

July 21, 1989

Docket Nos. 50-277 and
50-278

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Mr. George A. Hunger, Jr.
Director-Licensing, MC 5-2A-5
Philadelphia Electric Company
Correspondence Control Desk
955 Chesterbrook Boulevard
Wayne, Pennsylvania 19087-5691

Dear Mr. Hunger:

SUBJECT: FEDERAL REGISTER NOTICE (TAC NOS. 69290/69291)

RE: PEACH BOTTOM ATOMIC POWER STATION, UNIT NOS. 2 AND 3

Enclosed is an Individual Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing. This amendment was requested by your letter dated August 26, 1988 regarding modification of the Technical Specification (TS) Limiting Conditions for Operation (LCO) and Surveillance Requirements for the Containment Cooling Systems (CCS) in TS 3/4.5.B and would revise related requirements for diesel generator (DG) testing in TS 3/4.5.F and the associated BASES.

Sincerely,

/S/

Robert E. Martin, Project Manager
Project Directorate I-2
Division of Reactor Projects I/II
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

[EXIGENCY]

for PDI-2/A
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7/21/89

RM PDI-2/PM
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PDI-2/D
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

July 21, 1989

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Sincerely,

Robert E. Martin
Robert E. Martin, Project Manager
Project Directorate I-2
Division of Reactor Projects I/II
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

Mr. George A. Hunger, Jr.
Philadelphia Electric Company

Peach Bottom Atomic Power Station,
Units 2 and 3

cc:

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UNITED STATES NUCLEAR REGULATORY COMMISSIONPHILADELPHIA ELECTRIC COMPANYPUBLIC SERVICE ELECTRIC AND GAS COMPANYDELMARVA POWER AND LIGHT COMPANYATLANTIC CITY ELECTRIC COMPANYDOCKET NOS. - 50-277/278NOTICE 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 Nos. DPR-44 and DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company and Atlantic City Electric Company, (the licensees), for operation of the Peach Bottom Atomic Power Station, Unit Nos. 2 and 3 located in York County, Pennsylvania.

The proposed amendment would revise the Technical Specification (TS) Limiting Conditions for Operations (LCO) and Surveillance Requirements (SRs) for the Containment Cooling System (CCS) in TS 3/4.5.B and would revise related requirements for diesel generator (DG) testing in TS 3/4.5.F and the associated BASES in accordance with the licensee's application dated August 26, 1988. The application responds to issues identified in NRC Inspection Reports 50-277/85-07; 50-278/85-07 and 50-277/86-16; 50-278/86-17 concerning (a) clarification of the specific LCO and SR requirements for components of the CCS and (b) revision of the alternate system testing requirements upon the inoperability of a diesel generator.

Inspection Report 85-07 identified concerns which are based on apparent inconsistent definitions between TS 3/4.5.B and the BASES of what constitutes the CCS. The residual heat removal system is designed for three modes or subsystems of operation: shutdown cooling, containment cooling and low pressure coolant injection to the reactor vessel. The major equipment of the residual heat removal system (RHRS) includes four heat exchangers, four main system pumps (RHR pump) and four high pressure service water (HPSW) pumps for each unit. The containment cooling function also includes three modes of operation: drywell spray, torus spray and torus cooling depending upon the alignment of valves and piping within the system. Each of the three containment cooling modes utilizes HPSW to remove heat from the RHR heat exchangers. The BASES identify the CCS as consisting of residual heat removal (RHR or LPCI) pumps and high pressure service water (HPSW) pumps. The concern identified by the Inspection Report 85-07 was that the licensee interpreted the CCS to consist only of the HPSW pump. In addition, it was noted that the specific coolant paths for the three modes of operation of the CCS, namely drywell spray, torus cooling and torus spray, are described in the FSAR but are not specifically reflected in the TS. The Inspection Report thus concluded that the TS were incomplete in this regard.

In addition to similar comments made in IR 85-07, inspection report 86-16/17 also noted that the TS 3/4.5.F requirement to perform daily testing of 24 safety related pumps on the inoperability of one DG is not consistent with the Standard Technical Specifications which do not require such alternate testing of the ECCS pumps.

The licensee has responded with nineteen identified types of changes to the TS which augment and clarify the CCS specifications, revise the alternate testing required for inoperable DG conditions and provide associated administrative changes.

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.

Changes 1 through 13 include administrative changes in nomenclature, clearer identification of components and systems, changes to ensure consistency and editorial changes to support the remaining numbered changes discussed below. The Commission has provided guidance for the application of the criteria for no significant hazards consideration determination by providing examples of amendments that are considered not likely to involve significant hazards considerations (51 FR 7751). These examples include: Example (i) "A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, corrections of an error, or a change in nomenclature." The proposed changes, as discussed above, are examples of such administrative changes. Since these

proposed changes are encompassed by an example for which no significant hazard exists, the staff has made a proposed determination that they involve no significant hazards consideration.

Changes 14, 15, 16, 17 - Jointly, these changes accomplish one of the major objectives of the licensee's proposed amendment which is to redefine, reformat and to provide greater specificity and restrictions in the technical specifications regarding the major components and systems required to effect the containment cooling function; namely the diesel generator emergency power supply, the HPSW pumps and the MOVs involved with the drywell spray and torus spray and cooling modes of the RHRS. In this regard the licensee has expanded SR 4.5.B.1 to include the MOV's (Change 14), has reworded SR 4.5.B.3 to clarify that its applicability is to the HPSW pumps (Change 15) and has expanded LCO 3.5.B.4 (Change 16) and the corresponding SR 4.5.B.4 (Change 17) to now include further restrictions specifying that two independent loops must be maintained, the components of each loop and limits on the inoperability of one or both loops for the individual modes of the RHR (drywell spray, torus spray and torus cooling). Thus, the currently defined "containment cooling subsystem loops" components would now be reflected in the TS as two loops each of RHR in the drywell spray, torus spray and torus cooling modes by the expansion of 3/4.5.B.4 into new 3/4.5.B.4, 3/4.5.B.5 and 3/4.5.B.6 and by the rewording of SR 4.5.B.3 so that it applies to the HPSW portion of the containment cooling system. These proposed changes are intended to maintain the current intent of these specifications but with further restrictions and clarifications.

The Commission has provided guidance for application of the criteria for no significant hazards consideration determination by providing examples of

amendments that are not likely to involve significant hazards considerations [51 FR 7751]. These examples include: Example (ii) "A change that constitutes an additional limitation, restriction or control not presently included in the technical specifications: for example, a more stringent surveillance requirement." The proposed changes numbered 14, 15, 16 and 17, as discussed above, are examples of such changes. Since the proposed changes are encompassed by an example for which no significant hazard exists, the staff has made a proposed determination that they involve no significant hazards consideration.

Change 18 proposes to revise the operating restrictions of LCO 3.5.F.1 for one diesel generator inoperable so that only the low pressure core and containment cooling systems powered by the remaining operable DGs need be operable. This would not reduce the as-analyzed ability of the plant to respond to the design basis accident since the systems powered by the inoperable diesel generator would not be given credit in the analyses for mitigation of design basis accidents. The licensee has provided a discussion of the proposed changes as they relate to the three standards articulated above. The licensee states that these changes will not:

- (1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

Four design basis accidents described in Section 14 of the UFSAR are the: Control Rod Drop Accident, the Loss of Coolant Accident, the Refueling Accident and the Main Steam Line Break. Since no credit can be taken for operability of the Low Pressure Core and Containment Cooling Systems which are powered by the inoperable diesel generator, the precursors, initial conditions, assumptions or sequences-of-events of these conditions, as described in the UFSAR are not impacted. It is, therefore, concluded that the probability or consequences of an accident previously evaluated are not increased.

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

Removing the mechanical operability requirement of systems which do not have a reliable electrical source, as the associated diesel generator is inoperable, will not introduce potential new accident precursors, since no credit can be taken for their operability.

- (3) Involve a significant reduction in a margin of safety.

The inoperable diesel generator renders the power supply to the Low Pressure Core and Containment Cooling System loops unreliable. Thus, these loops are effectively rendered inoperable. It is, therefore, concluded that removing this mechanical operability requirement does not decrease a margin of safety.

Change 19 proposes to delete the alternate testing requirements of SR 4.5.F.1 for the low pressure core and containment cooling systems when one diesel generator is inoperable. The licensee states that this change will reduce unnecessary system startup stresses as well as reduce system unavailability resulting from systems being out of service during testing and that this change is consistent with the Standard Technical Specifications. The licensee has provided a discussion of the proposed change as it relates to the three standards articulated above. The licensee states that these changes will not:

- (1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The reliability and redundancy of the Low Pressure Core and Containment Cooling Systems, along with the Surveillance Requirements established in other sections of the Technical Specifications, assure the operability of these systems necessary to mitigate the consequences of an accident.

Four design basis accidents described in Section 14 of the UFSAR are: the Control Rod Drop Accident, the Loss of Coolant Accident, the Refueling Accident and the Main Steam Line Break. Change request (19) will not adversely impact the precursors, initial conditions, assumptions or sequences-of-events of these

accidents, as described in the UFSAR. Therefore, an increase in the probability or consequences of an accident previously evaluated is not created.

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

Surveillance and operability requirements are not potential new accident precursors. The surveillance tests and their criteria will remain unchanged, and excessive challenges to the ECCS will be reduced. It is, therefore, concluded that implementation of Change Request (19) will 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.

Relaxing the accelerated testing provisions will reduce longterm equipment wear-out and encourage preventive maintenance at more frequent intervals. For these reasons, a net improvement in the reliability of these essential systems can be anticipated, thus enhancing the margin of safety.

The staff has reviewed the licensee's no significant hazards consideration for changes 18 and 19 above and agrees with the licensee's analyses. Accordingly, the Commission has proposed to determine that the above changes 18 and 19 do not involve a 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 addressed to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, 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-216, 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, 2120 L Street, NW, Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By August 28, 1989, 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. 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. 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 pre-hearing 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, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment 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 considerations. 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 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 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 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 considerations. 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, 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 Walter R. Butler, Director, Project Directorate I-2, Division of Reactor Projects I/II: 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 Conner and Wetterhahn, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006, 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 August 26, 1988, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, N.W., Washington, D. C. 20555, and at the Local Public Document Room, at the Government Publications Section, State Library of Pennsylvania, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Dated at Rockville, Maryland, this 21st day of July 1989.

FOR THE NUCLEAR REGULATORY COMMISSION



Walter R. Butler, Director
Project Directorate I-2
Division of Reactor Projects I/II
Office of Nuclear Reactor Regulation