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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

December 24, 1975

Docket No. 50-219

Mr. Steven P. Russo  
Attorney at Law  
248 Washington Street  
P. O. Box 1060  
Toms River, New Jersey 08753

Dear Mr. Russo:

Your letter dated November 7, 1975, addressed to the Director of Regulation, U.S. Atomic Energy Commission, has been referred to me for reply. Your letter requests information as to when the next refueling will take place at the Oyster Creek Nuclear Generating Station and when the next public hearing will be held regarding this refueling.

By letter dated October 29, 1975, we were informed by the Jersey Central Power and Light Company (JCP&L), the licensee for the Oyster Creek Nuclear Generating Station, that they plan to shut down the facility on December 27, 1975 (or possibly sooner) for repairs on the turbine-generator condenser. JCP&L further stated in their letter that they have decided to conduct refueling during this shutdown.

As required by §50.59, 10 CFR Part 50, a copy of which is enclosed, the holder of a license authorizing operation of production or utilization facility such as the Oyster Creek Nuclear Generating Station may not make changes in the facility without prior Commission approval unless the proposed changes do not involve a change in the technical specifications incorporated in the license or do not involve an unreviewed safety question.

If the change entails an unreviewed safety question or a change in the technical specifications, approval of the Commission is required. If the Commission determines that the requested change involves a significant hazards consideration, a notice of opportunity for hearing will be issued in the Federal Register. Such notice outlines the procedures for petitions to intervene. If the Commission determines that the change does not involve a significant hazards consideration, the amendment may be authorized and an appropriate notice will be issued

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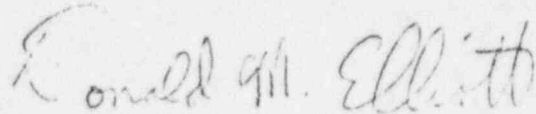
Steven P. Russo

- 2 -

when such amendment is approved. In any event, upon receipt of any request for modification of the license relating to the forthcoming refueling, we will have a copy sent to you.

I hope this letter has been responsive to your inquiry.

Sincerely,

A handwritten signature in cursive script that reads "Ronald M. Elliott". The signature is written in dark ink and is positioned above the typed name and title.

George Lear, Chief  
Operating Reactors Branch #3  
Division of Reactor Licensing

Committee on Reactor Safeguards for a review and report. An application for an amendment to such a construction permit or operating license may be referred to the Advisory Committee on Reactor Safeguards for review and report. Any report shall be made part of the record of the application and available to the public, except to the extent that security classification prevents disclosure.

(b) The Commission will hold a hearing after at least 30 days' notice and publication once in the FEDERAL REGISTER on each application for a construction permit for a production or utilization facility which is of a type described in § 50.21(b) or § 50.22 or which is a testing facility. When a construction permit has been issued for such a facility following the holding of a public hearing and an application is made for an operating license or for an amendment to a construction permit or operating license, the Commission may hold a hearing after at least 30 days' notice and publication once in the FEDERAL REGISTER or, in the absence of a request therefor by any person whose interest may be affected, may issue an operating license or an amendment to a construction permit or operating license without a hearing, upon 30 days' notice and publication once in the FEDERAL REGISTER of its intent to do so. If the Commission finds that no significant hazards consideration is presented by an application for an amendment to a construction permit or operating license, it may dispense with such notice and publication and may issue the amendment.

(Secs. 162b, 163a, 68 Stat. 953, 955, as amended; 42 U.S.C. 2332(b), 2339(a); 127 FR 12186, Dec. 8, 1962, as amended at 33 FR 8590, June 12, 1968; 35 FR 11461, July 17, 1970; 39 FR 10555, Mar. 21, 1974)

#### § 50.59 Changes, tests and experiments.

(a) (1) The holder of a license authorizing operation of a production or utilization facility may (i) make changes in the facility as described in the safety analysis report, (ii) make changes in the procedures as described in the safety analysis report, and (iii) conduct tests or experiments not described in the safety analysis report, without prior Commission approval, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety question.

(2) A proposed change, test, or experiment shall be deemed to involve an unreviewed safety question (i) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased; or (ii) if a possibility for an accident or malfunction of a different type than any evaluated previously in the safety analysis report may be created; or (iii) if the margin of safety as defined in the basis for any technical specification is reduced.

(b) The licensee shall maintain records of changes in the facility and of changes in procedures made pursuant to this section, to the extent that such changes constitute changes in the facility as described in the safety analysis report or constitute changes in procedures as described in the safety analysis report. The licensee shall also maintain records of tests and experiments carried out pursuant to paragraph (a) of this section. These records shall include a written safety evaluation which provides the bases for the determination that the change, test or experiment does not involve an unreviewed safety question. The licensee shall furnish to the Commission, annually or at such shorter intervals as may be specified in the license, a report containing a brief description of such changes, tests and experiments, including a summary of the safety evaluation of each. Any report submitted by a licensee pursuant to this paragraph will be made a part of the public record of the licensing proceeding. In addition to a signed original, 20 copies of each report of changes in a facility of the type described in § 50.21(b) or § 50.22 or a testing facility, and 12 copies of each report of changes in any other facility, shall be filed.

(c) The holder of a license authorizing operation of a production or utilization facility who desires (1) a change in technical specifications or (2) to make a change in the facility or the procedures described in the safety analysis report or to conduct tests or experiments not described in the safety analysis report, which involve an unreviewed safety question or a change in technical specifications, shall submit an application for amendment of his license pursuant to § 50.90.

[39 FR 10555, Mar. 21, 1974]