

December 14, 1985

Note to: J. Lombardo

From: J. Gray

SUBJECT: OYSTER CREEK CORE SPRAY SPARGER AMENDMENT

I agree with Colleen Woodhead's note to you to the effect that your SER wholly undercuts the basis for the proposed NSHC finding set out in your prior Federal Register notice of proposed action. Because of this, I believe you must either renote this amendment providing another basis for the NSHC finding or, if you have no other basis, renote giving a prior opportunity for hearing (as Colleen's note suggests) because you cannot make the NSHC finding.

I have an additional problem, however. This license change would modify the present license condition, which requires sparger replacement before any further operation, to allow operation without sparger replacement for the next fuel cycle, and operation beyond the next fuel cycle contingent upon some undefined "acceptable" inspections. However, 60% of the SER discusses how unreliable past inspections have been and essentially establishes that we have no basis today for determining that operation with the existing spargers would be safe. The SER actually says that we cannot assign any reliability to crack length measurements on which any deferral of sparger replacement could be based. In contrast there is only one SER paragraph on why it is acceptable to operate without sparger replacement and that is rather vague and wholly unconvincing in view of the rest of the SER which clearly establishes that we don't know whether cracks are progressing and the sparger is degrading or not. I see no justification for allowing further deferral of sparger replacement. Without a substantially more convincing story on the adequacy of the existing sparger for another cycle of operation, I don't believe that you can issue this amendment. (As an aside, your expectation that future inspections will allow meaningful comparisons with past inspection indications is not very useful. This SER fairly establishes that past inspection indications are unreliable. What purpose would be served in comparing future inspection results to past inspections in which we have no confidence).

J.R. Gray

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