

June 2, 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

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Dear Mr. Fitzpatrick:

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT (TAC NO. 68227)

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing." This notice relates to your application for amendment dated May 13, 1988, which would (1) amend paragraph 2.C.(7) of Provisional Operating License DPR-16 to eliminate the requirement for the docketing of inspection results related to the core spray spargers, and obtaining NRC restart authorization for each refueling outage, (2) eliminate the submittal of a special report presenting the results of inservice inspection of the Core Spray Spargers during each refueling outage and (3) propose visual inspections of accessible surfaces in accordance with ASME B&PV Code, Section XI.

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:
Notice

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:

Ernest L. Blake, Jr.
Shaw, Pittman, Potts and Trowbridge
2300 N Street, NW
Washington, D.C. 20037

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
475 Allendale Road
King of Prussia, Pennsylvania 19406

Mr. David M. Scott, Chief
Bureau of Nuclear Engineering
Department of Environmental Protection
CN 411
Trenton, New Jersey 08625

BWR Licensing Manager
GPU Nuclear Corporation
1 Upper Pond Road
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
218 West Lacey Road
Forked River, New Jersey 08731

Licensing Manager
Oyster Creek Nuclear Generating Station
Mail Stop: Site Emergency Bldg.
P. O. Box 388
Forked River, New Jersey 08731

UNITED STATES NUCLEAR REGULATORY COMMISSIONGPU NUCLEAR CORPORATIONDOCKET NO. 50-219NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE 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 (GPUN, the licensee), for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey.

The amendment would (1) amend paragraph 2.C.(7) of Provisional Operating License DPR-16 to eliminate the requirement for the docketing of inspection results related to the core spray spargers, and obtaining NRC restart authorization for each refueling outage, (2) eliminate the submittal of a special report presenting the results of inservice inspection of the Core Spray Spargers during each refueling outage and (3) propose visual inspections of accessible surfaces in accordance with ASME B&PV Code, Section XI.

Prior to 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.

By July 13, 1988, 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 pre-hearing 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.

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 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 Mr. Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts and Trowbridge, 2000 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).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated May 13, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C. 20555, and at the Local Public Document Room, Ocean Count Library, Reference Department, 101 Washington Street, Toms River, New Jersey 08753.

Dated at Rockville, Maryland, this 2nd day of June 1988.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert L. Ferguson, Acting Director
Project Directorate 1-4
Division of Reactor Projects I/II
Office of Nuclear Reactor Regulation