

July 16, 1984

Docket No. 50-219
LS05-84-07-009

Mr. P. B. Fiedler
Vice President & Director
Oyster Creek Nuclear Generating Station
Post Office Box 388
Forked River, New Jersey 08731

Dear Mr. Fiedler:

SUBJECT: OPPORTUNITY FOR HEARING

Re: Oyster Creek Nuclear Generating Station - Core Reload

Enclosed is a "Notice of Consideration of Issuance of Amendment to Provisional Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing," which is being forwarded to the Office of the Federal Register for publication. This notice relates to your request for amendment dated October 28, 1983 to reload the Oyster Creek core for cycle 10 operation.

Sincerely,

Original signed by

Walter A. Paulson, Acting Chief
Operating Reactors Branch #5
Division of Licensing

Enclosure:
Notice

cc w/enclosure:
See next page

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Mr. P. B. Fiedler

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July 16, 1984

cc

G.F. Trowbridge, Esquire
Shaw, Pittman, Potts and Trowbridge
1800 M Street, N.W.
Washington, D.C. 20036

Resident Inspector
c/o U.S. NRC
Post Office Box 445
Forked River, New Jersey 08731

J.B. Lieberman, Esquire
Berlack, Isreals & Lieberman
26 Broadway
New York, New York 10004

Commissioner
New Jersey Department of Energy
101 Commerce Street
Newark, New Jersey 07102

Dr. Thomas E. Murley
Regional Administrator
Nuclear Regulatory Commission
Region I Office
631 Park Avenue
King of Prussia, Pennsylvania 19406

Frank Cosolito, Acting Chief
Bureau of Radiation Protection
Department of Environmental
Protection
380 Scotch Road
Trenton, New Jersey 08628

Jim Knubel
BWR Licensing Manager
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100 Interplace Parkway
Parsippany, New Jersey 08625

Deputy Attorney General
State of New Jersey
Department of Law and Public Safety
36 West State Street - CN 112
Trenton, New Jersey 08625

Mayor
Lacey Township
818 Lacey Road
Forked River, New Jersey 08731

U.S. Environmental Protection Agency
Region II Office
ATTN: Regional Radiation Representative
26 Federal Plaza
New York, New York 10007

Licensing Supervisor
Oyster Creek Nuclear Generating Station
Post Office Box 388
Forked River, New Jersey 08731

UNITED STATES NUCLEAR REGULATORY COMMISSIONGPU NUCLEAR CORPORATION
AND
JERSEY CENTRAL POWER AND LIGHT COMPANYDOCKET NO. 50-219NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
PROVISIONAL OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION
DETERMINATION AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-16 issued to GPU Nuclear Corporation and Jersey Central Power and Light Company (the licensees), for operation of the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey.

On October 28, 1983 the licensees sent a revision to the request for amendment dated August 31, 1982. The August 31, 1982 request was noticed in the monthly Federal Register notice on July 20, 1983 (48 FR 33081). The revised request of October 28, 1983, for approval of Appendix A Technical Specification (TS) changes would reflect the use of General Electric reload fuel and core design features (NEDO-24195) for Cycle 10 operation. The proposed changes would, (1) in TS Section 2.1, change the water level safety limit back to 4 feet 8 inches from the previously proposed limit of 10 inches; (2) in TS Section 2.3, incorporate a new scram setting for recirculation flow at 117% of rated flow; (3) in TS Section 3.2, revise the control rod withdrawal sequences and establish the maximum in-sequence rod worth to be 1.0% Δk ; (4) in TS Section 3.4, change the water level limit back to 4 feet 8 inches from the previously proposed limit of 10 inches; and (5) in TS Section 3.10, change the MCPR limits to 1.4 from a previously revised limit of 1.3 and furnish the maximum allowable average planar LHGR curves for five loop operation and for four loop operation.

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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.

The Commission has made a proposed determination 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.

The Commission has provided guidance concerning the application of standards for making a no significant hazards determination by providing certain examples (April 6, 1983, 48 FR 14870). The license amendment requested here is similar to example (iii) of actions not likely to involve significant hazards considerations. The proposed license amendment would not involve fuel assemblies significantly different from the Exxon fuel currently being used at the plant; the proposed action would not involve significant changes to the acceptance criteria for the relevant TS; the analytical methods used to demonstrate conformance with the TS and regulations would not be significantly changed. Moreover, the NRC staff has previously found such methods acceptable (NEDO-24011-P-A). The mechanical design, nuclear evaluation methods, steady-state hydraulic models, and reactor limits determination information are identical to that which is described in NEDO-24011-P-A, GE Generic Reload Fuel Application

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Licensing Topical Report, except for those features unique to the Oyster Creek plant. The amendment request is supported by GE's reload core transient analysis and MAPLHGR limits consistent with GE's ECCS evaluation model. The proposed amendment is also similar to example (ii) of actions not likely to involve a significant hazard such as a change that constitutes an additional limitation, restriction, or control not presently included in the TS: for example, a more stringent surveillance requirement. The proposed change incorporates a new scram setting for recirculation flow at 117% of rated flow. This change is conservative since it results in a new TS requirement which did not previously exist in the current TS. The Staff proposes to determine that the proposed action does not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of a new or different kind of an accident from any previously evaluated and does not involve a significant reduction in a margin of safety. Therefore, the staff proposes to determine that the requested action involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

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By August 20, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject provisional 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 petition for leave to intervene. Request for a hearing and petitions 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. 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 aspects 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 fifteen (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 fifteen (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, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. 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 a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. 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 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 involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-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 30-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 a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

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, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (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 (800) 325-6000 [in Missouri (800) 342-6700]. The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Walter A. Paulson: petitioner's name and telephone number; date petition was mailed; plant name; and publication date

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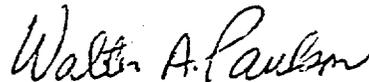
and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Executive Legal Director, U.S Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, attorney 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 Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be 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 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Local Public Document Room, 101 Washington Street, Toms River, New Jersey 08753.

Dated at Bethesda, Maryland, this 16 day of July 1984.

FOR THE NUCLEAR REGULATORY COMMISSION



Walter A. Paulson, Acting Chief
Operating Reactors Branch #5
Division of Licensing