

October 11, 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. 69508)

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 September 28, 1988, which would revise the Technical Specification, Table 3.1.1, for Oyster Creek Nuclear Generating Station to add a reference to "11" in the startup mode for the High Reactor Pressure Scram Function. Proposed Note "11" will state: "This function not required to be operable with the reactor vessel head removed or unbolted.."

Sincerely,

original signed by

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

Oyster Creek Nuclear
Generating Station

cc:

Ernest L. Blake, Jr.
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UNITED STATES NUCLEAR REGULATORY COMMISSIONGPU NUCLEAR CORPORATION, ET ALDOCKET NO. 50-219NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
PROVISIONAL OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION

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

The proposed amendment would revise the Oyster Creek Technical Specifications Table 3.1.1 by adding a reference to note "11" in the startup mode for the High Reactor Pressure Scram function in accordance with the licensee's application for amendment dated September 28, 1988. Proposed note for "11" will state: "The function not required to be operable with the reactor vessel head removed or unbolted." Table 3.1.1 note "kk" is being reserved for another Technical Specification change presently under review.

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 licensee's proposed Technical Specification Change Request (TSCR) No. 174 would allow removing the High Pressure Scram function when the reactor head is removed or unbolted. This change is necessary to install new analog pressure sensors during the 12R refueling outage.

When the 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 scram the reactor in a excursion serves no purpose. Additionally, the Boiling Water Reactor Standard Technical Specifications specifically state that the High Pressure Scram function is not required when the head is unbolted or removed in the START UP mode. This request more closely aligns the Oyster Creek Nuclear Generating Station Technical Specifications with the Boiling Water Reactor Standard Technical Specifications.

Based on the above, the proposed change 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 not to be 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 not to be required, no new or different kind of accident is created.

(3) Involve a significant reduction in the 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 this 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, N.W., Washington, D.C. The filing of requests for hearing and petitions for leave to intervene are discussed below.

By November 16, 1988, 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 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 amendments 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 considerations. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment 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 a final determination is that the amendment 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 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, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, DC, 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, DC 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 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 dated September 28, 1988, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., and at the Local Public Document Room Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Dated at Rockville, Maryland, this 11th day of October 1988.

FOR THE NUCLEAR REGULATORY COMMISSION



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