November 9, 1987

Distribution:
Docket File
NRC PDR/Local PDR
PDIII-2 r/f
LLuther
PShemanski
OGC-Beth.
ACRS (10)

Docket No. 50-374

Mr. L. D. Butterfield, Jr.
Nuclear Licensing Manager
Commonwealth Edison Company
Post Office Box 767
Chicago, Illinois 60690

Dear Mr. Butterfield:

The Commission has filed the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing" with the Office of the Federal Register for publication. This notice relates to your request of September 19, 1986, supplemented August 18, 1987 to amend the Technical Specifications to Operating License NPF-18 for LaSalle Station, Unit 2. The amendment would revise the provisions of the Technical Specifications regarding the spent fuel pool expansion. A notice offering a prior opportunity for hearing is being issued because the nature of the action is too complex for the staff to reach a no significant hazards determination without substantial technical review.

Sincerely,

Original Signed by/

Daniel R. Muller, Director
Project Directorate III-2
Division of Reactor Projects - III,
IV, V and Special Projects

Enclosure:
As stated

cc: See next page

| OFC | PDIII-2 | PDIII-2 p.s. | PDIII-2 | [redacted] | | |
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| NAME | LLuther/ww | PShemanski | DMuller | | | |
| DATE | 10/28/87 | 10/28/87 | 10/28/87 | / /87 | | |

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Mr. L. D. Butterfield, Jr.
Commonwealth Edison Company

La Salle County Nuclear Power Station
Units 1 & 2

cc:
Philip P. Steptoe, Esquire
Suite 4200
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Assistant Attorney General
188 West Randolph Street
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Resident Inspector/LaSalle, NPS
U.S. Nuclear Regulatory Commission
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P. O. Box 224
Marseilles, Illinois 61341

Chairman
La Salle County Board of Supervisors
La Salle County Courthouse
Ottawa, Illinois 61350

Attorney General
500 South 2nd Street
Springfield, Illinois 62701

Chairman
Illinois Commerce Commission
Leland Building
527 East Capitol Avenue
Springfield, Illinois 62706

Mr. Gary N. Wright, Manager
Nuclear Facility Safety
Illinois Department of Nuclear Safety
1035 Outer Park Drive, 5th Floor
Springfield, Illinois 62704

Regional Administrator, Region III
U. S. Nuclear Regulatory Commission
799 Rossevelt Road
Glen Ellyn, Illinois 60137

John W. McCaffrey
Chief, Public Utilities Division
160 North La Salle Street, Room 900
Chicago, Illinois 60601

UNITED STATES NUCLEAR REGULATORY COMMISSION

COMMONWEALTH EDISON COMPANY

DOCKET NO.: STN 50-374

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT

TO FACILITY OPERATING LICENSE AND

OPPORTUNITY FOR PRIOR HEARING

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. NPF-18 issued to Commonwealth Edison Company (the licensee), for operation of LaSalle Station, Unit 2, located in LaSalle County, Illinois.

The licensee requested the amendment including changes in the Technical Specifications for Unit 2 in a letter dated September 19, 1986, supplemented by a letter dated August 18, 1987.

The amendment would authorize the licensee to increase the spent fuel pool storage capacity from 1080 to 4116 storage cells in LaSalle Unit 2.

There are two spent fuel storage pools at LaSalle County Station. The existing racks in each of these pools have 1080 fuel storage cells. In the 1989 to 1990 time frame the station will no longer have full core discharge reserve. Consequently, Commonwealth Edison proposes to replace the existing spent fuel racks for LaSalle Unit 2 with racks of a high density design. These free standing racks will have capacity for the storage of 4073 fuel assemblies and 43 special storage cells. The special storage racks consist of 35 control rod storage cells, five (5) defective fuel storage cells and three (3) control

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rod guide tube storage cells. The existing channel storage rack will remain intact.

The amendment would change Technical Spectification Section 5.6 to reflect a nominal 6.26-inch center-to-center distance between fuel assemblies and a spent fuel storage capacity limited to no more than 4078 fuel assemblies.

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 December 16, 1987, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. 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 particularly 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 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.

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 143 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 143 of the NWPA, the Commission, at the request of any party to the proceeding, is authorized to use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the

parties." The hybrid procedures in section 143 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR Part 2, Subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41662 (October 15, 1985). 10 CFR 2.1101 et seq. Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commissioner's rules in 10 CFR Part 2. Subpart G, and §2.714 in particular, continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer shall grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting parties for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the

time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding requests for oral argument are denied, then the usual procedures in 10 CFR Part 2, Subpart G. apply.

A request for a hearing or a petition for leave to intervene must 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 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 Daniel R. Muller: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of the 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, Isham, Lincoln, and Beale, One First National Plaza, 42nd Floor, Chicago, Illinois 60603.

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).

For further details with respect to this action, see the application for amendment dated September 19, 1986, supplemented August 18, 1987 that is available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C.; and at the Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Dated at Bethesda, Maryland this 9th day of November 1987.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed by/

Daniel R. Muller, Director
Project Directorate III-2
Division of Reactor Projects - III,
IV, V and Special Projects

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