this 4th day of January 1991.

FOR THE NUCLEAR REGULATORY COMMISSION



Albert W. De Agazio, Senior Project Manager  
Project Directorate I-4  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation