

Docket No. 50-219

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Mr. E. E. Fitzpatrick
Vice President and Director
Oyster Creek Nuclear Generating Status
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. 76042)

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 February 20, 1990, as revised April 11, 1990 and July 24, 1990. The initial amendment request dated February 20, 1990 requested to change the surveillance requirements of the Station Batteries. The revised amendment request dated April 11, 1990 expanded the Battery Testing revision and requested the surveillance for battery tests be changed from 18 months to 24 months. The revised amendment request dated July 24, 1990 withdraw the February 20, 1990 and April 11, 1990 requests for amendment and proposed revisions to Technical Specification Sections 4.7.B.3, 4.7.B.4.C and Section 4.7, Basis of Technical Specifications. Specifically the revision adds the Service Test to the Station and Diesel Batteries and revises the Capacity and Annunciator Surveillance from 18 to 24 months.

Sincerely,

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

Enclosure
As stated

cc: See next page

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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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Resident Inspector
c/o U.S. NRC
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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., (GPUN or the licensee) for operation of Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey.

The licensee initially proposed an amendment dated February 20, 1990 concerning surveillance requirements of the station batteries. Subsequently, the amendment request was revised on April 11, 1990 and July 24, 1990. The February 20, 1990 submittal was published in the FEDERAL REGISTER on March 21, 1990 (55 FR 10533). The revised amendment request dated April 11, 1990 expanded the battery testing revision and requested that the surveillance interval for battery service tests be changed from 18 months to 24 months. The April 11, 1990 submittal was published in the FEDERAL REGISTER on May 30, 1990 (55 FR 21971). The revised amendment request dated July 24, 1990 withdrew the February 20, 1990 and April 11, 1990 requests. The requested amendment revises Technical Specification Sections 4.7.B.3, 4.7.B.4.C and Section 4.7, Basis of the Technical Specifications. Specifically, the revision adds the Service Test to the Station and Diesel Batteries and revises the Capacity and Annunciator surveillance intervals from 18 to 24 months.

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 request for amendment 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.

Based on our review of the information provided by the licensee, the staff has determined that the proposed changes do not:

- (1) Involve a significant increase in the probability or the consequences of an accident previously evaluated. The proposed surveillance interval does not involve any changes to the plant configuration, availability of safety systems or the manner in which they respond to initiating events, and, as such, will not increase the probability of an accident previously evaluated. The surveillance requirements will not alter the battery's response to an accident and, therefore, will not increase the consequences of an accident previously evaluated.
- (2) Create the possibility of a new or different kind of accident from any previously evaluated. Revising the battery refueling outage surveillance interval does not involve any change to the plant configuration, nor does

it change the availability of the batteries or the manner in which they respond to initiating events. As such, the possibility of a new or different kind of accident from any previously evaluated is not created.

- (3) Involve a significant reduction in a margin of safety. The weekly, monthly, annual, and 24 months outage battery surveillance requirements verify the availability and capability of these components and, therefore, do not represent a reduction in the margin of safety. Additionally, the addition of battery service testing increases the information available to assure battery performance.

Therefore, based on the above considerations, the Commission has made a proposed determination that the amendment request 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.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, 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. Written comments may also be delivered to Room P-223, 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 is discussed below.

By August 31, 1990 , 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. 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, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at Ocean County Library, 101 Washington Street, Toms River. New Jersey 08753. 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. 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 amendment 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 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 request for amendment 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 a 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 Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L 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 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, 2300 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 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 applications for amendment dated February 20, 1990, April 11, 1990 and July 24, 1990, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Dated at Rockville, Maryland, this 26th day of July, 1990.

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