

June 25, 1991

Docket Nos. 50-272  
and 50-311

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

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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, SALEM NUCLEAR GENERATING  
STATION, UNIT NOS. 1 AND 2 (TAC NOS. 79130 AND 79131)

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 November 19, 1990, as supplemented April 1,  
1991, May 20, 1991 and June 14, 1991. These amendments would allow fuel to be  
stored with a maximum of 4.55 weight percent U-235 provided that the reference  
infinite multiplication factor for the fuel assemblies is less than or equal  
to 1.453 in unborated water at 68°F, in core geometry.

Sincerely,

/S/

James C. Stone, Project Manager  
Project Directorate I-2  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

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PDR ADDOCK 05000272  
PDR

Enclosure:  
Notice

cc w/enclosure:  
See next page

OFC	: PDI-2/LA	: PDI-2/PM	: PDI-2/D	:
NAME	: MO'Brien	: JStone:tlc	: WButler	:
DATE	: 6/25/91	: 6/25/91	: 6/25/91	:

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

June 25, 1991

Docket Nos. 50-272  
and 50-311

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

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, SALEM NUCLEAR GENERATING  
STATION, UNIT NOS. 1 AND 2 (TAC NOS. 79130 AND 79131)

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 November 19, 1990, as supplemented April 1, 1991, May 20, 1991 and June 14, 1991. These amendments would allow fuel to be stored with a maximum of 4.55 weight percent U-235 provided that the reference infinite multiplication factor for the fuel assemblies is less than or equal to 1.453 in unborated water at 68°F, in core geometry.

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:  
Notice

cc w/enclosure:  
See next page

Mr. Steven E. Miltenberger  
Public Service Electric & Gas Company

Salem Nuclear Generating Station

cc:

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Public Service Commission of Maryland  
Engineering Division  
ATTN: Chief Engineer  
231 E. Baltimore Street  
Baltimore, MD 21202-3486

UNITED STATES NUCLEAR REGULATORY COMMISSIONPUBLIC SERVICE ELECTRIC AND GAS COMPANYPHILADELPHIA ELECTRIC COMPANYDELMARVA AND LIGHT COMPANYATLANTIC CITY ELECTRIC COMPANYDOCKET NOS. 50-272 AND 50-311NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE, 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-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 Salem Nuclear Generating Station, Unit Nos. 1 and 2, located in Salem County, New Jersey.

The proposed amendments would revise Technical Specifications (TS) sections 5.3.1 and 5.6.3 by removing the current maximum U-235 enrichment limit. TS 5.6.1 would be revised to allow storage of Westinghouse Standard or Vantage 5H (V5H) fuel with a maximum enrichment limit of 4.55 weight percent (w/o) U-235 provided that the reference infinite multiplication factor ( $K_{inf}$ ) for the fuel assemblies is less than or equal to 1.453 in unborated water at 68 degrees F, in core geometry. The uncertainty values contained in TS 5.6.1.a would be updated to include an uncertainty for Westinghouse Standard and V5H fuel assemblies containing Integral Fuel Burnable Absorber pins. This is in response to the licensees' application for amendment dated November 19, 1990 as

supplemented April 1, 1991, May 20, 1991 and June 14, 1991. This was previously noticed on June 12, 1991 (56 FR 27047). This notice supersedes the previous notice in its entirety.

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.

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.

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. Involve a significant increase in the probability or consequences of an accident previously analyzed. Because of the conservative methods and assumptions used to evaluate the maximum possible assembly multiplication factor, there is more than reasonable assurance that no significant hazard based on criticality safety is involved in storing fuel assemblies with enrichments of up to 4.55 w/o U-235, with sufficient IFBAs [Integral Fuel Burnable Assembly], in the spent fuel storage racks under both normal and postulated accident conditions. The calculations used to determine the minimum number of IFBA rods required as a function of enrichment assured an assembly  $K_{inf}$  less than or equal to that of a fresh 4.05 w/o U-235 assembly with no IFBA under 0 ppm soluble boron conditions. The criticality accidents for 4.05 w/o U-235 fuel have been analyzed previously and there will be no increase in assembly  $K_{inf}$ .

Additionally, evaluations of reload core designs (using any enrichment) will be performed on a cycle by cycle basis as part of the Reload Safety Evaluation (RSE) process to ensure that the reactor operation is consistent with the current safety analysis. Therefore, there is no increase in the probability or consequences of any accident previously analyzed.

2. Create the possibility of a new or different kind of accident. The increase in enrichment to 4.55 w/o U-235 involved the performance of evaluations to envelope the corresponding changes in reactivity. Use of the reactivity equivalencing procedures ensures that the spent fuel pool criticality limits are not exceeded. Additionally, there are no proposed changes to the spent fuel rack geometry. [Therefore, the changes do not create the possibility of a new or different kind of accident from any previously evaluated.]
3. Involve a significant reduction in a margin of safety. As discussed above, for worst case assumptions the assembly  $K_{inf}$  values for a maximum enrichment of 4.55 w/o U-235, with a sufficient number of IFBA rods do not exceed those for the previously analyzed 4.05 w/o U-235. Therefore there are no reductions in any 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. 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, DC. 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, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By July 29, 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, NW., Washington, DC 20555 and at the Local Public Document Room located at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079. 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, 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 20555, 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: (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 Mark J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C., 20005-3502, 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 November 19, 1990, as supplemented April 1, 1991, May 20, 1991 and June 14, 1991, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079.

Dated at Rockville, Maryland, this 25th day of June 1991.

FOR THE NUCLEAR REGULATORY COMMISSION



James C. Stone, Project Manager  
Project Directorate I-2  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation