

December 20, 1990

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. 79270)

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 Opportunity for Hearing." This notice relates to your application for amendment dated December 7, 1990, which would revise Technical Specifications to allow draining of the 15,000 gallon Emergency Diesel Generator (EDG) fuel oil storage tank for the purpose of internal inspection and, if required, replacement during the upcoming (13R) outage. Inspection of the tank internals cannot be accomplished while it is filled, and draining of the tank will cause the EDGs to become inoperable, which is in conflict with Technical Specification 3.7.

Sincerely,

AS

Alexander W. Dromerick, Senior 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

OFC	:PDI-4:LA	:PDI-4:PM	:PDI-4:D	:	:
NAME	:SNorris	:ADromerick:cn	:JStolz	<i>Hand for JS</i>	:
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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

I. H. Jolles, Executive Vice President
GPU Service Corporation
100 Interpace Parkway
Parsippany, New Jersey 07054

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

Kent Tosch, Chief
New Jersey Department of Environmental
Protection
Bureau of Nuclear Engineering
CN 415
Trenton, New Jersey 08625

BWR Licensing Manager
GPU Nuclear Corporation
1 Upper Pond Road
Parsippany, New Jersey 07054

Mayor
Lacey Township
818 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
PROVISIONAL 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 revise Technical Specifications to allow draining of the 15,000 gallon Emergency Diesel Generator (EDG) fuel oil storage tank for the purpose of internal inspection and, if required, replacement during the upcoming (13R) outage. Inspection of the tank internals cannot be accomplished while it is filled, and draining of the tank will cause the EDGs to become inoperable, which is in conflict with Technical Specification 3.7.

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 January 28, 1991, 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 request for a 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. 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, Reference Department, 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 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 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.

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. 20555, 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 and 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 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).

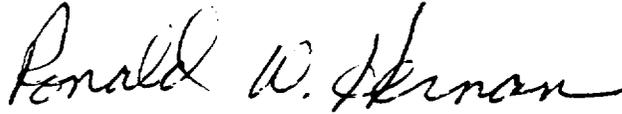
If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion

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 December 7, 1990, which is 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, Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey 08753.

Dated at Rockville, Maryland, this 20th day of December 1990.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script that reads "Ronald W. Hernan".

Ronald W. Hernan, Acting Director
Project Directorate I-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation