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To: Collins, NRR
& 20020346

From: "Michael Mulligan" <steamshovel@adelphia.net>
To: "Victor Dricks" <vld@nrc.gov>
Date: 6/17/02 1:46PM
Subject: 10 CFR 2.206 for Oyster Creek(TS 298)

cys: EDO
DEDMRS
DEDA
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OGC
Goldberg
Subbaratram

Mr Dricks,

I've added a few changes this. This copy supercedes the previous for Oyster Creek refueling interlocks.

mike

----- Original Message ----- From: Michael Mulligan

To: John.Hufnagel@exeloncorp.com ; Paul.czaya@exeloncorp.com ; David.distel@exeloncorp.com

Sent: Friday, June 14, 2002 3:43 PM

Subject: Re: 10 CFR 2.206 for Oyster Creek(TS 298)

From: "Michael Mulligan" <steamshovel@adelphia.net>
To: "Victor Dricks" <vld@nrc.gov>
Subject: 10 CFR 2.206 for Oyster Creek(TS 298)
Date: Thursday, June 06, 2002 2:07 PM

Mr Travers:

I request agency interest per the 10CFR2.206. I request the safety stand-down and shutdown of the Oyster Creek nuclear power plant. I request that all past and future OC license amendment be verified to contain full factual characterization of licensing actions before plant restart.

As we all know, there are serious widespread issues with corporate full disclosures and integrity throughout the energy and other economic sectors. Many billions of dollars have been wasted because of these issues. Even Exelon is involved with issues of corporate integrity issue with fair disclosure and shareholder lawsuits.

It is enormously important with Exelon, that all public and government disclosures (documentation) be accurate, full, fair, and complete. Integrity; the full, fair and complete characterization goes way beyond the legal and mechanical responsibilities of just answering or meeting the minimum reporting requirements of a set of regulations and rules. Could you meet the minimum legal requirement and still corruptly answer the needs of public transparency and trust?

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- a.. When to speak out, when to be silent, how to say or write that which is necessary but awkward, courage to face up to the need for doing so, talent to be firm yet diplomatic, imagination to see beneath and beyond the surface, perceptivity not only for what has happened but also for what may happen, constancy in ethical behavior, sagacity to avoid errors of omission as well as those of commission: these and other attributes like them are qualities, not definable as knowledge but inherent in individuals.
 - b.. And professionals are being challenged. Are we using our specialized knowledge in appropriate ways? What is our ethos, or code of ethics? Are we disciplining ourselves?
 - c.. A core issue arising in Enron's wake is enhancing existing and planned legal standards with ethical and competency standards, for lawyers, accountants, directors and others. The public cannot be served if professionals who serve as gatekeepers merely follow the letter of the law, but not necessarily its spirit. We need to move away from wooden, rigid, literalism, and encourage all upon whom the present system depends to adopt a bias in favor of the needs of the investing public...
- Technical Specification 298 which allows fuel-handling operations with the safety interlocks broken or

bypassed has not been fully characterized. If poor nuclear safety equipment reliability is the hidden rationalization for this change, then the public had a right to know of this justification within the initial license amendment. If the utility wants to quicken refueling outages, and poor nuclear protection equipment reliability is slowing down refueling progress- with the plant wanting to continue operation with broken device, then the public has a right to know. The public has the right to intervene and provide a level of safety for the surrounding communities. That has to be disclosed in the certified license amendment.

What is of focus here is a wide spread systemic NRC long-term process with the nuclear utilities; which allows the selective plant characterization and disclosures to the public. In many ways the NRC response to this has been like catching a little boy in sandbox lying. Where is the outrage! These are grown educated men and women who are highly paid for their experience and they should know better. This is not an isolated incidence, but an endemic bureaucratic expectation from both the industry and the regulator.

What would the story be if Oyster Creek just told us plainly in the License amendment (298) that we are having problems reliability with the aging refueling interlocks, the fix is costly and we are too lazy to fix it anyway. So we want to not use the protection system and then gamble on potential of human error.

Seeing how Vermont Yankee was mentioned in Oyster Creek TS 298- I request that the NRC investigate if reliability issues were involved with VY similar TS changes.

By the way, I haven't found any Adams documentation on refueling reliability issues for Oyster Creek. Is that being withheld from the public? Why can't I do a search for inspection report refueling issues, so that the public could have the information to make judgement with? Is that intentional where the NRC documents are so fractured and disconnected, like your integrity, such that the public has little ability to understand what is going on behind the bob-wire and security?

mike mulligan

Hinsdale, NH

From: "Michael Mulligan" <steamshovel@adelphia.net>
To: "Victor Dricks" <vld@nrc>
Subject: 10 CFR 2.206 for C (298) additional issues
Date: Friday, June 14, 2002 3:18 PM

Mr. Travers:

Here are some additional issue for the 6/6 Oyster Creek problems.

Yahoo Exelon business message board

Re: We all live in a yellow-kalcan
by: kalcansb
Long-Term Sentiment: Hold 06/12/02 02:52 pm
Msg: 2328 of 2332

Thats right, we should play it safe and be conservative, unfortunately in nuclear power that would be to shutdown and close all the plants. So you just keep doing what you think is right, call the FBI or whoever, maybe we can all be out of business someday.

Posted as a reply to: Msg 2318 by exhibew Message Thread [View]

You know; Oyster Creek infers that the amendment request does not increase plant safety-"provides enhanced operational flexibility while moving fuel to and from the reactor vessel". What is that NRC rationale of not answering critic's questions- because it would divert agency resources away from safety

functions? Has there been a NRC determination with the utilities, of them creating non-safety administration burdens, which diverts limited agency resources away from safety focus.

The selective use of the "burdens that reduce the agency's focus" can now be seen in clear light. What it comes down to is you create a limited agency budget and the rationalization of diverted safety focus, which unfairly falls onto the public transparency. If you had any brains, your number 1 priority should be public transparency and public understanding- not creating a shield. You can reduce the excessive regulation to these plants-but you must create increasing transparency at the same time. If you get sneaky them mistrust increases. You can only come to the conclusion that the rationalization is nothing but an immoral shield created by campaign contributions. It is only the tip of the iceberg with the selective interaction of the agency with the public.

If being "risk informed" has become the top NRC theme on actualizing agency activity or just an immoral shield, then how can TS 298 even be considered. Just what is the top NRC safety theology? Is it being reactive to objective safety concerns or are they paid to create an illusion from the selective few?

What is most appalling is the letter (e-mail) of Peter Tam of 5/23, who specifically asked the questions of "was there equipment breakdowns that are driving TS298"(paraphrased)? He doesn't s at all answer his question in the next (6/4) e-mail, which is a summation of the meeting between the company and the NRC. What is it with Tam's declarations of Oyster Creek's; that the change is not "intended" to expedite the refueling outage? Why then do it. What is it with Tam's exclusive code words of; "is merely intended to provide you with flexibility to continue fuel movements under certain circumstances"? "Solely for the convenience" means what? Could you think up some insignificant safety rationalization, thus you could meet the intended logic of "solely". What is the specific "certain circumstances" and give the public past examples of problems that is driving the change. "Indefinitely" means what-would it be acceptable for the entire outage.

It's all hidden and in the shadows. It's all hidden behind the words of the bureaucracy. It's a hidden in special relationship between the regulators and corporations. You people speak of the "intended" safety rationale of it not being used to expedite refueling outages, with the functionality of the amendment being just that. Are you a Catholic Bishop?

Unexplained and contradictory phrases:

a.. "Equivalent protection" and "verification is subject to human error"-If it is really equivalent to the interlocks, why don't you just throw the interlocks away. Why did the initial designers waste money on this protection system? You spoke of an additional activity that increases risk-verification-with not speaking of any activity that countervails the increasing risk. Is there a difference with verifying all rods are in once, with then sticking a tag to disable, or an automation system which continuously monitors rod position. Then its Equivalent! You have a non-functional interlock, then using a bureaucratic compensating mechanism that has the potential to inject additional human errors into the system- you then call it equivalent. The truth is; you should define it as having adequate margin of safety; with some amount more risk than the initial system. But that would create a red flag - so you have to play word games to get it past the public. Just how big is this deceptive thing in your agency?

a.. "Core alteration will not be performed with the refueling interlock inoperable solely for the convenience or for expediting the refueling outage" and "would be operable except for equipment failures". Could the device fail early in the outage, with the interlocks being bypassed the rest of the time if not fixable and no spare parts. How many refueling breakdowns per outage would raise flags? With the interlocks in bypass for an extended period of time, other refueling system failures would be obscured, giving the false impression that the system is more reliable than in the past. Do you have mode switch problems-aging contacts?

b.. The verification and disabling the rods; isn't this an additional burden for the employee-more work. If this become widespread (multiple systems) with bypassing interlocks and increased control room administrative burdens across many systems at a plant, would this created synergistic results in an accident. Disabling the rods, could you still use the control rod drive pumps in an emergency to feed the

reactor vessel?

I thought there was an interlock, such that with any rod not full in or disabled, that the refueling platform could not travel over the core- a radiation protection for somebody on the platform. So I am wondering. Could the interlocks be bypassed due to some failure, with the refueling somewhat complete? Then rod testing of some sort, with a person mistakenly going over the core and forgetting about the prior bypassing of the interlocks, with the head off because of the bypassed interlock.

Why not put a limit number on the times this could be invoked during an outage and a time limit on a specific incidence? What does "temporarily" really mean? What about the natural consequence with running around with bald tires- with then paying the price of recovering from an unexpected flat? If only I could rewrite the rules of physics. Here is an idea; how about ever time they evoke the new rule, that they give \$10,000 dollars to the local food bank. You people are in a damaging positive reactivity spiral of self interest. You may end up more hurting yourselves than your neighbors.

Fort Calhoun LER-02-002 should be an interest to you with their references to IN97-78 and GL91-18.

Let me really tell you what this vague game buys. At some future operational crisis, there will always be the issues of what the vague statement really means, with the utility able to cut corners allowing the operation to continue. After the utility gets called on abusing the vague rule a few times, they will be forced to come up with hyper specific rules. That's why there are too many regulations. These vague rules are a pre-designed strategy as a one time "get out of jail" card. In the end, the public smells these bad bureaucratic word games, get disgusted because of no accountability, and then demand a book full of rules for these dumb bureaucrats. Many times with these very bad violations of vague rules, usually within a serious accident, they will come up with another book full of rules.

The creation of this new set of rules for the agency, and the utility, is really designed to defuse accountability from the reckless players- many times a complex conspiracy of self interest that lays hidden behind the public curtain that drive the serious accident- instead of punishing (Or maintaining the expectation of accountability) the highest level people involve. They create these rules to punish all of us instead of elite few.

You people are playing word games. You are using a type of specially designed exclusive technical language, which is intended to "pull one over" on the public. It is overly bureaucratic, not clear and direct. Your language is overly rule oriented leading to the results being correct for the rule application, with the results intentionally being deceptive and corrupt.

How old is this plant-30 years old? How did they get along for so long without this change before? If you have nuclear safety "systems" which are showing increasing unreliability of components, then you upgrade and replace the failing systems. You don't play bureaucratic word rules games. You don't create the widespread expectation that with other equipment failures; we will just adjust the rules so that it will be covered up. In my world you face your problems directly, at the first opportunity, so that the issue don't pile up.

How hard of a question is it? Was OC having reliability problems with the refueling systems? Did that drive this TS change? If so, should that have been disclosed in the initial amendment-in the moral sense? In the moral sense, can increasing component or system breakdowns lead to a rule change without the correction of the initial defect-increasing indication of unreliable systems? We know this issue will effect other facilities, with your response being opaque as necessary to protect your special relationships.

I still can't get over this selective bureaucratic talk around the TS change. You speak of it in specific terms of the logic with supportively equivalent human verification of this automation protection action; with not a care of what is driving this 30 year change. And as with the future, it's only the declaration of what is "intended" and not the hidden rationale- which is really how they will use this rule change independent of any non binding basis statement. I get it, the public will only see the pretty words, with them having a no chance of seeing results of the rules game - much like the public has no availability to see current and

past problems with the refueling interlock and circuitry. Mr. Orwell.

Maybe the New York Times op-ed has it right: Have I always been talking about seeing the exclusive new business and regulatory language- and a selective tiered approach to access with government- with the intensifying anti democratic U.S. Plutocracy? A system who in increasing politicizing science and the selective interpretation of objective facts for the self-interest of the few. Can campaign contributions buy that?

mike mulligan

Hinsdale, NH

June 14, 2002

Plutocracy and Politics

By PAUL KRUGMAN

evin Phillips's new book, "Wealth and Democracy," is a 422-page doorstopper, but much of the book's message is contained in one stunning table. That table, in the middle of a chapter titled "Millennial Plutographics," reports the compensation of America's 10 most highly paid C.E.O.'s in 1981, 1988 and 2000.

In 1981 those captains of industry were paid an average of \$3.5 million, which seemed like a lot at the time. By 1988 the average had soared to \$19.3 million, which seemed outrageous. But by 2000 the average annual pay of the top 10 was \$154 million. It's true that wages of ordinary workers roughly doubled over the same period, though the bulk of that gain was eaten up by inflation. But earnings of top executives rose 4,300 percent.

What are we to make of this astonishing development? Stealing (and modifying) a line from Slate's Mickey Kaus, I'd say that an influential body of opinion has reacted to global warming and the emergence of an American plutocracy the same way: "It's not true, it's not true, it's not true, nothing can be done about it."

For many years there was a concerted effort by think tanks, politicians and intellectuals to deny that inequality was increasing in this country. Glenn Hubbard, now chairman of the Council of Economic Advisers, is a highly competent economist; but he demonstrated his fealty during the first Bush administration with a ludicrously rigged study purporting to show that income distribution doesn't matter because there is huge "income mobility" - that is, that this decade's poor are likely to be next decade's rich and vice versa.

They aren't, of course. Even across generations there is a lot less income mobility than the folk wisdom about "shirt sleeves to shirt sleeves in three generations" would have it. Mr. Phillips shows that tales of downward mobility in once-wealthy families are greatly exaggerated; the descendants of 19th-century robber barons are still quite different from you and me.

But the Gilded Age looked positively egalitarian compared with the concentration of wealth now emerging in America. Pretty soon denial will no longer be possible. What will the apologists say next?

First we will hear that vast fortunes are justified because they are the reward for vast achievement. Here's where that table comes in handy, because it tells you what achievements actually get rewarded. Only one of the 10, Tyco's Dennis Kozlowski, has actually been indicted. But of the rest, three - four, if you count John Chambers of Cisco - were Andy Warhol C.E.O.'s: their companies were famous for 15 minutes, just long enough for the executives to cash in their stock options. The list also includes Gerald Levin, who engineered Time Warner's merger with AOL at the top of the Internet bubble; even at the time it seemed obvious that he was trading half his original shareholders' birthright for a mess of cyber-pottage.

We'll also hear that in any case nothing can be done to limit the accumulation and inheritance of vast wealth. We'll be told, for example, that reinstating the estate tax would have devastating economic effects - even though the great boom of the 1990's took place with a 55-percent tax on the largest inheritances. I've even been assured by some correspondents that inheritance taxes on the very rich are impractical, that they will always be evaded - this in spite of the fact that in 1999 the estate tax raised about \$15 billion from estates worth more than \$5 million.

But it's not just a matter of collecting taxes. Mr. Phillips, a lifelong Republican, is most concerned not by economics per se but by the political consequences of wealth concentration. He warns that "the imbalance of wealth and democracy is unsustainable, at least by traditional yardsticks."

How will this imbalance be resolved? The economists Claudia Goldin and Robert Margo have dubbed the narrowing of income gaps that took place under F.D.R. the "Great Compression"; if I read Mr. Phillips right, he thinks something like that will happen again. But he also offers a bleak alternative: "Either democracy must be renewed, with politics brought back to life, or wealth is likely to cement a new and less democratic regime - plutocracy by some other name."

Apocalyptic stuff. But Mr. Phillips has an impressive track record as a political visionary. What if he's right?

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From: "Michael Mulligan" <steamshovel@adelphia.net>
To: "Victor Dricks" <vld@nrc.gov>
Date: 6/6/00 9:11 PM
Subject: 10 CFR 2.206 for Oyster Creek(TS 298)

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mike mulligan

Hinsdale, NH

more of source material. Licensees affected by Part 75 and related sections of Parts 40, 50, 70, and 150 are required to submit DOE/NRC Form 740M to inform the US or the IAEA of any qualifying statement or exception to any of the data contained in any of the other reporting forms required under the U.S./IAEA Safeguards Agreement. The use of Forms 740M, 741, and 741A, together with NUREG/BR-0006 Revision 4, the instructions for completing the forms, enables NRC to collect, retrieve, analyze as necessary, and submit the data to IAEA to fulfill its reporting responsibilities.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room located at One White Flint North, 11555 Rockville Pike, Rockville, MD. OMB clearance requests are available at the NRC World Wide Web site, <http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by April 4, 2002. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Bryon Allen, Office of Information and Regulatory Affairs (3150-0003 & -0057), NEOB-10202, Office of Management, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 27th day of February 2002.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,
NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02-5178 Filed 3-4-02; 8:45 am]
BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY: Nuclear Regulatory Commission.

DATES: Weeks of March 4, 11, 18, 25, April 1, 8, 2002.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of March 4, 2002

Monday, March 4, 2002

2 p.m.

Briefing on Status of Nuclear Waste Safety (Public Meeting) (Contact: Claudia Seelig, 301-415-7243)

This meeting will be webcast live at the Web address—www.nrc.gov

Week of March 11, 2002—Tentative

There are no meetings scheduled for the Week of March 11, 2002.

Week of March 18, 2002—Tentative

Tuesday, March 19, 2002

9:30 a.m.

Briefing on Office of Nuclear Regulatory Research (RES) Programs, Performance, and Plans (Public Meeting) (Contact: James Johnson, 301-415-6802)

This meeting will be webcast live at the Web address—www.nrc.gov

Wednesday, March 20, 2002

9:25 a.m.

Affirmation Session (Public Meeting) (if needed)

9:30 a.m.

Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting) (Contact: John Larkins, 301-415-7360)

This meeting will be webcast live at the Web address—www.nrc.gov

Week of March 25, 2002—Tentative

There are no meetings scheduled for the Week of March 25, 2002.

Week of April 1, 2002—Tentative

There are no meetings scheduled for the Week of April 1, 2002.

Week of April 8, 2002—Tentative

Friday, April 12, 2002

9:25 a.m.

Affirmation Session (Public Meeting) (if needed)

* This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: February 28, 2002.

David Louis Gamberoni,
Technical Coordinator, Office of the Secretary.

[FR Doc. 02-5272 Filed 3-1-02; 10:10 am]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97-415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from February 8, 2002 through February 21, 2002. The last biweekly notice was published on February 19, 2002 (67 FR 7410).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve 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 basis for this proposed determination for each amendment request is shown below.

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.

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 before action is taken. Should the Commission take this action, it will publish in the **Federal Register** 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.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By April 4, 2002, 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 a petition 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 NRC's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC web site, <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. 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 a 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 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 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 amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately 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 a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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 20555-0001, Attention: Rulemaking and Adjudications Staff, or may be delivered to the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a 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 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 which is available for public inspection at the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public

Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1-800-397-4209, 304-415-4737 or by e-mail to pdr@nrc.gov.

AmerGen Energy Company, LLC, et al., Docket No. 50-219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request:

September 10, 2001.

Description of amendment request:

The proposed amendment would revise the requirements in Technical Specifications (TSs), Sections 3.4.A.7.c and 3.4.A.8.c, to determine operability of core spray pumps and system components by verification rather than testing.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed TS changes are not associated with accident initiators. The proposed changes are, however, associated with emergency core cooling requirements for loss of coolant mitigation. This event is a loss of coolant from the reactor vessel when the plant is shutdown and was evaluated in the NRC [Nuclear Regulatory Commission] Safety Evaluation Report supporting License Amendment No. 12, dated January 21, 1976. The proposed changes contained in this request do not affect the assumptions or conclusions of that evaluation and do not impact the physical characteristics of the core spray and fire protection systems. Therefore, the proposed changes do not degrade the ability of the core spray and fire protection systems to perform their intended accident mitigation function. The proposed changes to core spray pump/component and fire protection system operability verification versus demonstration in TS 3.4.A.7.c and core spray pump/component operability verification versus demonstration in TS 3.4.A.8.c provide an alternate means of determining equipment operability without reliance on frequent testing. The clarification of the extent of core spray system operability verification in TS 3.4.A.7.c does not change any existing requirements. Therefore, the proposed changes to TS 3.4.A.7.c and 3.4.A.8.c do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed TS changes are not associated with accident initiators. They are changes that provide an alternate means of determining equipment operability while eliminating frequent testing.

The proposed changes to TS 3.4.A.7.c and 3.4.A.8.c do not involve the addition of any new plant structure, system or component (SSC). Similarly, the proposed TS changes do not involve physical changes to an existing SSC nor do they modify any current operating parameters. Providing an alternate means of determining equipment operability does not alter the functional capability of any accident mitigation system. The clarification of the extent of core spray system operability verification in TS 3.4.A.7.c does not change any existing requirements. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed TS changes do not involve a significant reduction in a margin of safety.

The proposed changes to TS 3.4.A.7.c and 3.4.A.8.c are not associated with accident initiators and do not introduce new SSCs or physically impact existing SSCs. They are changes that provide an alternate means (i.e., verification) of determining core spray and fire protection system component operability. The capability of the necessary core spray and fire protection components to provide the required core cooling flow is demonstrated during surveillance testing. While the proposed changes revise the method of determining the operability of the core spray and fire protection system in the reduced availability mode, they do not degrade the ability of the systems to perform their intended function. The clarification of the extent of core spray system operability verification in TS 3.4.A.7.c does not change any existing requirements. Therefore, the proposed TS change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kevin P. Gallen, Morgan, Lewis & Bockius, LLP, 1800 M Street, NW., Washington, DC 20036-5869.

NRC Section Chief: Joel Munday, Acting.

AmerGen Energy Company, LLC, et al., Docket No. 50-219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request:

September 11, 2001.

Description of amendment request:

The proposed amendment would revise the Technical Specifications, Section 3.9, "Refueling," to incorporate compensatory provisions which permit fuel-handling operations without the refueling interlocks operable.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff reviewed the licensee's analysis and has performed its own, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated.

No. The proposed amendment involves refueling interlock operability requirements during refueling operations. The only design-basis accident described in the Oyster Creek Updated Final Safety Analysis Report (UFSAR) for cold shutdown or refueling conditions is a postulated fuel handling (dropped bundle) accident. The refueling interlocks are not postulated to cause, and are not involved in the mitigation of such an accident. Thus, the proposed amendment does not affect the safety function of the refueling interlocks. The proposed alternative actions provide an equivalent level of protection against inadvertent criticality during fuel handling operations. Therefore, this amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed amendment does not affect accident initiators or precursors because it does not alter any design parameter, condition, equipment configuration, or manner in which the unit is operated. Further, it does not alter or prevent the ability of structures, systems, or components to perform their intended safety or accident mitigating functions. Accordingly, the proposed amendment does not create a new or different kind of accident from any accident previously evaluated.

3. Does the amendment involve a significant reduction in a margin of safety?

No. The proposed amendment does not change any design parameter, analysis methodology, safety limits or acceptance criteria. The revised requirement (i.e., proposed alternative) will continue to ensure against inadvertent criticality during fuel handling operations. Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

Based on the NRC staff's review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the

NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kevin P. Gallen, Morgan, Lewis & Bockius, LLP, 1800 M Street, NW., Washington, DC 20036-5869.

NRC Section Chief: Joel Munday, Acting.

AmerGen Energy Company, LLC, Docket No. 50-289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of amendment request: August 14, 2001.

Description of amendment request: The proposed amendment revises Section 6, "Administrative Controls," of the Technical Specifications (TSs) to delete Section 6.5.4, "Independent Onsite Safety Review Group," and all associated subsections. The licensee will revise its Operational Quality Assurance Plan to incorporate conforming changes to provide its proposed alternative independent nuclear safety oversight provisions.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

This change involves deletion of the TS requirements for the Independent Onsite Safety Review Group [IOSRG]. To satisfy the NUREG-0737 ["Clarification of TMI Action Plan Requirements," November 1980] guidance concerning organizational independence, the proposed IOSRG alternative provides for technical expertise by onsite engineering and licensing organizations. These site engineering and licensing organizations report through the Site Vice-President and are independent of the production reporting chain through the plant manager. Additionally, high-level management positions are located in the corporate and regional offices for these engineering and licensing organizations which set policy and have responsibility for governance and oversight of these functional areas. These corporate and regional high-level positions are not in the management chain for power production.

Organizational and procedural changes at TMI Unit 1 [Three Mile Island Nuclear Station, Unit 1] following the issuance of NUREG-0737 have resulted in improvements to the review processes that meet the intent of the requirements [of] NUREG-0737 for an IOSRG. Therefore, inclusion of the IOSRG in the plant or plant support organization is unnecessary. In light of the considerable improvement in the processes listed above,

the contribution of three full time engineers assigned as a separate group to address nuclear safety oversight is not significant in comparison to the contribution of the overall organization. This change does not affect assumptions contained in the plant safety analyses, the physical design and/or operation of the plant, nor does it affect Technical Specifications that preserve safety analysis assumptions. No Technical Specification Limiting Condition for Operation, Action Statement, or Surveillance Requirement is affected by this change. The proposed change does not alter design, function, operation, or reliability of any plant component. This change does not involve a physical modification to the plant, a mode of operation, or a change to the UFSAR [Updated Final Safety Analysis Report] transient analyses. Normal and accident dose to plant personnel or to the public are unaffected.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

This change to remove the IOSRG from the TS[s] is administrative in nature and does not affect the assumptions contained in the plant safety analyses, the physical design and/or modes of plant operation defined in the plant operating license that preserve safety analysis assumptions.

This proposed change does not introduce a new mode of plant operation or surveillance requirement, nor involve a physical modification to the plant. The proposed change does not alter the design, function, or operation of any plant system or component.

Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

This change only involves Technical Specification Section 6, "Administrative Controls," which does not include any margins of safety. None of the proposed changes involve a physical modification to the plant, a new mode of operation, an instrument setpoint, or a change to the UFSAR transient analyses. No Limiting Safety System Setting, Technical Specification Limiting Condition for Operation, Action Statement, or Surveillance Requirement is affected. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Edward J. Cullen, Jr., Esquire, Vice President, General Counsel and Secretary, Exelon Generation Company, LLC, 300 Exelon Way, Kennett Square, PA 19348.

NRC Section Chief: Joel T. Munday (Acting).

Connecticut Yankee Atomic Power Company, Docket No. 50-213, Haddam Neck Plant, Middlesex County, Connecticut

Date of amendment request: September 10, 2001.

Description of amendment request: The proposed amendment would revise Technical Specification 3/4.9.7 and corresponding Bases to address use of a single-failure-proof handling system, as defined by NUREG-0612 ("Control of Heavy Loads at Nuclear Power Plants") and NUREG-0554 ("Single-Failure-Proof Cranes For Nuclear Power Plants"). The modifications will allow handling loads in excess of 1,800 pounds near or over the Spent Fuel Pool. The anticipated types of heavy loads include the combination of a spent fuel storage canister and transfer cask.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

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

Concerning the application of a single-failure-proof handling system for handling heavy loads near or over the Spent Fuel Pool, NUREG-0612, "Control of Heavy Loads at Nuclear Power Plants" asserts that the probability of an accidental load drop while handling loads over the spent fuel is insignificant.

Under the proposed amendment, the evaluation criteria of NUREG-0612, Section 5.1 are satisfied by the combination of (a) the continued implementation of procedures and the practices for both the Fuel Handling Cranes and the Yard Crane that provide conformance with the guidelines of Section 5.1.1 of NUREG-0612, and (b) the application of a single-failure-proof handling system that satisfies the criteria of NUREG-0612, Sections 5.1.2(1) and 5.1.6 for the movement of any load with a weight greater than 1800 pounds either (i) over any spent fuel assembly in the Spent Fuel Pool or (ii) near or over any area of the Spent Fuel Pool, including the Spent Fuel Cask Laydown Area.

The proposed amendment retains existing restrictions on crane travel for the Fuel Handling Cranes, which are not qualified to the single-failure-proof criteria of NUREG-0612. These retained restrictions continue to support the existing safety analysis of Section 15.2.2, "Fuel Handling Accident" of the