

## NATIONAL TRANSPORTATION SAFETY BOARD

### Sunshine Act Meeting

**TIME:** 9:30 a.m., Tuesday, June 17, 1997.  
**PLACE:** The Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20594.

**STATUS:** Open.

#### MATTERS TO BE DISCUSSED:

6664B Railroad Accident Report: Collision and Derailment of Maryland Rail Commuter Train 286 and National Railroad Passenger Corporation Train 29, Near Silver Spring, Maryland, February 16, 1996.

6785A Aviation Accident Report: Descent Below Visual Glidepath and Collision With Terrain, Delta Air Lines Flight 554, McDonnell Douglas MD-88, N914DL, LaGuardia Airport, New York, October 19, 1996.

**NEWS MEDIA CONTACT:** Telephone: (202) 314-6100.

**FOR MORE INFORMATION CONTACT:** Bea Hardesty, (202) 314-6065.

Dated: June 6, 1997.

**Bea Hardesty,**

*Federal Register Liaison Officer.*

[FR Doc. 97-15285 Filed 6-6-97; 2:04 pm]

BILLING CODE 7533-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-455 AND STN 50-457]

### Commonwealth Edison Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity For a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-66 and NPF-77, issued to Commonwealth Edison Company (ComEd, the licensee), for operation of Byron Station, Unit 2, located in Ogle County, Illinois and Braidwood Station, Unit 2, located in Will County, Illinois.

The proposed amendments would revise the technical specifications (TS) and associated bases for TS 4.5.2.b.1 related to the requirement to vent the emergency core cooling system (ECCS) pump casing and high points outside containment. The proposed changes will revise the venting requirement to encompass the non-operating ECCS pumps and discharge piping which are provided with high point vent valves. Additionally, the wording of the

surveillance will be revised to clearly indicate that the installed high point vent valves and pump casing vent valves will be utilized to accomplish the venting operation. A new requirement will be added to ultrasonically examine the discharge piping of the idle centrifugal pump and the portion of the piping upstream of the high head safety injection isolation valves adjacent to the vent valve every 31 days.

On May 22, 1997, during review of a Byron surveillance procedure for implementing TS 4.5.2.b.1 requirements for venting the ECCS, the staff identified that the licensee was not in literal compliance with the TS requirements for venting the centrifugal charging (CV) pumps (an ECCS subsystem) and discharge piping. The TS require the ECCS pumps and discharge piping to be vented every 31 days. Prior to questions raised by the staff, ComEd considered themselves to be in compliance with the TS by crediting the dynamic venting action of the operating CV pump as meeting the requirement to ensure that the ECCS piping is full of water. For the piping not directly in the flowpath, gas accumulation was judged not to be credible due to the pressure inside the piping. The idle CV pump was considered to be self-venting due to the system design and piping configuration. During the May 22, 1997, discussions, ComEd was informed that with regard to the high points in the CV pump discharge lines, discharge piping downstream of the standby CV pump and the piping upstream of the high head safety injection valves, that includes the high point vent valve are not subject to system flow and are, therefore, not flushed or vented. Although ComEd considered all CV pumps to be operable, it concluded that the plants were not in literal compliance with the TS and both trains of CV were declared inoperable at 7:00 p.m. CDT. The licensee subsequently requested a Notice of Enforcement Discretion (NOED) to continue operation. A NOED was granted on May 23, 1997. Subsequent to issuance of the NOED, on May 24, 1997, the licensee submitted, in accordance with NRC procedures, a request for exigent license amendments to bring the plant operating configuration and the TS into conformance.

The May 24, 1997, application was supplemented on May 31, 1997, by requesting an emergency license amendment for Byron, Unit 1, only. Amendment No. 90 was issued for Byron, Unit 1, on June 1, 1997.

Before issuance of the proposed license amendments, 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 amendments requested involve 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 amendments 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. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The changes proposed in this request will align the surveillance requirements with the installed system design and normal operating conditions. No increase in the probability of an accident will occur as a result of this change. The conduct of surveillances required by the Technical Specifications are not postulated to result in accident initiation. The level of surveillance performed to date has provided confidence that the objective of the current surveillance requirement has been met. Ultrasonic examinations of CV piping which had not been manually vented show that the affected piping is water solid. The design of the pumps and installed piping configuration are such that the standby pump is maintained under a positive pressure. Evaluations previously performed in support of Amendment 36 confirmed that hydrogen introduced into the VCT [volume control tank] will not come out of solution in the CV pump suction line. Experience with performing the manual venting for all ECCS subsystems to date has not resulted in the identification of significant voiding. This was verified by a search of the station's Problem Identification database. The applicable surveillance procedure for performing the venting requires that a Problem Identification Form be generated if significant voiding is experienced. No such problems have been identified. As such, the proposed change does not result in a significant increase in the probability of occurrence of a previously analyzed accident.

The consequences of a previously analyzed accident are not increased. Operating experience has shown that the level of surveillance performed to date is sufficient to provide confidence that no significant voiding has occurred in the affected piping. Ultrasonic examinations have confirmed the water solid condition of the piping. Even though voiding is not expected, evaluation of postulated voided conditions confirm that

unacceptable dynamic loading would not occur, and therefore the integrity of the ECCS piping is not compromised. Thus, the ECCS will be capable of performing its design function. This will ensure that the consequences of a previously analyzed accident are not significantly increased.

Therefore, these proposed revisions do not result in a significant increase in the probability or consequences of an accident previously analyzed.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

These proposed changes do not create the possibility of a new or different kind of accident. ComEd has evaluated the piping configuration for the ECCS discharge piping of the ECCS subsystems. First, adequate controls have been implemented to provide assurance that air intrusion is unlikely. Second, a specific evaluation of both a voided 2" and 8" [Low Head Safety Injection] RH line was performed. This evaluation concluded that the piping can withstand the dynamic loads caused by the maximum credible air void. Due to the higher pressure rating and smaller size of the [Intermediate Head Safety Injection] SI and CV discharge piping, this evaluation is considered bounding for the ECCS subsystems. The results of the evaluation were submitted for staff review in a letter dated March 12, 1990, in support of Amendment 36 to the Braidwood Technical Specifications. This change will not result in new failure modes because no new equipment is installed, and installed equipment is not operated in a new or different manner. Manual venting operations have been performed as permitted by system operation and piping configuration. Accordingly, this change will not create the possibility of a new or different kind of accident.

3. The proposed change does not involve a significant reduction in a margin of safety.

The margin of safety is not significantly reduced because the proposed change will provide sufficient assurance that excessive voiding will not occur. This will assure proper system functioning. Venting of the idle subsystems in conjunction with the operating conditions of the subsystems in operation provide confidence that voiding is not present.

This has been confirmed by the performance of ultrasonic examinations of the piping of interest. This meets the objective of the surveillance requirement and thus preserves 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 amendments requested involve no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be

considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of the 14-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 amendments before the expiration of the 14-day notice period, provided that its final determination is that the amendments involve 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 Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, 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.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By July 10, 1997, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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: 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. 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

amendments 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 amendments are 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 amendments requested involve no significant hazards consideration, the Commission may issue the amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments requested involve a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

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: Rulemakings and Adjudications Staff, 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 Mr. Robert A. Capra: 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 Michael I. Miller, Esquire: Sidley and Austin, One First National

Plaza, Chicago, Illinois 60603, 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 amendments dated May 24, 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: 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 3rd day of June 1997.

For The Nuclear Regulatory Commission.

**George F. Dick, Jr.,**

*Project Manager, Project Directorate III-2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-15112 Filed 6-9-97; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-272 and 50-311]

### Public Service Electric & Gas Company; Philadelphia Electric Company; Delmarva Power and Light Company; Atlantic City Electric Company; Salem Nuclear Generating Station, Unit Nos. 1 and 2; Notice of Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment Nos. 194 and 177 to Facility Operating License Nos. DPR-70 and DPR-75, respectively, to Public Service Electric & Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised the Technical Specifications for operation of the Salem Nuclear Generating Station, Units 1 and 2, located at the licensee's site in Salem County, New Jersey.

The amendments provide changes to Technical Specification (TS) 3.4.3,

"Relief Valves," for Salem Unit 1, and TS 3.4.5, "Relief Valves," for Salem Unit 2, to ensure that the automatic capability of the power operated relief valves to relieve pressure is maintained when these valves are isolated by closure of the block valves.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate—2—findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for a Hearing in connection with this action was published in the **Federal Register** on April 4, 1997 (62 FR 16199). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of the amendment will not have a significant effect on the quality of the human environment (62 FR 25675).

For further details with respect to the action see (1) the application for amendment dated January 31, 1997, as supplemented by letters dated March 14, April 8, and April 28, 1997, (2) Amendment Nos. 194 and 177 to License Nos. DPR-70 and DPR-75, respectively, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. All of these items 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 the Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079.

Dated at Rockville, Maryland, this 4th day of June 1997.

For the Nuclear Regulatory Commission.

**Leonard N. Olshan,**

*Senior Project Manager, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 97-15111 Filed 6-9-97; 8:45 am]

BILLING CODE 7590-01-P