June 19, 1991

Docket No. 50-278

Mr. George J. Beck
Manager-Licensing, MC 5-2A-5
Philadelphia Electric Company
Nuclear Group Headquarters
Correspondence Control Desk
P. O. Box No. 195
Wayne, Pennsylvania 19087-0195

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Dear Mr. Beck:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING, PEACH BOTTOM ATOMIC POWER STATION, UNIT NO. 3 (TAC NO. 80597)

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing." This notice relates to your application for amendment dated June 14, 1991, that requested a change to Sections 3.3.B.1 and 4.3.B.1 of the Peach Bottom Unit 3 Technical Specifications to allow operation with control rod 38-23 not coupled to its drive for the remainder of cycle 8, which is to be completed before October 30, 1991. During the repositioning of this rod, which is presently fully inserted and electrically disarmed, it was requested that the surveillance requirements be modified to require rod position verification by use of neutron instrumentation.

Sincerely,

/S/

Patrick D. Milano, Project Manager
Project Directorate I-2
Division of Reactor Projects I-2
Office of Nuclear Reactor Regulation

Enclosure:
Exigent Notice

cc w/enclosure:
See next page

OFC	PDI-2/LA	PDI-2/PM	PDI-2/D		
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DATE	6/19/91	6/19/91	6/19/91		

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

June 19, 1991

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Philadelphia Electric Company
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Patrick D. Milano, Project Manager
Project Directorate I-2
Division of Reactor Projects I-2
Office of Nuclear Reactor Regulation

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Exigent Notice

cc w/enclosure:
See next page

cc:

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Sr. V.P. & General Counsel
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Peach Bottom Atomic Power Station
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Delta, Pennsylvania 17314

Philadelphia Electric Company
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Delta, Pennsylvania 17314

Resident Inspector
U.S. Nuclear Regulatory Commission
Peach Bottom Atomic Power Station
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Delta, Pennsylvania 17314

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
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King of Prussia, Pennsylvania 19406

Mr. Roland Fletcher
Department of Environment
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Baltimore, Maryland 21201

Single Point of Contact
P. O. Box 11880
Harrisburg, Pennsylvania 17108-1880

Mr. Thomas M. Gerusky, Director
Bureau of Radiation Protection
Pennsylvania Department of
Environmental Resources
P. O. Box 2063
Harrisburg, Pennsylvania 17120

Board of Supervisors
Peach Bottom Township
R. D. #1
Delta, Pennsylvania 17314

Public Service Commission of Maryland
Engineering Division
ATTN: Chief Engineer
231 E. Baltimore Street
Baltimore, MD 21202-3486

Mr. Richard McLean
Power Plant and Environmental
Review Division
Department of Natural Resources
B-3, Tawes State Office Building
Annapolis, Maryland 21401

UNITED STATES NUCLEAR REGULATORY COMMISSION

PHILADELPHIA ELECTRIC COMPANY

DOCKET NO. 50-278

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-56, issued to Philadelphia Electric Company (the licensee), for operation of the Peach Bottom Atomic Power Station, Unit 3 located in Delta, York County, Pennsylvania.

The amendment would change Sections 3.3.B.1 and 4.3.B.1 of the Peach Bottom Unit 3 Technical Specifications to allow operation with control rod 38-23 not coupled to its drive for the remainder of cycle 8, which is to be completed before October 30, 1991. During the repositioning of this rod, which is presently fully inserted and electrically disarmed, it would modify the surveillance requirements to require rod position verification by use of neutron instrumentation.

The amendment is being proposed on an exigent basis in accordance with 10 CFR 50.91(a)(6). The exigent circumstances are that the unit is presently restricted in power by approximately 4 percent of the electrical output due to restrictions associated with operation with control rod No. 38-23 being declared inoperable. This unit derating results in the need for replacement power during the summer months when electrical demand is at its highest. During May 1991, the Pennsylvania-New Jersey-Maryland

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Interconnection (PJM) electrical grid was placed in a maximum emergency generating situation on two consecutive days because of high regional temperatures. The potential for this emergency electrical generating situation to occur again during the remainder of the units' operating cycle is considered to be high. Therefore, the ability to return the unit to full generating capacity would provide additional assurance of power production availability on the PJM grid.

Before 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.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment 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 or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

a. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. This amendment incorporates compensatory actions in the Technical Specifications to assure that even with an uncoupled rod the rod position is known, that no other uncoupled rods are withdrawn, and that scram performance remains intact.

b. The proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated. The compensatory measures included in the Technical Specification changes assure that no new or different kind of accident is possible.

c. The proposed amendment does not involve a significant reduction in the margin of safety as the limiting event is the [control rod drop accident] CRDA and all fuel limits stipulated in that analysis will be met when the compensatory measures included in Technical Specification changes are implemented.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within fifteen (15) 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.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U. S. Nuclear Regulatory Commission, Washington, DC. 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

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 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, DC. 20555 and at the Local Public Document Room located at Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

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. 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.

If the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

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

Normally, the Commission will not issue the amendment until the expiration of the 15-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 amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the FEDERAL REGISTER a notice of 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, DC. 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, DC. 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 Walter R. Butler: 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, DC. 20555, and to J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, S26-1, Philadelphia, Pennsylvania 19101, 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).

For further details with respect to this action, see the application for amendment dated June 14, 1991, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. 20555, and at the Local Public Document Room, Government

Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Dated at Rockville, Maryland, this 19th day of June 1991.

FOR THE NUCLEAR REGULATORY COMMISSION

Patrick D. Milano, Project Manager
Project Directorate I-2
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation