

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

Mr. Dennis L. Farrar
Director of Nuclear Licensing
Commonwealth Edison Company
Post Office Box 767
Chicago, Illinois 60690

DISTRIBUTION

Docket File NRC PDR
Local PDR PD#3 Rdg.
S. Varga C. Rossi
C. Vogan OGC
L. Harmon OPA
ACRS (10)

Dear Mr. Farrar:

The Commission has filed the enclosed "Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for Hearing" with the Office of the Federal Register for publication. This notice relates to your request of March 24, 1987 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 provisions of the Technical Specifications to allow plant operation with the essential service water pump discharge temperature greater than 80°F, but less than 98°F, with no cooling tower fans running. Operation in this condition would be allowed during Ultimate Heat Sink cooling tower performance testing.

Sincerely,

Steven A. Varga, Director
Project Directorate #3
Division of PWR Licensing-A

Enclosure:
Notice of Consideration of
Issuance of Amendment to
Facility Operating License
and Opportunity for Prior
Hearing

cc: w/enclosure
See next page

*SEE PREVIOUS CONCURRENCE

PD#3	PD#3	OGC	
CVogan*	L01shan:pds*		*
3/30/87	3/30/87	4/1/87	

PD#3
SVarga
4/2/87

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3/30/87

W. J. Varga
OGC
W. J. Varga
7/1/87

PD#3
SVarga
1/1/87

Mr. Dennis L. Farrar
Commonwealth Edison Company

Byron Station
Units 1 and 2

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UNITED STATES NUCLEAR REGULATORY COMMISSION

COMMONWEALTH EDISON COMPANY

DOCKET NOS. STN 50-454 AND 50-455

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO
FACILITY OPERATING LICENSES 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. NPF-37 and NPF-66, issued to Commonwealth Edison Company (the licensee), for operation of Byron Stations, Units 1 and 2, respectively, located in Ogle County, Illinois.

The amendment proposed by the licensee would change Technical Specification 3/4.7.5 to allow plant operation with the essential service water pump discharge temperature greater than 80°F, but less than 98°F, with no cooling tower fans running. Operation in this condition would be allowed during the Ultimate Heat Sink cooling tower performance testing. This proposed amendment is in accordance with the licensee's application dated March 24, 1987.

The Commission has made a proposed determination that the amendments request involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facilities in accordance with the proposed amendments 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 of different kind of accident from any

accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendments involve temporary operation of the essential service water (ESW) system with the ESW pump discharge temperature greater than 80°F and no cooling tower fans running. The limiting previously evaluated accident which is dependent upon ultimate heat sink cooling is a large break loss of coolant accident with loss of offsite power. The probability of occurrence of a large break loss of coolant accident with loss of offsite power is not affected by operation of ESW cooling tower fans.

The consequences of a large break loss of coolant accident with loss of offsite power will not be significantly increased by operating the ESW system with ESW pump discharge temperature greater than 80°F and no cooling tower fans running. This is because the heat removal capability of the cooling towers will not be reduced by not placing all four fans in operation at the time the ESW pump discharge temperature exceeds 80°F. It is not necessary to start all four fans when the water reaches 80°F during the cooling tower performance testing because operators involved with conducting this test will continually be aware of ESW temperature during the test. Cooling tower fans will be energized as necessary to avoid exceeding 98°F. In any event, Technical Specification 3/4 7.5 would require a reactor shutdown if 98°F is exceeded.

Operation of the plant in accordance with these proposed amendments will not change the design of the ESW system. Operation of the ESW system will remain within original design limits during performance testing of the cooling

towers. Other systems which depend on ESW cooling will not be affected. Consequently, performance of the cooling tower testing with an ESW pump discharge temperature greater than 80°F and no fans running will not create the possibility of a new or different kind of accident.

The capability of the ESW system to remove heat will not be affected by operation of the system in accordance with the proposed amendments. As long as the cooling tower fans are started prior to reaching 98°F, the temperature limit of 98°F will not be exceeded. Therefore, the margin of safety has not been significantly reduced.

Based on the foregoing reasons, the staff believes these proposed amendments involve no significant hazards considerations.

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.

Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date page number of this Federal Register notice.

By May 11, 1987, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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 amendments 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 amendments request involve no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments involve a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

Normally, the Commission will not issue the amendments 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 amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve 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.

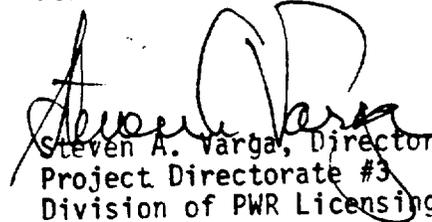
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last 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 Steven A. Varga, Director, Project Directorate No. 3, Division of PWR Licensing-A: 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 Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Michael Miller, Isham, Lincoln and Beale, One First National Plaza, 42nd Floor, Chicago, Illinois 60603, 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 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 amendments which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61103.

Dated at Bethesda, Maryland, this 2 day of April 1987.

FOR THE NUCLEAR REGULATORY COMMISSION


Steven A. Varga, Director
Project Directorate #3
Division of PWR Licensing-A