

August 22, 1988

Docket Nos. STN 50-454 and STN 50-455

Mr. Henry E. Bliss  
Nuclear Licensing Manager  
Commonwealth Edison Company  
Post Office Box 767  
Chicago, Illinois 60690

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ACRS (10)

Dear Mr. Bliss:

The Commission has filed the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing" with the Office of the Federal Register for publication. This notice relates your request of August 5, 1988 to amend the Technical Specifications to Operating Licenses NPF-37 and NPF-66 for Byron Station, Units 1 and 2. The amendments would revise the Technical Specification action statement involving Rock River water flow.

Sincerely,

15/  
William L. Forney, Acting Director  
Project Directorate III-2  
Division of Reactor Projects - III,  
IV, V and Special Projects

Enclosure:  
As stated

cc: See next page

PDIII-2:PM  
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UNITED STATES NUCLEAR REGULATORY COMMISSIONCOMMONWEALTH EDISON COMPANYDOCKET NOS.: 50-454 AND 50-455NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTTO FACILITY OPERATING LICENSE ANDOPPORTUNITY FOR HEARING

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-37 and NPF-66, issued to Commonwealth Edison Company (the licensee), for operation of Byron Station, Units 1 and 2 located in Ogle County, Illinois.

The amendments would change the Technical Specification action statement involving Rock River water flow. The existing Technical Specification requires that both Byron Units 1 and 2 be shutdown if the Rock River flow rate is less than 700 cubic feet per second(cfs). The proposed amendment would allow both units to continue operation when river flow decreases below 700 cfs. The amendment would be effective for only 90 days to allow continued plant operation during the drought.

Prior to 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.

By \_\_\_\_\_, 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 hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the

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Commission's "Rules of Practices 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 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

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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.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by the above date. Where petitions are filed during the last (10) days of the notice period, it is requested that the petitioner or representative for 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 Daniel R. Muller; 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 Michael Miller, Esq., Sidley and Austin, One First National Place, Chicago, Illinois 60603, attorney for the licensee.

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Nontimely filing of petitions for leave to intervene, amended petitions, supplemental petitions and/or request 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).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated August 5, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.; the Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61101.

Dated at Rockville, Maryland this 19th day of August 1988.

FOR THE NUCLEAR REGULATORY COMMISSION

  
William L. Forney, Acting Director  
Project Directorate III-2  
Division of Reactor Projects - III,  
IV, V and Special Projects

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