

licensee) to withdraw the remaining portion of its January 30, 1996, application for proposed amendment to Facility Operating License No. DPR-23 for the H. B. Robinson Steam Electric Plant, Unit No. 2, (HBR) located in Darlington County, South Carolina.

The proposed amendment would have revised the technical specifications (TS) to change the wording of TS 4.6.1.3 to require inspection of the EDGs "at least once every refueling outage" instead of "at each refueling."

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on February 28, 1996, (61 FR 7546). However, by letter dated March 14, 1997, the licensee withdrew the remaining proposed change.

For further details with respect to this action, see the application for amendment dated January 30, 1996, as supplemented May 20, 1996, and the licensee's letter dated March 14, 1997, which withdrew the remaining portion of the application for license amendment. The above 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 the Hartsville Memorial Library, 147 West College Avenue, Hartsville, South Carolina 29550.

Dated at Rockville, Maryland, this 23rd day of April 1997.

For the Nuclear Regulatory Commission.

Brenda L. Mozafari,

Project Manager, Project Directorate, Division of Reactor Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 97-11122 Filed 4-29-97; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-254 and 50-265]

Commonwealth Edison company and Midamerican Energy 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. DPR-29 and DPR-30, issued to Commonwealth Edison Company (ComEd, the licensee), for operation of the Quad Cities Nuclear Power Station, Units 1 and 2, located in Rock Island County, Illinois.

The proposed amendments would reflect a change in the Quad Cities, Unit 2, Minimum Critical Power Ratio (MCPR) Safety Limit and add the Siemens Power Corporation (SPC) methodology for application of the Advanced Nuclear Fuel for Boiling Water Reactors (ANFB) Critical Power Correlation to coresident General Electric fuel for Quad Cities, Unit 2, Cycle 15, to Technical Specification (TS) Section 6.9.A.6.b.

This request for amendments was submitted under exigent circumstances to support Quad Cities, Unit 2, Cycle 15, operation which is scheduled to be on line May 19, 1997. On March 20, 1997, SPC determined the need for a larger data base for determining the additive constant uncertainty. The combined time necessary for SPC to develop the new data base and the time for ComEd to develop this TS request would not allow the normal 30-day period for public comment to support Quad Cities, Unit 2, startup.

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 requested amendments 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. Involve a significant increase in the probability or consequences of an accident previously evaluated:

The probability of an evaluated accident is derived from the probabilities of the individual precursors to that accident. The consequences of an evaluated accident are determined by the operability of plant systems designed to mitigate those consequences. Limits have been established consistent with NRC approved methods to ensure that fuel performance during normal, transient, and accident conditions is acceptable. The proposed Technical Specifications amendment conservatively establishes the MCPR Safety Limit for Quad Cities Unit 2, such that the fuel is protected

during normal operation and during any plant transients or anticipated operational occurrences. Additionally, methodologies are being added to the Section 6.9.A.6.b list of methodologies utilized in determining core operating limits.

a. MCPR Safety Limit and MCPR Safety Limit Bases Change

The probability of an evaluated accident is not increased by increasing the MCPR Safety Limit to 1.10 and changing the MCPR Safety Limit Bases. The change does not require any physical plant modifications, physically affect any plant components, or entail changes in plant operation. Therefore, no individual precursors of an accident are affected.

This Technical Specification amendment proposes to change the MCPR Safety Limit to protect the fuel during normal operation as well as during any transients or anticipated operational occurrences. The method that is used to determine the ATRIUM-9B additive constant uncertainty is conservative, such that, the resulting MCPR Safety Limit is high enough to ensure that less than 0.1% of the fuel rods are expected to experience boiling transition if the limit is not violated. Operational limits will be established based on the proposed MCPR Safety Limit to ensure that the MCPR Safety Limit is not violated during all modes of operation. This will ensure that the fuel design safety criteria, more than 99.9% of the fuel rods avoiding transition boiling during normal operation as well as anticipated operational occurrences, is met. The method for calculating an ATRIUM-9B additive constant uncertainty, is described in Reference 2 [SPC document, *ANFB Critical Power Correlation Uncertainty For Limited Data Sets*, ANF-1125(P), Supplement 1, Appendix D, Siemens Power Corporation—Nuclear Division, Submitted on April 18, 1997] and is based on an expanded pool of data for the ATRIUM-9B fuel design (527 data points). The additive constant uncertainty from Reference 2 is then used to determine the change from the additive constant uncertainty using the original pool of data (125 data points). This difference is conservatively doubled and added to the additive constant uncertainty using the original pool of data (125 data points). Reference 5 [Siemens Power Corporation letter, "Interim Use of Increased ANFB Additive Constant Uncertainty", HDC:97:033, H.D. Curet to Document Control Desk, April 18, 1997] documents the conservative interim approach of doubling the difference in additive constant uncertainties. The resulting additive constant uncertainty is used to determine the Quad Cities Unit 2 Cycle 15 MCPR Safety Limit. Since the new MCPR Safety Limit was determined using a conservative ATRIUM-9B additive constant uncertainty, and the operability of plant systems designed to mitigate any consequences of accidents have not changed, the consequences of an accident previously evaluated are not expected to increase.

b. Addition of Siemens Power Corporation's (SPC) methodology for Application of the ANFB Critical Power Correlation to Coresident GE Fuel for Quad Cities Unit 2 Cycle 15 to Section 6.9.A.6.b

The probability of an evaluated accident is not increased by adding Reference 1 [ComEd letter, "ComEd Response to NRC Staff Request for Additional Information (RAI) Regarding the Application of Siemens Power Corporation ANFB Critical Power Correlation to Coresident General Electric Fuel for LaSalle Unit 2 Cycle 8 and Quad Cities Unit 2 Cycle 15, NRC Docket No.'s 50-373/374 and 50-254/265", J.B. Hosmer to U.S. NRC, July 2, 1996, transmitting the topical report, *Application of the ANFB Critical Power Correlation to Coresident GE Fuel for Quad Cities Unit 2 Cycle 15*, EMF-96-051(P), Siemens Power Corporation—Nuclear Division, May 1996, and related information], to Section 6.9.A.6.b. Reference 1 describes the methodology used to determine the additive constants and the associated uncertainty of the Quad Cities Unit 2 Cycle 15 GE9 and GE10 fuel for the ANFB critical power correlation. The additive constant and the associated uncertainties for the GE9 and GE10 fuel are used to calculate the MCPR Safety Limit, which in turn is used to establish the MCPR operating limit for Quad Cities Unit 2 Cycle 15 operation. Therefore, adding Reference 1 to Section 6.9.A.6.b of the Technical Specifications updates the Reference list to include a methodology used for determining Quad Cities Unit 2 Cycle 15 operational limits.

Adding Reference 1 to the Reference list in Section 6.9.A.6.b also will not increase the consequences of an accident previously evaluated. Reference 1 determines the additive constants and the associated uncertainty for the GE fuel in Quad Cities Unit 2 Cycle 15. It also provides input for determining the MCPR Safety Limit. Because Reference 1 contains conservative methods and calculations and because the operability of plant systems designed to mitigate any consequences of accidents have not changed, the consequences of an accident previously evaluated will not increase.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated:

Creation of the possibility of a new or different kind of accident would require the creation of one or more new precursors of that accident. New accident precursors may be created by modifications of the plant configuration, including changes in allowable modes of operation. This Technical Specification submittal does not involve any modifications of the plant configuration or allowable modes of operation. This Technical Specification submittal involves a) an added conservatism in the Quad Cities Unit 2 MCPR Safety Limit due to analytical changes and use of an expanded database, and b) an additional reference incorporated in Section 6.9.A.6.b describing the methodology used to determine the additive constants and additive constant uncertainty for GE9 and GE10 fuel for Quad Cities Unit 2 Cycle 15. Therefore, no new precursors of an accident are created and no new or different kinds of accidents are created.

3. Involve a significant reduction in the margin of safety for the following reasons:

The MCPR Safety Limit provides a margin of safety by ensuring that less than 0.1% of the rods are expected to be in boiling

transition if the MCPR limit is not violated. The proposed Technical Specification amendment reflects MCPR Safety Limit results from conservative calculations by SPC using the new ATRIUM-9B additive constant uncertainty. These new ATRIUM-9B additive constant uncertainty calculations are based on a larger pool of data than previous calculations (527 data points versus 125 data points). Additionally, the additive constant uncertainty resulting from statistical analyses of the larger pool of data is conservatively applied to calculate a new MCPR Safety Limit of 1.10, which is more restrictive than the current MCPR Safety Limit of 1.07.

SPC has increased its ATRIUM-9B critical power test data base from 125 data points at 1000 psi with mass fluxes ranging from 0.5 to 1.5 Mlb/hr-ft², to 527 data points that cover a wider range of operating pressures, flows, and axial power shapes.

The Experimental Critical Power Ratio (ECPR) and the standard deviation of the ECPR for each of the 527 data points are statistically examined by an Analysis of Variance. The results of the Analysis of Variance of the Pressure Groups are a mean ECPR, a standard deviation of ECPR, degrees of freedom, and equivalent sample size.

The overall uncertainty for CPR is statistically calculated using the standard deviation of the pooled data and the variance between the means associated with the axial power shapes. An upper 95% confidence limit standard deviation is calculated based on Chi-Square for the calculated degrees of freedom. This overall standard deviation in ECPR is converted to an additive constant uncertainty. This conversion is derived from the ratios of the ANFB correlation standard deviation to the additive constant standard deviation for the ATRIUM-9B data.

This calculated additive constant uncertainty is not directly applied to the MCPR Safety Limit calculation. A conservative ATRIUM-9B additive constant uncertainty is used to calculate a new MCPR Safety Limit for Quad Cities Unit 2 Cycle 15.

The difference is calculated between the additive constant uncertainties after and prior to the data set being expanded to include 527 points. This difference is then conservatively doubled and added to the additive constant uncertainty prior to the expansion of the data set (based on 125 data points).

The resulting additive constant uncertainty, 0.029, is used to calculate a new MCPR Safety Limit value of 1.10 for Quad Cities Unit 2 Cycle 15.

Because a conservative method is used to apply the ATRIUM-9B additive constant uncertainty to the MCPR Safety Limit calculation, a decrease in the margin of safety will not occur due to changing the MCPR Safety Limit. The revised Safety Limit will ensure the appropriate level of fuel protection. Additionally, operational limits will be established based on the proposed MCPR Safety Limit to ensure that the MCPR Safety Limit is not violated during all modes of operation. This will ensure that the fuel design safety criteria, more than 99.9% of the fuel rods avoiding transition boiling during normal operation as well as anticipated operational occurrences, is met.

The margin of safety is not decreased by adding the Reference to Section 6.9.A.6.b of Siemens Power Corporation's (SPC) methodology for application of the ANFB Critical Power Correlation to coresident GE Fuel for Quad Cities Unit 2 Cycle 15. While this methodology is in review by the NRC, and pending approval for application to Quad Cities Unit 2 Cycle 15, it is the same methodology previously reviewed and approved for use at LaSalle Unit 2 (References 3 and 4) [ComEd letter, "Application of Siemens Power Corporation ANFB Critical Power Correlation to Coresident General Electric Fuel for LaSalle Unit 2 Cycle 8", G.G. Benes to U.S. Nuclear Regulatory Commission, dated March 8, 1996, and NRC SER letter, "Safety Evaluation for Topical Report EMF-96-021(P), Revision 1, 'Application of the ANFB Critical Power Correlation to Coresident GE Fuel for LaSalle Unit 2 Cycle 8' (TAC No. M94964)", D.M. Skay to I. Johnson, dated September 26, 1996.

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 requested amendments 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 May 30, 1997, the licensee may file a request for a hearing with respect to issuance of the amendments 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 Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021. 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: 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 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 April 21, 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 Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Dated at Rockville, Maryland, this 24th day of April 1997.

For the Nuclear Regulatory Commission.

Robert M. Pulsifer,

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

[FR Doc. 97-11120 Filed 4-29-97; 8:45 am]

BILLING CODE 7590-01-P