

August 13, 1986

Docket No. 50-219

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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: INDIVIDUAL NOTICE - CONTAINMENT LEAKAGE TESTING (TAC 62078)

RE: Oyster Creek Nuclear Generating Station

In consideration of the proposed issuance of an amendment to Provisional Operating License No. DPR-16 for Oyster Creek Nuclear Generating Station, which is in response to your application dated July 25, 1986, the Commission has filed the enclosed Notice of Consideration of Issuance of Amendment to Provisional Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing with the Office of the Federal Register for publication.

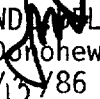
Sincerely,





Jack N. Donohew, Jr., Project Manager
BWR Project Directorate No. 1
Division of BWR Licensing

Enclosure:
FR Notice

cc w/enclosure:
See next page


BWD:DBL
JDonohew/wge
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BWD1:DBL
JZwolinski
8/13/86

Mr. P. B. Fiedler
Oyster Creek Nuclear Generating Station

Oyster Creek Nuclear
Generating Station

cc:

Mr. Ernest L. Blake, Jr.
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. Liberman, Esquire
Bishop, Liberman, Cook, et al.
1155 Avenue of the Americas
New York, New York 10036

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

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
631 Park Avenue
King of Prussia, Pennsylvania 19406

Mr. David Scott, Acting Chief
Bureau of Nuclear Engineering
Department of Environmental Quality
380 Scotch Road
Trenton, New Jersey 08628

RWR Licensing Manager
GPU Nuclear
100 Interpace Parkway
Parsippany, New Jersey 07054

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 West Lacey Road
Forked River, New Jersey 08731

Mr. D. G. Holland
Licensing Manager
Oyster Creek Nuclear Generating Station
Post Office Box 388
Forked River, New Jersey 08731

UNITED STATES NUCLEAR REGULATORY COMMISSIONGPU NUCLEAR CORPORATIONJERSEY CENTRAL POWER AND LIGHT COMPANYDOCKET NO. 50-219

NOTICE 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, for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey.

The proposed amendment would make changes to Sections 3.5 and 4.5, Containment, of the Appendix A Technical Specifications (TS) to account for proposed changes to the existing requirements on containment leakage testing in accordance with the licensee's application dated July 25, 1986. The licensee is proposing to add a new requirement in TS 3.5.A.3.b on when an inoperable air lock must be returned to service before the reactor is shut down. The Applicability and Objectives sections in TS Section 4.5 are being revised to list the major surveillances and tests described in Section 4.5 and to refer to Appendix J to 10 CFR Part 50 and ANSI/ANS Standard 56.8-1981, respectively. The licensee is also proposing to revise existing TS 4.5.A through TS 4.5.L. The existing TS 4.5.G through TS 4.5.K are only being renumbered and there is no proposed revision to the existing TS requirements. Existing TS 4.5.L is a previously deleted TS and the existing TS 4.5.K is proposed to be renumbered TS 4.5.L to fill the previously deleted TS.

The licensee is proposing to revise the requirements in TS 4.5.A through 4.5.F. These TS affect the following existing requirements: a) integrated primary containment leakage rate test, b) acceptance criteria, c) corrective action, d) frequency of integrated leak rate tests, e) local leak rate tests, and f) corrective action. The new TS will be numbered TS 4.5.A through TS 4.5.G. The licensee is proposing a new TS section, 4.5.G, on the frequency for the local leak rate tests. The title for TS 4.5.E is proposed to be changed to "Type B and Type C Local Leak Rate Tests (LLRT)."

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 basis for this proposed determination is the following. Appendix J to 10 CFR Part 50 was published on February 14, 1973. On August 7, 1975, the NRC requested Jersey Central Power and Light (JCP&L) Company to review its containment leakage testing program for Oyster Creek and the associated TS, for compliance with the requirements of Appendix J.

JCP&L responded by letter dated December 24, 1975, which was supplemented by letters dated August 12, 1976, November 22, 1978 and June 27, 1980.

NRC letter dated March 4, 1982 transmitted the staff's Safety Evaluation (SE) of the above Appendix J review for the Oyster Creek Nuclear Generating Station. Consistent with this SE, and by a letter dated September 25, 1984 GPU Nuclear Corporation (GPUN) submitted TS Change Request No. 130 to change TS 4.5.F.1.B. In the NRC staff June/July Progress Review meeting with GPUN on July 31 and August 1, 1985, the licensee agreed to withdraw TS Change Request No. 130. The withdrawal was confirmed by NRC letter dated August 26, 1985.

GPUN is now submitting TS Change Request No. 126. Change No. 126 addresses the program which verifies that the leakage from the primary containment, both integrated and local, is maintained within specific values as outlined in Appendix J of 10 CFR Part 50, and as detailed in ANSI/ANS Standard 56.8-1981. The major modifications incorporated in the Integrated Leak Rate Testing (LLRT) Program are the establishment of a stabilization period for internal containment pressure, and a verification test to help check the accuracy of leakage detection methods. The leakage limits are also more closely defined in this proposed revision. The new section on "Corrective Action" gives detailed options on what may be done to limit leakage during the primary containment integrated leak rate test (PCILRT). This specification allows for repairs and local testing of the repairs. It also allows for the re-commencement of the PCILRT without the required stabilization period if containment was not depressurized. The testing frequency of 3 times in 10 years, or approximately every 40 months is established and the reference to doing the pre-operational test is eliminated.

The major modification to the LLRT program is the modification to the drywell airlock test. The 35 psig peak pressure airlock test required by Appendix J is established, but because of concerns described in NUREG/CR-4398 the frequency of airlock tests at 35 psig will be limited. When permissible a 10 psig test will be utilized. The acceptance criteria for the LLRT program is established as well as a testing frequency for it. The proposed amendment would add a limiting condition for operation (LCO) in TS Section 3.5 to limit plant operation when the airlock is not operable.

There is no plant configuration change involved with this TS change request. The testing described is a surveillance program designed to verify primary containment integrity. The program outlined is designed to bring the current program in conformance with the requirements of Appendix J to 10 CFR Part 50 as detailed in ANSI/ANS 56.8-1981.

The Commission has provided guidance concerning the application of the standards of 10 CFR 50.92 for determining when a significant hazard consideration is likely not to exist by providing certain examples as discussed in the FEDERAL REGISTER on March 6, 1986 (51 FR 7751). Example (i) relates to a purely administrative change to Technical Specifications: i.e., a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature. Example (ii) relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications; i.e., a more stringent surveillance requirement. Example (vii) relates to a change to make a license conform to changes in the regulations, when the license change results in very minor changes to facility operations clearly in keeping with the regulations.

The change in the numbering scheme is clearly an administrative change as described in example (i). The addition of Specification 3.5.A.3.b is consistent with both examples (ii) and (vii). The modifications and additions made to Specifications 4.5.A through 4.5.G are related to example (ii) in that a more stringent and comprehensive surveillance requirement is established. Example (vii) also relates in that the surveillance program, in the form presented in this proposal, is defined by a regulation to which the license is conforming to by the proposed amendment.

In addition, the proposed changes to the TS will not involve a significant hazards consideration because operation of Oyster Creek Nuclear Generating Station in accordance with these changes would:

(1) not involve a significant increase in the probability or consequences of an accident previously evaluated. This amendment re-defines the leak rate testing program for primary containment. This program is designed to ensure that the primary containment is able to perform its design function. That function is to contain the energy and the radioactive release of the design basis loss of coolant accident. Therefore, this change cannot increase the probability or consequences of an accident previously evaluated.

(2) not create the possibility of a new or different kind of accident from any previously analyzed. It has been determined that, because this amendment more clearly establishes the requirements and methods of testing the primary containment integrity and does not involve a change to the containment

configuration, this change will not create the possibility of a new or different kind of accident from any previously evaluated.

(3) not involve a significant reduction in a margin of safety. This proposed amendment has increased the requirements, as established in Appendix J, in the TS that the primary containment must meet to be considered operable. Therefore, this change will not reduce the margin of safety.

This proposed amendment reflects the requirements of Appendix J to 10 CFR Part 50 as described in ANSI/ANS Standard 56.8-1981. No changes proposed in this amendment are outside the scope of those two documents.

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.

Written comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, NW, Washington, D.C.

By September 12, 1986, 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 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 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 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 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, Att: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW 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 John A. Zwolinski, Director, BWR Project Directorate #1, Division of BWR Licensing: 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-Bethesda, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Ernest L. Blake, Jr., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW, Washington, D.C. 20036, attorney for the licensee.

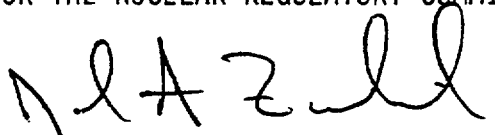
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request

should be granted based upon a balancing of 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, NW, Washington, D.C., and at the Local Public Document Room located at the Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Dated at Bethesda, Maryland, this 8th day of August 1986.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read 'JAZ', is written over the typed name below.

John A. Zwolinski, Director
BWR Project Directorate #1
Division of BWR Licensing