

April 20, 1989

Docket Nos. 50-272/311

DISTRIBUTION w/enclosure:

Mr. Steven E. Miltenberger
Vice President and Chief Nuclear
Officer
Public Service Electric and Gas
Company
Post Office Box 236
Hancocks Bridge, New Jersey 08038

Docket File OGC
NRC PDR DHagan
Local PDR ACRS (10)
PDI-2 Reading GPA/PA
SVarga
BBoger
WButler
MO'Brien
JStone
MThadani

Dear Mr. Miltenberger:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY
OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION
DETERMINATION AND OPPORTUNITY FOR HEARING
(TAC NOS. 60313 AND 60314)

RE: SALEM GENERATING STATION, UNIT NOS. 1 AND 2

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing." This notice relates to your application for amendment dated December 18, 1986, which would revise the Action Statements for the Reactor Trip System for Modes 3, 4 and 5 with the reactor trip breakers closed and would explicitly address the operable requirements of the diverse trip features as requested in Generic Letter 85-09.

Sincerely,

/s/

James C. Stone, 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

[MILTENBERGER 2]

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JStone:mr
4/20/89

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4/20/89

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

April 20, 1989

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Vice President and Chief Nuclear
Officer
Public Service Electric and Gas
Company
Post Office Box 236
Hancocks Bridge, New Jersey 08038

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Sincerely,

A handwritten signature in cursive script that reads "James C. Stone".

James C. Stone, 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. Steven E. Miltenberger
Public Service Electric & Gas Company

Salem Nuclear Generating Station

cc:

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Regional Administrator, Region I
U. S. Nuclear Regulatory Commission
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General Manager - Salem Operations
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Hancocks Bridge, NJ 08038

Lower Alloways Creek Township
c/o Mary O. Henderson, Clerk
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Hancocks Bridge, NJ 08038

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Vice President - Nuclear Operations
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Hancocks Bridge, NJ 08038

Robert Traee, Mayor
Lower Alloways Creek Township
Municipal Hall
Hancocks Bridge, NJ 08038

Mr. David Wersan
Assistant Consumer Advocate
Office of Consumer Advocate
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Kathy Halvey Gibson, Resident Inspector
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Trenton, NJ 08625

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c/o Jack Urban
General Manager, Fuel Supply
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Mr. David M. Scott, Chief
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Department of Environmental Protection
State of New Jersey
CN 411
Trenton, NJ 08625

UNITED STATES NUCLEAR REGULATORY COMMISSION

PUBLIC SERVICE ELECTRIC & GAS COMPANY

PHILADELPHIA ELECTRIC COMPANY

DELMARVA POWER AND LIGHT COMPANY

ATLANTIC CITY ELECTRIC COMPANY

DOCKET NOS. 50-272 AND 50-311

NOTICE 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 amendments to Facility Operating License Nos. DPR-70 and DPR-75 issued to Public Service Electric & Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees) for operation of the Salem Generating Station, Unit Nos. 1 and 2, located in Salem County, New Jersey.

The proposed amendments would revise the Action Statements for the Reactor Trip System for Modes 3, 4 and 5 with the reactor trip breakers closed and to explicitly address the operable requirements of the diverse trip features as requested in Generic Letter 85-09 in accordance with the licensee's application for amendment dated December 18, 1986.

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.

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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.

The licensee has evaluated the proposed amendment to determine if a significant hazards consideration exists:

- A. The probability of occurrence or the consequences of an accident or malfunction or [of] equipment important to safety previously evaluated in the safety analysis report will not be significantly increased.

These changes are proposed in order to achieve consistency with the Westinghouse generic design modifications to the reactor trip breakers. These modifications and the associated proposed Technical Specifications increase the reliability of the breakers, thereby reducing the probability of malfunction and the consequences of an accident.

- B. The possibility of an accident or malfunction of a different type than any evaluated previously in the safety analysis report will not be created.

Since the reactor trip breaker modifications and these proposed changes were initiated to meet staff requirements for improving the breakers, no new type of accident or malfunction will be created.

- C. The margin of safety as defined in the basis for any Technical Specification is not reduced.

The proposed change will provide an additional degree of safety in the event that the reactor trip breakers become INOPERABLE during modes 3, 4 or 5 by requiring the trip breakers to be opened. Also, this change explicitly addresses both diverse components of the breakers to achieve consistency with Westinghouse Standard Technical Specifications and the guidance of Generic Letter 85-09. Therefore, it will not reduce the margin of safety for any Technical Specification.

Based on the above evaluation, we have determined that the proposed change does not involve a significant hazards consideration.

The staff has reviewed the licensee's submittal and significant hazards analysis and concurs with the licensee's determination that the proposed amendment does not involve a significant hazards consideration. Therefore, the staff proposes to determine that the proposed amendment 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 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 this 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 May 30, 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. 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 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 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 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 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 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, Att: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street, NW 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 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 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 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 December 18, 1986, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, D.C. 20555, and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079.

Dated at Rockville, Maryland, this 20th day of April 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