

August 10, 1999

Mr. Oliver D. Kingsley, President  
Nuclear Generation Group  
Commonwealth Edison Company  
Executive Towers West III  
1400 Opus Place, Suite 500  
Downers Grove, IL 60515

SUBJECT: ISSUANCE OF AMENDMENTS (TAC NOS. M98497 AND M98496)

Dear Mr. Kingsley:

The U.S. Nuclear Regulatory Commission (Commission) has issued the enclosed Amendment No. 110 to Facility Operating License No. NPF-37 and Amendment No. 110 to Facility Operating License No. NPF-66 for the Byron Station, Unit Nos. 1 and 2, respectively. The amendments are in response to your application dated March 14, 1997.

The amendments delete license conditions which have been satisfied, revise others to delete parts which are no longer applicable or to revise references, and make editorial changes. A portion of the request, related to the proposed deletion of dates for approved security plans, was denied. The basis for the denial is detailed in the enclosed Safety Evaluation. A copy of the Notice of Partial Denial of Amendments to be published in the Federal Register is enclosed for your information.

The Notice of Issuance will be included in the Commission's biweekly Federal Register notice.

Sincerely,

Stewart Bailey

*for* George F. Dick, Jr., Senior Project Manager, Section 2  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

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

- Enclosures: 1. Amendment No. 110 to NPF-37
- 2. Amendment No. 110 to NPF-66
- 3. Safety Evaluation
- 4. Notice of Denial

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M. Jordan, RIII	W. Beckner, O13H15		

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**\*See Previous Concurrence**

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*DFOR*  
*CP1*

O. Kingsley  
Commonwealth Edison Company

Byron Station  
Units 1 and 2

cc:

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- 2 -

Byron Station  
Units 1 and 2

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

COMMONWEALTH EDISON COMPANY

DOCKET NO. STN 50-454

BYRON STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 110  
License No. NPF-37

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Commonwealth Edison Company (the licensee) dated March 14, 1997, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
  - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the license is amended by changes to paragraphs 2.A., 2.B.(2), 2.C.(1), 2.C.(2), 2.C.(6), 2.D. and 2.E.; and by deleting paragraphs 2.C.(3), 2.C.(4), 2.C.(5), 2.C.(7), 2.C.(8), 2.C.(9), 2.C.(10), 2.C.(11), 2.C.(12), 2.C.(13), 2.C.(14), 2.C.(15) and Attachments 1 and 2 of Facility Operating License No. NPF-37\* and is hereby amended to read as follows:

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\*Pages 2 through 5 are attached, for convenience, for the composite license to reflect these changes.

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2. A. The license applies to the Byron Station, Unit No. 1, a pressurized water nuclear reactor and associated equipment (the facility), owned by Commonwealth Edison Company. The facility is located in north central Illinois within Rockvale Township, Ogle County, Illinois and is described in the licensee's "Updated Final Safety Analysis Report," as supplemented and amended, and in the licensee's Environmental Report, as supplemented and amended.
- B. (2) Pursuant to the Act and 10 CFR Part 70, to receive, possess and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Updated Final Safety Analysis Report, as supplemented and amended;
- C. (1) Maximum Power Level

The licensee is authorized to operate the facility at reactor core power levels not in excess of 3411 megawatts thermal (100% power) in accordance with the conditions specified herein.
- (2) Technical Specifications

The Technical Specifications contained in Appendix A as revised through Amendment No. 110 and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.
- (6) The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the licensee's Fire Protection Report, and as approved in the SER dated February 1987 through Supplement No. 8, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.
- D. The facility requires no exemptions from the requirements of 10 CFR Part 50.
- E. Commonwealth Edison shall fully implement and maintain in effect all provisions of the Commission approved physical security, guard training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and

10 CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Byron Nuclear Power Station Security Plan," with revisions submitted through January 14, 1988; "Byron Nuclear Power Station Security Personnel Training and Qualification Plan\*," with revisions submitted through September 26, 1986; and "Byron Nuclear Power Station Safeguards Contingency Plan\*," with revisions submitted through July 30, 1985.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION



Suzanne C. Black, Acting Director  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment:  
License Pages 2 through 5

Date of Issuance: August 10, 1999

- H. After weighing the environmental, economic, technical and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of this Facility Operating License No. NPF-37, subject to the conditions for protection of the environment set forth in the Environmental Protection Plan attached as Appendix B, is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied; and
  - I. The receipt, possession, and use of source, byproduct and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40 and 70.
2. Pursuant to approval by the Nuclear Regulatory Commission at a meeting on February 12, 1985, the License for Fuel Loading and Low Power Testing, License No. NPF-23, issued on October 31, 1984, is superseded by Facility Operating License No. NPF-37 hereby issued to Commonwealth Edison Company (the licensee) to read as follows:
- A. The license applies to the Byron Station, Unit No. 1, a pressurized water nuclear reactor and associated equipment (the facility), owned by Commonwealth Edison Company. The facility is located in north central Illinois within Rockvale Township, Ogle County, Illinois and is described in the licensee's "Updated Final Safety Analysis Report," as supplemented and amended, and in the licensee's Environmental Report, as supplemented and amended.
  - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Commonwealth Edison Company:
    - (1) Pursuant to Section 103 of the Act and 10 CFR Part 50 to possess, use and operate the facility at the designated location in accordance with the procedures and limitations set forth in this license;
    - (2) Pursuant to the Act and 10 CFR Part 70, to receive, possess and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Updated Final Safety Analysis Report, as supplemented and amended;
    - (3) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;

- (4) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
- (5) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is authorized to operate the facility at reactor core power levels not in excess of 3411 megawatts thermal (100% power) in accordance with the conditions specified herein.

(2) Technical Specifications

The Technical Specifications contained in Appendix A as revised through Amendment No. 110 and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Deleted.

(4) Deleted.

(5) Deleted.

(6) The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the licensee's Fire Protection Report, and as approved in the SER dated February 1987 through Supplement No. 8, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

- (7) Deleted.
- (8) Deleted.
- (9) Deleted.
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- (12) Deleted.
- (13) Deleted.
- (14) Deleted.
- (15) Deleted.
- (16) Deleted.
- (17) Additional Conditions

The Additional Conditions contained in Appendix C, as revised through Amendment No. 100, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Additional Conditions.

- D. The facility requires no exemptions from the requirements of 10 CFR Part 50.
- E. Commonwealth Edison shall fully implement and maintain in effect all provisions of the Commission approved physical security, guard training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Byron Nuclear Power Station Security Plan," with revisions submitted through January 14, 1988; "Byron Nuclear Power Station Security Personnel Training and Qualification Plan\*," with revisions submitted through September 26, 1986; and "Byron Nuclear Power Station Safeguards Contingency Plan\*," with revisions submitted through July 30, 1985.

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\*The Security Personnel Training and Qualification Plan and the Safeguards Contingency Plan are Appendices to the Security Plan.

- F. Except as otherwise provided in the Technical Specifications or Environmental Protection Plan, the licensee shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within 24 hours to the NRC Operations Center via the Emergency Notification System with written followup within thirty days in accordance with the procedures described in 10 CFR 50.73(b), (c) and (e).
- G. The licensee shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.
- H. This license is effective as of the date of issuance and shall expire at midnight October 31, 2024.

FOR THE NUCLEAR REGULATORY COMMISSION

original signed by:

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Appendices:

1. Appendix A - Technical Specifications (NUREG-1113)
2. Appendix B - Environmental Protection Plan
3. Appendix C - Additional Conditions

Date of Issuance: February 14, 1985



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

COMMONWEALTH EDISON COMPANY

DOCKET NO. STN 50-455

BYRON STATION, UNIT NO. 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 110  
License No. NPF-66

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Commonwealth Edison Company (the licensee) dated March 14, 1997, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
  - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the license is amended by changes to paragraphs 2.A., 2.B., 2.B.(1), 2.B.(2), 2.B.(3), 2.B.(4), 2.B.(5), 2.C.(1), 2.C.(2), 2.D., 2.E., and 2.F., and by deleting paragraphs 2.C.(3), 2.C.(4), and Attachment 1 of Facility Operating License No. NPF-66\* and is hereby amended to read as follows:

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\*Pages 2 through 5 are attached, for convenience, for the composite license to reflect these changes.

2. A. The license applies to the Byron Station, Unit No. 2, a pressurized water reactor, and associated equipment (the facility) owned by Commonwealth Edison Company. The facility is located in north central Illinois within Rockvale Township, Ogle County, Illinois and is described in the licensee's Updated Final Safety Analysis Report, as supplemented and amended, and in the licensee's Environmental Report, as supplemented and amended.
- B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Commonwealth Edison Company (ComEd):
  - (1) Pursuant to Section 103 of the Act and 10 CFR Part 50 to possess, use and operate the facility at the designated location in Ogle County, Illinois, in accordance with the procedures and limitations set forth in this license;
  - (2) Pursuant to the Act and 10 CFR Part 70, to receive, possess and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Updated Final Safety Analysis Report, as supplemented and amended;
  - (3) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
  - (4) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
  - (5) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
- C. (1) Maximum Power Level

The licensee is authorized to operate the facility at reactor core power levels not in excess of 3411 megawatts thermal (100 percent rated power) in accordance with the conditions specified herein.

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A (NUREG-1113), as revised through Amendment No. 110 and the Environmental Protection Plan contained in Appendix B, both of which were attached to License No. NPF-37, dated February 14, 1985, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

- D. The facility requires no exemptions from the requirements of 10 CFR Part 50.

An exemption was previously granted pursuant to 10 CFR 70.24. The exemption was granted with NRC materials license No. SNM-1916, issued March 4, 1985, and relieved the licensee from the requirement of having a criticality alarm system. Therefore, the licensee is exempted from the criticality alarm system provision of 10 CFR 70.24 so far as this section applies to the storage of fuel assemblies held under this license.

- E. The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the licensee's Fire Protection Report and the licensee's letters dated September 23, 1986, October 23, 1986, November 3, 1986, December 12 and 15, 1986, and January 21, 1987, and as approved in the SER dated February 1982 through Supplement No. 8, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

- F. ComEd shall fully implement and maintain in effect all provisions of the Commission approved physical security, guard training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Byron Nuclear Power Station Security Plan," with revisions submitted through January 14, 1988; "Byron Nuclear Power Station Security Personnel Training and Qualification Plan," with revisions submitted through September 26, 1986; and "Byron Nuclear Power Station Safeguards Contingency Plan," with revisions submitted through July 30, 1985.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION



Suzanne C. Black, Acting Director  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment:  
License Pages 2 through 5

Date of Issuance: August 10, 1999

- F. Commonwealth Edison Company has satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;
  - G. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;
  - H. After weighing the environmental, economic, technical, and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of Facility Operating License No. NPF-66, subject to the conditions for protection of the environment set forth in the Environmental Protection Plan attached as Appendix B to License No. NPF-37, issued February 14, 1985, is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied; and
  - I. The receipt, possession, and use of source, byproduct and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40 and 70.
2. Based on the foregoing findings regarding this facility, Facility Operating License No. NPF-66 hereby issued to Commonwealth Edison Company (the licensee) to read as follows:
- A. The license applies to the Byron Station, Unit No. 2, a pressurized water reactor, and associated equipment (the facility) owned by Commonwealth Edison Company. The facility is located in north central Illinois within Rockvale Township, Ogle County, Illinois and is described in the licensee's Updated Final Safety Analysis Report, as supplemented and amended, and in the licensee's Environmental Report, as supplemented and amended.
  - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Commonwealth Edison Company (ComEd):
    - (1) Pursuant to Section 103 of the Act and 10 CFR Part 50 to possess, use and operate the facility at the designated location in Ogle County, Illinois, in accordance with the procedures and limitations set forth in this license;
    - (2) Pursuant to the Act and 10 CFR Part 70, to receive, possess and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Updated Final Safety Analysis Report, as supplemented and amended;

- (3) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (4) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
- (5) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is authorized to operate the facility at reactor core power levels not in excess of 3411 megawatts thermal (100 percent rated power) in accordance with the conditions specified herein.

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A (NUREG-1113), as revised through Amendment No. 110 and the Environmental Protection Plan contained in Appendix B, both of which were attached to License No. NPF-37, dated February 14, 1985, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Deleted.

(4) Deleted.

(5) Deleted.

(6) Additional Conditions

The Additional Conditions contained in Appendix C, as revised through Amendment No. 100, are hereby incorporated into this license. The licensee shall operate the facility in accordance with the Additional Conditions.

- D. The facility requires no exemptions from the requirements of 10 CFR Part 50.

An exemption was previously granted pursuant to 10 CFR 70.24. The exemption was granted with NRC materials license No. SNM-1916, issued March 4, 1985, and relieved the licensee from the requirement of having a criticality alarm system. Therefore, the licensee is exempted from the criticality alarm system provision of 10 CFR 70.24 so far as this section applies to the storage of fuel assemblies held under this license.

- E. The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the licensee's Fire Protection Report and the licensee's letters dated September 23, 1986, October 23, 1986, November 3, 1986, December 12 and 15, 1986, and January 21, 1987, and as approved in the SER dated February 1982 through Supplement No. 8, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

- F. ComEd shall fully implement and maintain in effect all provisions of the Commission approved physical security, guard training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Byron Nuclear Power Station Security Plan," with revisions submitted through January 14, 1988; "Byron Nuclear Power Station Security Personnel Training and Qualification Plan," with revisions submitted through September 26, 1986; and "Byron Nuclear Power Station Safeguards Contingency Plan," with revisions submitted through July 30, 1985.

- G. Except as otherwise provided in the Technical Specifications or Environmental Protection Plan, the licensee shall report any violations of the requirements

contained in Section 2.C of this license in the following manner: initial notification shall be made within 24 hours to the NRC Operations Center via the Emergency Notification System with written followup within thirty days in accordance with the procedures described in 10 CFR 50.73(b), (c), and (e).

- H. The licensee shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.
- I. This license is effective as of the date of issuance and shall expire at midnight on November 6, 2026.

FOR THE NUCLEAR REGULATORY COMMISSION

original signed by:

Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

Attachments:

- 1. Revision to Appendix A -  
Technical Specifications (NUREG-1113)
- 2. Appendix C - Additional Conditions

Date of Issuance: January 30, 1987



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 110 TO FACILITY OPERATING LICENSE NO. NPF-37

AND AMENDMENT NO. 110 TO FACILITY OPERATING LICENSE NO. NPF-66

COMMONWEALTH EDISON COMPANY

BYRON STATION, UNIT NOS. 1 AND 2

DOCKET NOS. STN 50-454 AND STN 50-455

1.0 INTRODUCTION

By letter dated March 14, 1997, Commonwealth Edison Company (ComEd, the licensee) requested license amendments for Byron Station, Units 1 and 2. The intent of these requests was to delete license conditions which have been satisfied, revise others to delete parts which are no longer applicable, revise references, and make editorial changes.

2.0 EVALUATION

An evaluation of each of the proposed changes follows.

The licensee proposed to modify Unit 1 license condition 2.C.(1), "Maximum Power Level," to delete references to Attachment 1 to the Unit 1 operating license. Attachment 1 describes preoperational tests, startup tests and other items that shall be completed as specified as a condition of the license. NRC inspection report number 50-454/85024(DRS) dated July 10, 1985, documented the NRC inspectors' review of the three items delineated in Attachment 1. Attachment 1, Item A., required that preoperational test VA 84.11 (auxiliary building ventilation) shall be completed, including the resolution of any retest deficiencies, prior to July 1, 1985. The inspection report documented the completion of this item on June 17, 1985. Attachment 1, Item B., required that procedures for initial startup test program tests in the 50 percent, 75 percent, 90 percent and 100 percent power sequences, which have been approved by both the Station and Plant Engineering Department (PED), shall be provided to Region III at least 30 calendar days before the start date of the applicable sequence. The inspection report documented that this item had been satisfactorily accomplished and that all procedures had been provided for review. Attachment 1, Item C., required that, prior to July 1, 1985, the licensee complete integrated testing of the control room, auxiliary building, miscellaneous electric equipment room, and Engineered Safety Features switchgear room ventilation systems in all modes of operation to demonstrate that the control room envelope can be maintained at a positive 1/8 inch water gauge differential pressure with respect to adjacent areas. The inspection report documented that the testing to verify that the control room envelope will be maintained at the required pressure was completed and approved by June 17, 1985. Based on the prior inspection and closure of the items in the Attachment, the proposed deletion of the Attachment and the references to the Attachment in License Condition 2.C. (1) is acceptable.

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The licensee proposed to delete Unit 1 license condition 2.C.(3), "Post-Fuel-Loading Initial Test Program (Section 14, SER [Safety Evaluation Report])," which states: "Any changes to the Initial Test Program described in Section 14 of the FSAR [Final Safety Analysis Report] made in accordance with the provisions of 10 CFR 50.59 shall be reported in accordance with 50.59(b) within one month of such change." Section 14 of the Updated Final Safety Analysis Report (UFSAR) discusses the initial test program which was completed with the initial commercial operation of the unit. Based on the completion of the initial test program, there is no further need for this license condition. Therefore the proposed deletion is acceptable.

The licensee proposed to delete Unit 1 license condition 2.C.(4), "Seismic and Dynamic Qualification (Section 3.10, SSER [Supplemental Safety Evaluation Report] #5)\*," which states: "Prior to startup following the first refueling outage, the licensee shall completely qualify the Westinghouse 7300 Process Protection System (ESE-13), for both Nuclear Steam Supply System and Balance of Plant applications, including any hardware changes, if found necessary." By letter dated April 20, 1987, the licensee documented the completion of the seismic qualification of the Westinghouse 7300 process protection system circuit cards. Among other actions, the licensee replaced certain circuit cards to demonstrate seismic qualification. Subsequently, NRC inspection report number 50-454/87020(DRP) dated June 12, 1987, documented the NRC inspectors' review of the actions taken by the licensee to meet the conditions of the Unit 1 license which were required to be completed prior to startup of Unit 1 after its first refueling. In that report, license condition 2.C.(4) was considered closed. Based on this prior review, license condition 2.C.(4) is no longer required and the proposed deletion is acceptable. The licensee also proposed to delete a related item from license condition 2.D. License condition 2.D. lists exemptions from 10 CFR Part 50 that were granted with the initial licensing. License condition 2.D.(b) identifies an exemption to General Design Criterion-2 (GDC-2) of Appendix A, which was granted to allow operation with license condition 2.C.(4). With the deletion of license condition 2.C.(4), license condition 2.D.(b) is no longer required. Therefore, the deletion is also acceptable. Finally, the deletion of license condition 2.C.(4) also includes the deletion of a footnote which refers to item 2.D.(b).

The licensee proposed to delete Unit 1 license condition 2.C.(5), "Equipment Qualification (Section 3.11, SSER #5, SSER #6)," which states: "All electrical equipment within the scope of 10 CFR 50.49 must be environmentally qualified by November 30, 1985." By letter dated October 15, 1986, the licensee documented that all equipment within the scope of 10 CFR 50.49 was qualified. Subsequently, in supplement 2 to the Braidwood SER (NUREG-1002), the staff documented its review and evaluation of the Byron station program for the environmental qualification of electrical and mechanical equipment. This review concluded that equipment within the scope of 10 CFR 50.49 at both Byron and Braidwood was environmentally qualified. Based on this documented staff review, license condition 2.C.(5) is no longer required and the proposed deletion is acceptable.

The licensee proposed to delete Unit 1 license condition 2.C.(7), "Control Room Human Factors (Section 18.2, SSER #4)," which states: "Unless the staff determines that the test results do not support the change, the licensee shall, prior to startup following the first refueling outage, move the range and volume controls for the SOURCE RANGE nuclear instrument on Unit 1 from the nuclear instrumentation cabinet 1PM07J to the main control board 1PM05J." By letter dated

September 26, 1986, the licensee committed to perform the modification. Subsequently, NRC inspection report number 50-454/87020(DRP) dated June 12, 1987, documented the NRC inspectors' review of the modification. The inspectors observed satisfactory operation of the relocated controls by the reactor operators (RO) and, therefore, considered license condition 2.C.(7) to be closed. Based on this satisfactory review, license condition 2.C.(7) is no longer required and the proposed deletion is considered acceptable.

The licensee proposed to delete Unit 1 license condition 2.C.(8), "TMI Item II.F.1, Iodine/Particulate Sampling (Section 11.5, SSER #5)," which states: "Prior to startup following the first refueling outage, the licensee shall demonstrate that the operating iodine/particulate sampling system will perform its intended function." By letter dated November 5, 1986, the licensee documented the modification they intended to implement to address this issue. By letter dated January 8, 1987, the staff documented the acceptability of the proposed modification and stated: "When the modifications are completed, we consider the Condition 2.C(8) in the Unit 1 license, dated February 14, 1985, will have been satisfied. NRC inspection report number 50-454/87020(DRP) dated June 12, 1987, documented the NRC inspectors' review of the modification and concluded that the license condition was closed. Based on these satisfactory design and implementation reviews, license condition 2.C.(8) is no longer required and the proposed deletion is considered acceptable.

The licensee proposed to delete Unit 1 license condition 2.C.(9), "Emergency Response Capability (NUREG-0737, Supplement #1)," which states: "The licensee shall complete the emergency response capabilities as required by Attachment 2 to this license, which is incorporated into this license." Attachment 2 lists 5 separate emergency response issues which will be discussed individually.

Number 1, "Detailed Control Room Design Review (DCRDR)," states: "The license shall submit the final summary report for the DCRDR by December 1, 1986." By letter dated November 26, 1986, the licensee submitted their final DCRDR report. By letter dated July 25, 1989, the staff provided an evaluation of the DCRDR for Byron Station. Based on both a documentation review and an onsite audit, the staff concluded that Byron met the DCRDR requirements.

Number 2, "Regulatory Guide 1.97, Revision 2 Compliance," states: "The licensee shall submit by March 1, 1987, a preliminary report describing how the requirements of Regulatory Guide 1.97, Revision 2 have been or will be met. The licensee shall submit by September 1, 1987, the final report and a schedule for implementation (assuming the NRC approves the DCRDR by March 1, 1987)." Although the NRC review of DCRDR was not completed, the licensee, by letter dated September 1, 1987, submitted the Regulatory Guide 1.97 Final Report.

Number 3, "Upgrade Emergency Operating Procedures (EOPs)," states: "The licensee shall submit a Procedures Generation Package within 3 months of NRC approval of Westinghouse Owners Group (WOG) Emergency Procedure Guidelines (EPG) Revision 1. The licensee shall implement the upgraded EOPs based on WOG EOPs Revision 1 within 12 months of NRC approval of WOG EPG Revision 1." The licensee

stated in their March 14, 1997, submittal that the EOPs based on Revision 1 of the Westinghouse Owners Group EOPs were implemented in December 1985.

Number 4, "Emergency Response Facilities," states: "The licensee shall implement the Emergency Response Facility meteorological A-model by January 1, 1986." The licensee stated in their March 14, 1997, submittal that the A-model has been in use since December 1985.

Number 5, "Safety Parameter Display System (SPDS)," states: "The licensee shall have SPDS operational by March 30, 1985." The licensee stated in their March 14, 1997, submittal that the SPDS has been operational since March 29, 1985.

Based on the satisfactory completion of the items required by license condition 2.C.(9), license condition 2.C.(9) is no longer required and the proposed deletion is acceptable. In addition, the deletion of Attachment 2, which lists the specific item to be completed for license condition 2.C.(9), is also acceptable.

The licensee proposed to delete Unit 1 license condition 2.C.(10), "Reliability of Diesel-Generators (Section 9.5.4.1, SER, SSER #5)\*," which states: "Prior to startup following the first refueling outage, the controls and monitoring instrumentation on the local control panels shall be dynamically qualified for their location or shall be installed on a free standing floor mounted panel in such a manner (including the use of vibration isolation mounts as necessary) that there is reasonable assurance that any induced vibrations will not result in cyclic fatigue for the expected life of the instrument." In regard to this issue, the staff, in Supplement 8 to the Byron Safety Evaluation Report (NUREG-0876), stated: "...the staff concludes that the investigation conducted by the licensee on the dynamic qualifications of its diesel generator control panels, including the instrumentation and control devices, is satisfactory, and there is reasonable assurance that the subject equipment should perform its safety function adequately. Therefore, the applicable license conditions have been satisfied." Based on this prior review and determination of adequacy the license condition is no longer required and the proposed deletion is acceptable.

The licensee proposed to delete Unit 1 license condition 2.C.(11), "Generic Letter 83-28 (Required Actions Based on Generic Implications of Salem ATWS [anticipated transient without scram] Events)," which states: "The licensee shall submit responses to and implement the requirements of Generic Letter 83-28 on a schedule which is consistent with that given in its letters dated November 5, 1983, February 29, 1984, June 1, 1984 and October 10, 1984." Supplement 7 to the Byron Safety Evaluation Report (NUREG-0876), dated November 1986, discussed the GL 83-28 requirements and referenced the closure documentation for most of the GL 83-28 requirements for Byron. The items which remained open were 2.1, 2.2.1, 4.2.3, 4.2.4, 4.5.2, 4.5.3, and technical specifications for 4.3. Items 2.1, 4.5.2, 4.5.3, and 2.2.1 were subsequently closed out by the NRC staff in Safety Evaluations issued on January 14, 1987, January 23, 1987, June 16, 1989, and March 26, 1990, respectively. In Supplement 1 to Generic Letter (GL) 83-28, dated October 7, 1992, the staff concluded that licensee's actions in response to items 4.2.3 and 4.2.4 of GL 83-28 were not necessary. Finally, item 4.3 was

closed out with the issuance of a license amendment revising the testing requirements in the technical specifications for the shunt and undervoltage trip devices on May 22, 1989. Based on the prior documentation of the satisfactory completion of the requirement of GL 83-28, this license condition is no longer required and the proposed deletion is acceptable.

The licensee proposed to delete Unit 1 license condition 2.C.(12), "Formal Federal Emergency Management Agency Finding," which states: "In the event that the NRC finds that the lack of progress in completion of the procedures in the Federal Emergency Management Agency's final rule, 44 CFR Part 350, is an indication that a major substantive problem exists in achieving or maintaining an adequate state of emergency preparedness, the provisions of 10 CFR Sections 50.54(s)(2) will apply." By letters dated September 12, 1984, and June 3, 1986, from the Federal Emergency Management Agency (FEMA) to the NRC, FEMA determined that Byron satisfied the requirements of NUREG-0654/FEMA-REP-1, Revision 1 and FEMA-43 and, therefore, was approved pursuant to 44 CFR 350. Based on the documented prior approval, this license condition is no longer required and the proposed deletion is acceptable.

The licensee proposed to delete Unit 1 license condition 2.C.(13), "Control Room Ventilation System (Section 6.5.1, SSER #5, SSER #6)\*," which states: "Prior to July 1, 1985, the licensee shall incorporate modifications, as necessary, to ensure that the control room ventilation system may be used during an accident to protect operators within the criteria specified in 10 CFR 50, Appendix A, General Design Criteria 19." In regard to this issue, the staff, in Supplement 6 to the Byron Safety Evaluation Report (NUREG-0876), stated: "The staff has reviewed the system modification and concludes that they are acceptable and will assure compliance with GDC 19 when completed". Further, the staff concluded that an interim exemption from GDC 19 to extend the completion date of the proposed modification was acceptable. The licensee stated in their March 14, 1997, submittal that modification M6-0-85-003, which implemented the changes that the NRC reviewed, was completed on December 2, 1987. Based on the completion of the required modification this license condition is no longer required and the proposed deletion is acceptable. With the completion of the modification, the related exemption is also no longer required. Therefore, the proposed deletion of the footnote to license condition 2.C.(13) referring to section 2.D., and the proposed deletion of the exemption identified in 2.D.(d) are also acceptable.

The licensee proposed to delete Unit 1 license condition 2.C.(14), "Turbine Missiles (Section 3.5.1.3, SSER #5)," which states: "The licensee shall volumetrically inspect all three low pressure turbine rotors by every third refueling outage, until a turbine system maintenance program based on the manufacturer's calculations of missile generation probabilities is approved by the staff." By letter dated May 20, 1985, the staff noted that the Westinghouse generic turbine integrity methodology, providing procedures for estimating crack growth, missile generation probability, and volumetric inspection intervals, had been approved. The staff also noted that Byron had committed to a turbine inspection program based on the Westinghouse methodology. Based on that commitment, the staff determined that License Condition 2.C.(14) had been satisfied. Based on the documented prior approval, this license condition is no longer required and the proposed deletion is acceptable.

The licensee proposed to delete Unit 1 license condition 2.C.(15), "Operating Staff Experience Requirements (Section 13.1.2.1, SSER #5)," which states: "The licensee shall have a licensed senior operator on each shift who has had at least six months of hot operating experience on a similar type plant, including at least six weeks at power levels greater than 20 percent of full power, and who has had start-up and shutdown experience, except as follows. For those shifts where such an individual is not available on the plant staff, an advisor shall be provided who has had at least four years of power plant experience, including two years of nuclear plant experience, and who has had at least one year of experience on shift as a licensed senior operator at a similar type facility. Use of advisors who were licensed only at the RO level will be evaluated on a case-by-case basis. Advisors shall be trained on plant procedures, technical specifications and plant systems, and shall be examined on these topics at a level sufficient to assure familiarity with the plant. For each shift, the remainder of the shift crew shall be trained as to the role of the advisors. These advisors shall be retained until the experience levels identified in the first sentence above have been achieved. The NRC shall be notified at least 30 days prior to the date that the licensee proposes to release the advisors from further service". In regard to this issue, the staff, in Supplement 7 to the Byron Safety Evaluation Report (NUREG-0876), stated: "The staff finds that the licensee has satisfied the license condition and agrees that shift advisors are no longer necessary". Based on the documented prior approval, this license condition is no longer required and the proposed deletion is acceptable.

The licensee proposed to revise Unit 1 license condition 2.D. to delete the list of exemptions from 10 CFR Part 50 and replace it with a statement that no exemptions from 10 CFR Part 50 are required. Item 2.D.(a) noted an exemption from Appendix J, concerning the testing of containment air locks. This exemption was rendered moot by license amendment No. 81, dated April 4, 1996, which approved the use of Appendix J, Option B. Based on the issuance of this amendment the deletion of item 2.D.(a) is acceptable. Item 2.D.(b) noted an exemption from GDC-2 of Appendix A regarding structures ability to withstand earthquakes. This item was previously discussed above in association with license condition 2.C.(4) and the proposed deletion was determined to be acceptable. Item 2.D.(c) noted an exemption from GDC-13 and GDC-17 of Appendix A related to instrumentation and electric power. This item was previously discussed in association with license condition 2.C.(10) and the proposed deletion was determined to be acceptable. Item 2.D.(d) noted an exemption from GDC-19 of Appendix A related to control room habitability. This item was previously discussed in association with license condition 2.C.(13) and the proposed deletion was determined to be acceptable. Item 2.D.(e) noted an exemption from Section IV.F of Appendix E related to the performance of an emergency planning exercise. The required full participation emergency planning exercise was conducted on November 15, 1983. Exercises are now conducted at a frequency in accordance with applicable regulations. The license stated in the submittal dated March 14, 1997, that an exemption to Appendix E is no longer required. Based on the obviated need for the exemption the proposed deletion is acceptable. Based on the elimination of all the exemptions listed in License Condition 2.D., the revision to state that no exemptions from the requirements of 10 CFR Part 50 are required, is acceptable.

The licensee proposed to modify Unit 2 license condition 2.C.(1), "Maximum Power Level," to delete references to Attachment 1 to the Unit 1 operating license. Attachment 1 describes preoperational tests, ventilation tests and fire barrier sealing that shall be completed as specified as a condition of the license. Attachment 1, Item A., required that preoperational tests and test deficiencies documented in licensee letters dated November 3, 1986, and January 14, 1987, be completed in accordance with the licensee's schedule commitments. NRC inspection report number 50-455/87003 (DRS) dated March 10, 1987, and NRC inspection report number 50-455/88004 (DRS) dated March 29, 1988, reviewed the required preoperational tests and correction of test deficiencies and determined that all were completed satisfactorily. Based on the prior review and acceptance, the proposed deletion of Item A. is acceptable. Attachment 1, Item B., required completion of auxiliary building ventilation system tests, including post test review and approval by the Plant Engineering Department. Interim power level limits were provided based on Auxiliary Building emergency core cooling system (ECCS) leakage. A specified test schedule was also provided. NRC inspection report number 50-455/88004 (DRS) dated March 29, 1988, reviewed the required ventilation test and verified the item as completed. Based on the prior review and acceptance, the proposed deletion of Item B. is acceptable. Attachment 1, Item C., required that, prior to exceeding 5 percent power, the licensee shall seal all construction design penetration openings in designated fire barriers or provide compensatory measures. By letter dated March 14, 1997, the licensee stated that all nine seals were installed or repaired under nuclear work requests in March 1987, during refueling outage B1R01. Based on the completion of the required action the license condition is no longer required and the proposed deletion of Item C., is acceptable. With the deletion of all three items in Attachment 1, reference to the attachment is no longer required. Therefore, the proposed deletion of references to Attachment 1 is acceptable.

The licensee proposed to revise Unit 2 license condition 2.C.(2), "Technical Specifications and Environmental Protection Plan," to delete references to Attachment 2. The original Attachment 2 was the revised Technical Specifications issued with the original license. With the deletion of Attachment 1 in the previously discussed item, the Technical Specifications are the only remaining attachment to the Unit 2 license. Therefore, the licensee is proposing to delete references to Attachment 2 as containing a revision to Appendix A which contains the Technical Specifications and retain only a direct reference to Appendix A. Since there is now only the one attachment to the Unit 2 license, the staff considers the proposed changes to be acceptable.

The licensee proposed to delete Unit 2 license condition 2.C.(3), "Initial Test Program," which states: "Any changes to the Initial Startup Test Program described in Chapter 14 of the FSAR made in accordance with the provisions of 10 CFR 50.59 shall be reported in accordance with 50.59(b) within one month of such change." Section 14 of the Updated Final Safety Analysis Report (UFSAR) discusses the initial test program which was completed with the initial commercial operation of the unit. Based on the completion of the initial test program there is no further need for this license condition. Therefore, the proposed deletion is acceptable.

The licensee proposed to delete Unit 2 license condition 2.C.(4), "Regulatory Guide 1.97, Revision 2 Compliance," which states: "The licensee shall submit by March 1, 1987, a preliminary report describing how the requirements of Regulatory Guide 1.97, Revision 2 have been or will be met. The licensee shall submit by September 1, 1987, the final report and a

schedule for implementation (assuming the NRC approves the DCRDR by March 1, 1987)." By letter dated September 1, 1987, the licensee submitted the final report describing how the requirements of Regulatory Guide 1.97, as specified in Supplement 1 to NUREG-0737, have been or will be met, along with a schedule for implementation. Based on the submittal of the required report, the license condition is no longer required. Therefore, the proposed deletion is acceptable.

The licensee proposed to revise Unit 2 license condition 2.D. to delete the list of exemptions from 10 CFR Part 50 and replace it with a statement that no exemptions from 10 CFR Part 50 are required. The listed exemption from 10 CFR 70.24 is retained unchanged. The only exemption to be deleted is from Appendix J, concerning the testing of containment air locks. This exemption was rendered moot by license amendment No. 81, dated April 4, 1996, which approved the use of Appendix J, Option B. Based on the issuance of this amendment, the deletion of the exemption is acceptable. Based on the elimination the exemption from 10 CFR Part 50 listed in License Condition 2.D., the revision to state that no exemptions from the requirements of 10 CFR Part 50 are required, is acceptable.

The licensee also proposed certain editorial changes as follows.

The licensee proposed to delete the reference to the specific amendment, "Amendment 8," of the Fire Protection Report from Unit 1 License Condition 2.C.(6) and Unit 2 License Condition 2.E. Although Amendment 8 was the current version when the License Conditions were added, the Fire Protection Report has been revised since then. The report is incorporated into the UFSAR by reference and is updated at a frequency consistent with 10 CFR 50.71(e). Revising the License Condition each time the report is updated would be impractical and unnecessary since, lacking a specific revision listing, the most recent revision would be implied. Since the proposed change would delete an obsolete reference and incorporate the most recent reference, the staff considers the change acceptable.

The licensee proposed to delete references to specific dates of various security documents referred to in Unit 1 License Condition 2.E. and Unit 2 License Condition 2.F. When the license condition was added, to incorporate revisions to 10 CFR 73.55, the revision dates of the referenced security documents were included. The licensee has stated that since that time the documents have been revised in accordance with 10 CFR 50.90 and 10 CFR 50.54(p) and will likely be revised again in the future. 10 CFR 50.54(p)(2) limits the changes the licensee may make to the security plans without Commission approval to those which do not decrease the safeguards effectiveness. Based on the above, the licensee proposed to delete the reference dates leaving the most recent revision as the implied reference.

Although the reference dates currently provided in the license may not represent the current revision, due to licensee changes made pursuant to 10 CFR 50.54(p)(2), they do record the last revision reviewed and approved by the NRC. As such, they document the revision against which license changes made without staff approval will be evaluated. Further, 10 CFR 50.54(p)(1) states that a licensee may make no change which would decrease the effectiveness of the security plan, or guard training and security plan without prior approval of the Commission. A licensee desiring to make such a change shall submit an application for an amendment to the license pursuant to 10 CFR 50.90. Deletion of the reference dates do not

reduce the licensee's regulatory burden for Commission approved revisions because a license amendment is required, and since the current wording of the license conditions recognizes amendments pursuant to 10 CFR 50.54(p), deletion of the reference dates is not necessary for the licensee to revise the plans as otherwise allowed by the regulations. Based on the above, the staff has concluded that the reference dates provide the staff with an easily identifiable benchmark for NRC approved revisions to the plans and do not impose an unnecessary regulatory burden on the license. Therefore the proposed changes to Unit 1 License Condition 2.E and Unit 2 License Condition 2.F are not approved.

The licensee proposed to delete the statement regarding the schedule of implementation of the changes made in accordance with 10 CFR 73.55. Since this requirement is redundant to the rule and these changes have been completely implemented the deletion of this statement is acceptable.

An additional proposed change affected a page note concerning Unit 1 License Condition 2.E. Asterisks were added to the license condition to indicate where the note applies. This change is acceptable. All references to the Final Safety Analysis Report in the Unit 1 and Unit 2 licenses are proposed to be changed to the current name, the Updated Final Safety Analysis Report. This change is acceptable. In the Unit 2 license, the reference to "Byron/Braidwood" is changed to "Licensee", consistent with Unit 1. This change is acceptable. The format of Unit 2 License Condition 2.B. is proposed to be changed consistent with Unit 1 such that "Commonwealth Edison" is only stated in the opening sentence rather than with each item. This change is acceptable. Finally, at various locations in the licenses, the old abbreviation for the company name, CECo, is changed to the new abbreviation, ComEd. This change is acceptable.

### 3.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Illinois State official was notified of the proposed issuance of the amendments. The State official had no comments.

### 4.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32 and 51.35, an environmental assessment and finding of no significant impact has been prepared and published in the Federal Register on July 7, 1999 (64 FR 36722).

Accordingly, based upon the environmental assessment, the Commission has determined that the issuance of this amendment will not have a significant effect on the quality of the human environment.

## 5.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: John B. Hickman, NRR

Date: August 10, 1999

UNITED STATES NUCLEAR REGULATORY COMMISSION

COMMONWEALTH EDISON COMPANY

DOCKET NOS. STN 50-454 AND STN 50-455

NOTICE OF PARTIAL DENIAL OF AMENDMENTS TO FACILITY

OPERATING LICENSES AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) has partially denied a request by Commonwealth Edison Company (ComEd, the licensee) for amendments to Facility Operating License Nos. NPF-37 and NPF-66, issued to ComEd for operation of Byron Station, Unit Nos. 1 and 2, located in Ogle County, Illinois. Notice of Consideration of Issuance of these amendments was published in the FEDERAL REGISTER on April 22, 1998 (63 FR 19966).

The purpose of the licensee's amendment request was to delete license conditions which have been satisfied, revise others to delete parts which are no longer applicable or to revise references, and make editorial changes.

The NRC staff has concluded that a portion of the request, related to the proposed deletion of dates for approved security plans, can not be granted. The basis for the denial is detailed in the Safety Evaluation related to Amendment Nos. 110 and 110 dated August 10, 1999.

By September 20, 1999, the licensee may demand a hearing with respect to the partial denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public

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Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690-0767, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendments dated March 14, 1997, (2) Amendment Nos. 110 and 110 to Facility Operating License Nos. NPR-37 and NPR-66, and (3) the Commission's related Safety Evaluation and Environmental Assessment.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Byron Public Library District, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010.

Dated at Rockville, Maryland, this 10th day of August 1999.

FOR THE NUCLEAR REGULATORY COMMISSION



Suzanne C. Black, Acting Director  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation