

June 17, 1991

Docket Nos. STN 50-454, STN 50-455
and STN 50-456, STN 50-457

Mr. Thomas J. Kovach
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Dear Mr. Kovach:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY
OPERATING LICENSE AND OPPORTUNITY FOR HEARING (TAC NOS. 72872,
72873, 72874, AND 72875)

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. The notice relates to your request of March 12, 1990, to amend the Technical Specifications (TS) to Facility Operating License Nos. NPF-37 and NPF-66 for Byron Station, Units 1 and 2, and Facility Operating License Nos. NPF-72 and NPF-77 for Braidwood Station, Units 1 and 2. The amendments would revise TS 4.5.2 to modify the surveillance requirements for venting of Emergency Core Cooling System (ECCS) equipment.

Sincerely,

Original Signed By:

Anthony H. Hsia, Project Manager
Project Directorate III-2
Division of Reactor Projects - III/IV/V
Office of Nuclear Reactor Regulation

Enclosure:
Notice

cc w/enclosure:
See next page

OFC	:LA:PDIII-2	:PM:PDIII-2	:PM:PDIII-2	:D:PDIII-2	:
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CP

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Commonwealth Edison Company

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UNITED STATES NUCLEAR REGULATORY COMMISSION

COMMONWEALTH EDISON COMPANY

DOCKET NOS. STN 50-454, STN 50-455, STN 50-456, AND STN 50-457

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF-37 and NPF-66, issued to Commonwealth Edison Company (the licensee), for operation of the Byron Station, Units 1 and 2, located in Ogle County, Illinois, and Facility Operating License Nos. NPF-72 and 77, issued to the licensee for operation of Braidwood Station, Units 1 and 2, located in Will County, Illinois.

By letter dated March 17, 1989, the licensee proposed to amend Technical Specification (TS) 4.5.2 to modify the existing surveillance requirements for venting of Emergency Core Cooling System (ECCS) discharge piping. A Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing on that request was published in the Federal Register on April 21, 1989 (54 FR 16177). By letter dated March 12, 1990, the licensee supplemented the amendment request by stating that only the ECCS pump casings and the discharge piping high points outside of containment will be vented at least once per 31 days.

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 July 25, 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 request for a 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 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, D.C. 20555 and at the Local Public Document Room located at: for Byron, the Byron Public Library, 109 N. Franklin, P. O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481. 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 pre-hearing 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.

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 Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW. Washington, D.C. 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 Richard J. Barrett: 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 I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690, 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).

If a request for a 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 March 17, 1989 (published in the Federal Register on April 21, 1989 (54 FR 16177)) as supplemented on March 12, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, D.C. 20555, and at the Local Public Document Room located at: for Byron, the Byron Public Library, 109 N. Franklin, P. O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Dated at Rockville, Maryland, this 17th day of June 1991.

FOR THE NUCLEAR REGULATORY COMMISSION



Richard J. Barrett, Director
Project Directorate III-2
Division of Reactor Projects - III/IV/V
Office of Nuclear Reactor Regulation