

For the Nuclear Regulatory Commission.

**Ramin R. Assa,**

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Division of Reactor Projects—III/IV, Office of  
Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

### Commonwealth Edison Company; Notice of Partial Denial of Amendments to Facility Operating Licenses and Opportunity for Hearing

[Docket Nos. STN 50-454, STN 50-455, STN  
50-456 AND STN 50-457]

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, NPF-66, NPF-72 and NPF-77, issued to the licensee for operation of the Byron Station, Unit Nos. 1 and 2, located in Ogle County, Illinois and Braidwood Station, Unit Nos. 1 and 2, located in Will County, Illinois. Notice of Consideration of Issuance of the amendments was published in the **Federal Register** on February 10, 1997 (62 FR 6016).

The purpose of the licensee's amendment request was to revise the Technical Specifications (TS) to allow the licensee to take credit, on a temporary basis, for soluble boron in the spent fuel storage pool water in maintaining an acceptable margin of subcriticality. However, reference to the Westinghouse document CAC-96-248, "Byron and Braidwood Spent Fuel Rack Criticality Analysis with Credit for Soluble Boron" was included in the request. This document is not based on the NRC-approved Westinghouse methodology for soluble boron credit, as given in WCAP-14416-NP-A dated November 1996. The proposal to reference the use of an unapproved methodology is not acceptable and is, therefore, denied.

The NRC staff has concluded that part of the licensee's request can not be granted. The licensee was notified of the Commission's partial denial of the proposed change by a letter dated April 2, 1997.

By May 9, 1997 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, 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, by the above date.

A copy of any 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 60603, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated November 5, 1996, as supplemented February 27 and March 30, 1997, and (2) the Commission's letter to the licensee dated April 2, 1997.

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: For Byron, the Byron Public Library District, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Dated at Rockville, Maryland, this 2nd day of April 1997.

For the Nuclear Regulatory Commission.

**Ramin R. Assa,**

*Project Manager, Project Directorate III-2,  
Division of Reactor Projects—III/IV, Office of  
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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-461]

### Illinois Power Co.; Notice of Consideration of Issuance of Amendment to Facility Operating License 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-62, issued to Illinois Power Company (the licensee), for operation of the Clinton Power Station, Unit 1 (CPS), located in DeWitt County, Illinois.

As described in CPS Licensee Event Report 94-005, the degraded voltage relays at CPS and their setpoints are not sufficient to ensure proper operation of all Class 1E equipment, contrary to the current licensing basis for CPS. As

interim corrective action, the licensee installed an undervoltage alarm for the Division 1, 2, and 3, 4.16-kV buses and established contingent operator actions in order to minimize the potential that the Class 1E loads would receive inadequate voltage for proper operation. Subsequent licensee review of these interim administrative controls has concluded that, although the use of compensatory administrative controls reduces the risk associated with a degraded voltage condition, reliance on the interim administrative controls can potentially result in a malfunction of equipment important to safety of a different type than previously evaluated in the CPS Updated Safety Analysis Report and therefore, constitutes an unreviewed safety question. In addition, the licensee has concluded that the interim administrative controls can result in a small reduction in the margin of safety as defined in the CPS technical specifications.

The proposed amendment, requested by the licensee in their letter dated April 1, 1997, would modify Technical Specification Table 3.3.8.1-1, "Loss of Power Instrumentation." The proposed change requires the interim administrative controls to be maintained to minimize the potential that the Class 1E loads would receive inadequate voltage in the event of a degraded voltage condition. These controls are to be maintained until the licensee completes planned modifications for upgrading the degraded voltage protection instrumentation and distribution system for all three divisions of safety-related AC power. The new interim administrative controls primarily consist of system planning controls on the voltage of the 345-kV offsite grid, notification of plant operators under offsite grid conditions that may result in a degraded voltage condition if CPS tripped off-line, and utilizing an installed degraded voltage alarm that will prompt operators to take action to transfer the 4.16-kV buses to their associated diesel generators in the event voltage is not adequate to ensure proper operation of the Class 1E loads.

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.

By May 9, 1997, 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, and at the local public document room located at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727. 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.

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 20555-0001, 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, 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 Gail Marcus, Director, Project Directorate III-3: 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 20555-0001, and to Leah Manning Stetzner, Vice President, General Counsel, and Corporate Secretary, 500 South 27th Street, Decatur, Illinois 62525, 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).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated April 1, 1997, which is 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 Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

Dated at Rockville, MD, this 3rd day of April 1997.

For the Nuclear Regulatory Commission.

**Cynthia A. Carpenter,**

*Acting Director, Project Directorate III-3,  
Division of Reactor Projects—III/IV, Office of  
Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-269, 50-270, 50-287, 50-369, 50-370, 50-413 and 50-414]

### **Environmental Assessment and Finding of no Significant Impact; Oconee Nuclear Station, Units 1, 2, and 3; Catawba Nuclear Station, Units 1 and 2; McGuire Nuclear Station, Units 1 and 2**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations in Facility Operating Licenses issued to Duke Power Company, et al. (the licensee). License Nos. DPR-38, DPR-47, and DPR-55 are for operation of the Oconee Nuclear Station, Units 1, 2, and 3, located in Oconee County, South Carolina. License Nos. NPF-35 and NPF-52 are for operation of the Catawba Nuclear Station located in York County, South Carolina. License Nos. NPF-9 and NPF-17 are for operation of the McGuire Nuclear Station located in Mecklenburg County, North Carolina.