

November 1, 1994

Mr. George A. Hunger, Jr.  
Manager-Licensing, MC 62A-1  
PECO Energy Company  
Nuclear Group Headquarters  
Correspondence Control Desk  
P.O. Box No. 195  
Wayne, PA 19087-0195

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY  
OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION  
DETERMINATION, AND OPPORTUNITY FOR HEARING, PEACH BOTTOM ATOMIC  
POWER STATION, UNITS 2 AND 3 (TAC NOS. M90698 AND M90699)

Dear Mr. Hunger:

Enclosed is a copy of the subject notice for your information. This notice relates to your application dated October 25, 1994, pertaining to the minimum reactor steam pressure required for Surveillance Requirement 4.5.C.1(e) for the Peach Bottom Atomic Power Station, Units 2 and 3.

This notice has been forwarded to the Office of the Federal Register for Publication.

Sincerely,  
/S/

Joseph W. Shea, Project Manager  
Project Directorate I-2  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket Nos. 50-277/278

Enclosure: As stated

cc w/encl: See next page

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

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Sincerely,

A handwritten signature in black ink, appearing to read "Joseph W. Shea", is written over the typed name.

Joseph W. Shea, Project Manager  
Project Directorate I-2  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket Nos. 50-277/278

Enclosure: As stated

cc w/encl: See next page

Mr. George A. Hunger, Jr.  
PECO Energy Company

Peach Bottom Atomic Power Station,  
Units 2 and 3

cc:

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PECO Energy Company  
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Delta, Pennsylvania 17314

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Nuclear Review Board  
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Wayne, Pennsylvania 19087

Dr. Judith Johnsrud  
National Energy Committee  
Sierra Club  
433 Orlando Avenue  
State College, PA 16803

UNITED STATES NUCLEAR REGULATORY COMMISSIONPHILADELPHIA ELECTRIC COMPANYDOCKET NO. 50-277 AND 50-278NOTICE 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 Nos. DPR-44 and DPR-56, issued to Philadelphia Electric Company (the licensee), for operation of the Peach Bottom Atomic Power Station, Units 2 and 3, located in York County, Pennsylvania.

The proposed amendment would clarify the minimum reactor steam pressure required for Surveillance Requirement 4.5.C.1(e). The revised Surveillance Requirement will require the licensee to verify that the High Pressure Coolant Injection pump, with reactor pressure less than or equal to 175 psig, develop a flow rate of greater than or equal to 5000 gpm against a system head corresponding to reactor pressure. The current Surveillance Requirement specifies that the test be performed at 150 psig but does not provide a range of acceptable pressures.

This Technical Specifications (TS) change request (CR) is requested to be processed as an exigent TS change in accordance with 10 CFR 50.91(a)(6). Exigent processing is being requested because the Peach Bottom Atomic Power Station (PBAPS) TS low pressure HPCI system testing requirements are ambiguous, and the licensee desires to accelerate the resolution of this ambiguity. The low pressure surveillance requirement (TS 4.5.C.1.e) requires

that the test be performed at 150 psig. Prior to October 21, 1994, this 150 psig value was interpreted as a nominal value. During recent inspection activities surrounding the startup of PBAPS Unit 2 from refueling outage 2R010, the NRC revised a previous position and determined that this value could not be interpreted as a nominal value. The licensee could not have foreseen this event because they were conducting station activities in accordance with NRC guidance.

During the 1990 Safety System Functional Inspection (SSFI, Combined Inspection Report 90-200), the issue of the HPCI low pressure surveillance testing being performed at a nominal value was reviewed (Open item 90-200-12). In response to the SSFI open item, the licensee revised an existing Plant Operations Review Committee position, to document that the 150 psig was a nominal value, and committed to revising the TS to clarify the low pressure requirement. This commitment was incorporated into the licensee's September 29, 1994 improved Technical Specifications (ITS) submittal. The NRC accepted this position and closed the SSFI open item (Combined Inspection Report 50-277/90-80, 50-278/90-80, dated November 9, 1990). The anticipated effective date of the ITS is the fourth quarter of 1995. Because of the recently revised NRC position regarding TS 4.5.C.1(e), the licensee is pursuing the attached TSCR in advance of the overall conversion to the ITS, and requests that it be processed on an exigent basis.

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

These changes increase the maximum pressure for performing the low pressure test on the HPCI pump from approximately 150 psig to [less than or equal to] 175 psig. For reasons stated above, HPCI pump testing must be performed when the [electro-hydraulic control] EHC System for the main turbine is available and capable of regulating reactor pressure. Operating experience has demonstrated that reactor pressures as high as 175 psig may be required before the EHC system is capable of maintaining stable pressure during the performance of the HPCI test. The probability of an accident is not increased because the proposed changes will not involve any physical changes to plant systems, structures, or components (SSC), or the manner in which these SSC are operated, maintained, modified, or inspected. In addition, the pressure at which the HPCI System is tested is not assumed to be an initiator of any analyzed event. The role of the HPCI System is in the mitigation of accident consequences. The consequences of an accident are not increased because a small increase in the pressure at which the HPCI pump performance to design specifications is verified will not significantly delay or otherwise affect the validity of the test to determine that the pump and turbine are still operating at the design specifications. In addition, it is overly conservative to assume a component is inoperable when a surveillance has not been performed. In fact, in most cases, it is a matter of component operability not yet being demonstrated since the usual outcome of the performance of a surveillance is the validation of conformance with surveillance requirements. Therefore, these changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

These changes do not involve any physical changes to plant systems, structures, or components (SSC), or the manner in which these SSC are operated, maintained, modified, or inspected. These changes increase the pressure for performing the low pressure test on the HPCI pump from approximately 150 psig to [less than or equal to] 175 psig. Therefore, these changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does this change involve a significant reduction in a margin of safety?

The margin of safety is not reduced. These changes increase the pressure for performing the low pressure test on the HPCI pump from approximately 150 psig to [less than or equal to] 175 psig. For reasons stated above, the ability of the HPCI pump to perform at the lowest required pressure of 150 psig has already been demonstrated. A small increase in the pressure at which the performance to design specifications is verified will not significantly delay or affect the validity of the test to determine that the pump and turbine are still operating at the design specifications. These changes effectively extend[s] the initial entry into the applicable condition prior to performing the surveillance. However, this is considered acceptable since the most common outcome of the performance of a surveillance is the successful demonstration that the acceptance criteria are satisfied. In addition, the change provides the benefit of allowing the surveillance to be postponed until plant conditions exist where performance of the surveillance is unlikely to result in a pressure transient. These changes do not affect the current analysis assumptions. Therefore, these changes do 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 15 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 15-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 15-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. 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, 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 December 7, 1994 , 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 Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105. 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 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 the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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, 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 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, DC 20555, and to J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19101, 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 25, 1994, 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 Government Publications Section, State Library of

Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and  
Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Dated at Rockville, Maryland, this 1st day of November 1994.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Joseph W. Shea". The signature is fluid and cursive, with the first name "Joseph" and last name "Shea" being the most prominent parts.

Joseph W. Shea, Project Manager  
Project Directorate I-2  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation