

50-237/249



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

July 10, 1996

Mr. D. A. Sager
Vice President, Generating Support
Commonwealth Edison Company
Executive Towers West III
1400 Opus Place, Suite 500
Downers Grove, IL 60515

SUBJECT: PUBLICATION OF LEGAL NOTICE

Dear Mr. Sager:

By letter dated May 22, 1996, Commonwealth Edison Company (ComEd) requested staff review of a license amendment for Dresden, Unit 3, concerning an unreviewed safety question. The unreviewed safety question was discovered during a 10 CFR 50.59 evaluation of the Low Pressure Coolant Injection (LPCI) system corner room structural steel. ComEd requested that the NRC process the license amendment on an emergency basis. Upon further review, the NRC informed ComEd that emergency circumstances were not warranted; however, the NRC indicated that the license amendment would be processed in an exigent manner with the proposed no significant hazards consideration determination (NSHCD) being published in local newspapers for a minimum of 5 days.

On May 24, 1996, in accordance with 10 CFR 50.91(a)(6)(i)(B), the NRC consulted with ComEd to obtain local newspaper office locations, personnel contacts and telephone numbers, to include the *Chicago Tribune*. Publication in the *Chicago Tribune* was chosen because the local newspapers indicated that publication of the NSHCD would not occur until May 29, 1996, and the *Chicago Tribune* could publish the NSHCD on May 25, 1996. ComEd continued to pursue publishing the NSHCD in the local newspapers at the request of the NRC. The NRC continued to pursue publishing the NSHCD in the *Chicago Tribune*.

Throughout the day on May 24, 1996, ComEd and the NRC staff coordinated efforts in obtaining a local newspaper close to the Dresden site where the NSHCD could be published in a timely manner. The interactions were all professional and ComEd personnel provided timely information which allowed the NRC to obtain and secure space in a local newspaper to have the NSHCD published.

On May 24, 1996, at approximately 4:30 p.m. (Eastern Standard Time), ComEd contacted the NRC and stated that ComEd did not want the NSHCD to be published in the *Chicago Tribune* and that ComEd had arranged to have the NSHCD published in a local newspaper. Because the local newspaper is closer to the Dresden Station, it was the desire of the NRC to have the NSHCD published in the local newspaper. The NRC then proceeded with preparations to have the NSHCD published in the local newspaper.

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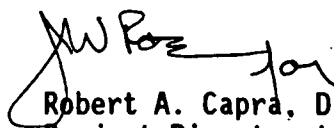
Following the conversation with ComEd, the NRC received a phone call from the *Chicago Tribune*. The *Chicago Tribune* personnel indicated that NSHCD publication order placed by the NRC had been cancelled by ComEd personnel and wanted to verify that this action was correct. The NRC confirmed with the *Chicago Tribune* personnel that it was the desire of the NRC to cancel the NSHCD publication order.

Immediately following the phone conversation with the *Chicago Tribune*, the NRC staff contacted the ComEd Licensing Operations Director and indicated the potential inappropriate actions on the part of ComEd for cancelling the NRC *Chicago Tribune* publication order, and requested that ComEd provide a letter detailing the actions taken which led up to ComEd personnel cancelling the NRC *Chicago Tribune* publication order.

By letter dated June 14, 1996, ComEd provided a letter detailing actions taken in both securing publication in the local newspaper and the cancellation of the NRC publication order in the *Chicago Tribune*. ComEd stated in the June 14, 1996 letter, that the ComEd Advertising Department, believing that the publication in the *Chicago Tribune* was no longer necessary once prompt publication of the NSHCD had been obtained in the local newspaper, cancelled the NRC publication order with the *Chicago Tribune*. As a result of the action taken by ComEd to cancel the NRC publication order, ComEd has counseled both, its Communications Services and Advertising Departments, on proper procedures to use when coordinating future legal notice releases with the NRC.

The NRC staff finds the actions taken by ComEd are acceptable. In addition, the NRC staff recommends that a single point of contact be maintained at ComEd for all such actions to prevent confusion in the future.

Sincerely,



Robert A. Capra, Director
Project Directorate III-2
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation

Docket Nos. 50-237, 50-249

cc: See next page

D. L. Farrar
Commonwealth Edison Company

Dresden Nuclear Power Station
Unit Nos. 2 and 3

cc:

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Commonwealth Edison Company
1400 Opus Place, Suite 400
Downers Grove, Illinois 60515

D. A. Sager

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Sincerely,

Original signed by: J. Roe for

Robert A. Capra, Director
Project Directorate III-2
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation

Docket Nos. 50-237, 50-249

cc: See next page

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