

UNITED STATES NUCLEAR REGULATORY COMMISSIONCOMMONWEALTH EDISON COMPANYDOCKET NO. 50-373NOTICE OF CONSIDERATION OF ISSUANCE OF AN AMENDMENT TO
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-11, issued to the Commonwealth Edison Company (the licensee), for operation of the LaSalle County Station, Unit 1, located in LaSalle County, Illinois.

The licensee submitted in a letter dated December 10, 1993 a request for an exigent license amendment which would revise Technical Specification (TS) 3.4.2 on a one-time only basis and which would be in effect for a limited time period until Unit 1 enters cold shutdown at the end of the present fuel cycle (scheduled for March 1994) or the next cold shutdown, whichever comes first. The proposed revision consists of adding a two-part footnote to TS 3.4.2. The first part would require that for the Limiting Condition for Operation (LCO) of TS 3.4.2, 18 of the LaSalle, Unit 1, SRVs must be operable for the time frame cited above except as modified by the second part of the footnote. The present LCO requires that 17 of the 18 SRVs be operational; the interim, more restrictive LCO is proposed as a compensatory measure. The second part of the footnote would exempt two of the 18 SRVs (i.e., 1B21-F013B and 1B21-F013J) from the provisions of TS 4.0.3 with respect to the reactor pressure lift

setpoint test frequency as specified in Section XI of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code).

Technical Specification 4.0.5 specifies that the surveillance test intervals for inservice inspection and testing of ASME Code Class 1, 2, and 3 components such as SRVs shall be those contained in Table IWV-3510-1, Section XI of the ASME Code and applicable Addenda as required by 10 CFR 50.55a(g). TS 4.0.3 states, in part, that failure to perform a surveillance test within the specified time interval shall constitute a failure to meet the operability requirements for an LCO.

This exigent license amendment was submitted to fulfill a prior commitment made by the licensee when it was granted a Notice of Enforcement Discretion (NOED) on December 4, 1993. The NOED was issued to permit continued operation of Unit 1 at power after the licensee discovered on December 4, 1993, that it had not setpoint tested the two subject SRVs within the time frame required by the ASME Code and was thereby required by TS 4.0.3 and TS 4.0.5 to declare the subject SRVs inoperable. Had the NOED not been issued, Action a of TS 3.4.2 would have required Unit 1 to be in hot shutdown within 12 hours and to be in cold shutdown within the next 24 hours following the initial determination of inoperability.

LaSalle, Unit 2, is presently shut down for refueling and is scheduled to restart about mid-December 1993. All eighteen SRVs in LaSalle, Unit 2, have been setpoint tested in compliance with the surveillance test interval required by Section XI of the ASME Code.

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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:

- 1) Involve a significant increase in the probability or consequences of an accident previously evaluated because:
 - a. There is no affect on accident initiators so there is no change in probability of an accident. The probability of a failed open Safety/Relief Valve (SRV) is not affected based on observed performance of setpoint drift.
 - b. There is no effect or minimal affect on the consequences of analyzed accidents based on an evaluation that the highest reactor vessel pressure that will occur is still less than the Safety Limit of 1325 psig steam dome pressure, for the bounding vessel pressurization event. This evaluation assumed that both SRVs 1B21-F013B and 1B21-F013J fail to open.
- 2) Create the possibility of a new or different kind of accident from any accident previously evaluated because:

The SRVs are not being used in any other mode than original design. The only affect is from the safety mode setpoint drift. This issue

does not involve any plant modifications or changes to operating procedures. Therefore, this issue does not create the possibility of a new or different kind of accident from any previously evaluated accident.

- 3) Involve a significant reduction in the margin of safety because:

The review of previous sensitivity analyses for peak accident pressure indicates that in the worst case postulated (both SRVs fail to open), the peak vessel pressure will not exceed approximately 1276 psig in the reactor bottom head, (1226 psig in the RPV steam dome). The 1276 psig value retains a margin of greater than 50 psig to the ASME limit of 1375 psig for Upset conditions, and will not result in exceeding the Safety Limit reactor pressure of 1325 psig steam dome pressure. Therefore, this issue does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination.

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.

Written comments may be submitted by mail to the Rules Review and Directives 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. Federal workdays. 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 January 6, 1994 , the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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 the Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348. 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 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 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 the 30-day hearing period, 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 immediately 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.

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, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 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) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to J. Dyer: 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

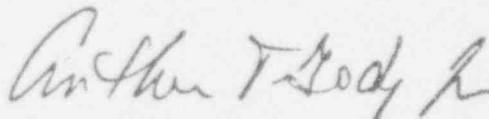
Commission, Washington, DC 20555, and to Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated December 10, 1993, 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, located at the Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Dated at Rockville, Maryland, this 16th day of December 1993.

FOR THE NUCLEAR REGULATORY COMMISSION



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