December 7, 1988

Docket No. 50-219

Mr. E. E. Fitzpatrick
Vice President and Director
Oyster Creek Nuclear Generating Station
Post Office Box 388
Forked River, New Jersey 08731

Dear Mr. Fitzpatrick:

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT (TAC NO. 71247)

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Provisional Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing." This notice relates to your application for amendment dated November 30, 1988 which requested two changes to the Oyster Creek Nuclear Generating Station Technical Specification, Table 3.1.1.

The first requested change deletes the requirement in Table 3.1.1.A.6 for a Low Condenser Vacuum Scram when the Reactor Mode Switch is in the Refuel Position. The second requested change would revise Table 3.1.1.C.1 to add a reference to note "11" in the startup mode for the High Pressure Isolation Condenser initiation function. Note "11" states: "This function not required to be operable with the reactor vessel head removed or unbolted."

Sincerely,

/s/

Alexander W. Dromerick, Project Manager
Project Directorate I-4
Division of Reactor Projects I/II
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure
See next page

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Mr. E. E. Fitzpatrick
Oyster Creek Nuclear Generating Station

Oyster Creek Nuclear
Generating Station

cc:

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UNITED STATES NUCLEAR REGULATORY COMMISSION

GPU NUCLEAR CORPORATION, ET AL

DOCKET 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, et al., (GPUN or the licensee) for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey.

The proposed amendment requests two changes to the Oyster Creek Technical Specifications Table 3.1.1 in accordance with the licenseee's application for amendment dated November 30, 1988. The first requested change deletes the requirement in Table 3.1.1.A.6 for a Low-Condenser Vacuum Scram when the Reactor Mode Switch is in the Refuel Position. The second requested change would revise Table 3.1.1.C.1 to add a reference to note "11" in the startup mode for the High Reactor Pressure Isolation Condenser initiation function. Note "11" states: This function not required to be operable with the reactor vessel head removed or unbolted."

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.

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The Commission has made a proposed determination that the amendment request involves no significant hazards considerations. 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 licensee's first proposed change deletes the requirement for Low Condenser Vacuum Scram when the Reactor Mode Switch is in the Refuel Position. This change would clarify the Technical Specifications to allow Rod Scram time testing to be performed while shutdown. The existing specifications are contradictory and would allow the surveillance to be performed following a refueling outage only after establishing a vacuum in the Main Condenser.

The Low Condenser Vacuum Scram provides overpressure protection for the Main Condenser, assuming that the Main Condenser initially had a vacuum, and was in the process of losing it. A loss of Condenser vacuum causes turbine steam stop valves to close, resulting in a turbine trip transient. The low condenser-vacuum trip anticipates this transient and scrams the reactor.

When the Reactor Mode Switch is in the refuel position, only one rod can be in any position other than fully inserted. With only one rod not fully inserted, the reactor cannot go critical and cannot produce sufficient steam to maintain a condenser vacuum.

As the function of the Low Condenser Vacuum scram is to anticipate the loss of turbine transient, and neither a vacuum nor an on line turbine can be maintained while in the Refuel position, the Low Condenser Vacuum scram serves no function in the Refuel position.

Therefore, the requested change has been determined to contain No Significant Hazards in that it does not:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed.

   As requested the change is only applicable during those times when the function is not required, no effect on probability or consequences is possible.

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

   As the requested change is only applicable to those conditions where the function is not required, no new kind of accident is created.

3. Involve a significant reduction in a margin of safety.

   As the requested change is only applicable to those conditions when the function is not required, and would allow Rod Scram time testing to be performed while shutdown, the margin of safety is increased.

The licensee's second proposed change adds a reference to note "11" in the startup mode for the High Reactor Pressure Isolation Condenser initiation function. Note "11" states:

"This function not required to be operable with the reactor vessel head removed or unbolted."

This change is necessary to install new analog pressure sensors during refueling outage 12R, presently in progress.

When reactor temperature is less than 212°F and either the vessel head is removed or unbolted, there is no possibility of a major reactor pressure excursion. As a major excursion is not possible, the instrumentation required to initiate the Isolation Condenser in response to an excursion serves no purpose.

Therefore, the requested change has been determined to contain No Significant Hazards in that it does not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

   The requested change is applicable only under those previously evaluated conditions where the function has been determined to be not required. Therefore, it does not increase the probability or consequences of any previously evaluated accident.

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

   As the requested change is only applicable to those conditions where the protective function has been determined to be not required, no new or different kind of accident is created.

3. Involve a significant reduction in a margin of safety.

   As the applicability of the requested change has been limited to those times when the function is not required, no reduction in a margin of safety is possible.

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 may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of the FEDERAL REGISTER notice.

Written comments may also be delivered to Room P-216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By January 11, 1989, 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 request for hearing and a petition for leave to intervene. Requests 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 that 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 the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested, 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 considerations, 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 request involves significant hazards considerations, 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 considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of 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, the Gelman Building, 2120 L 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 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: 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, D.C. 20555, and to Ernest L. Blake, Jr. Esquire, Shaw, Pittman, Potts & Trowbridge, 200 N. Street, N.W., Washington, D.C. 20037, 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 amendment dated November 30, 1988, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, D. C. 20555, and at the Local Public Document Room, Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Dated at Rockville, Maryland, this 7th day of December 1988.

FOR THE NUCLEAR REGULATORY COMMISSION

Alexander W. Dromerick

Alexander W. Dromerick, Project Manager
Project Directorate I-4
Division of Reactor Projects I/II
Office of Nuclear Reactor Regulation