For the Nuclear Regulatory Commission.

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## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–219]**

## GPU Nuclear, Inc. Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–16 issued to GPU Nuclear, Inc., (the licensee) for operation of the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey.

The proposed amendment would revise Section 5.4.8 of the Oyster Creek Nuclear Generating Station Updated Final Safety Analysis Report (UFSAR) such that it incorporates the use of a freeze seal as a temporary part of the reactor coolant pressure boundary.

Before 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.

The Commission has made a proposed determination that the amendment request involves 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. 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 License Amendment Request does not involve a significant increase in the probability or consequences of an accident previously evaluated.*

The proposed repair activity involves the placement of temporary isolation barriers, including a freeze seal, in the [reactor water cleanup] RWCU System piping in order to isolate valve V–16–63 from the [reactor coolant system] RCS while repairs are being made. The isolation barriers fulfill the function of the valve body, which is passive integrity. The repair activity is similar to other activities routinely performed during refueling outages that depend upon single isolation barriers. The plant was designed to permit such work with appropriate isolation barrier(s) in place. The work associated with the proposed repair activity is consistent with this premise.

The accident considered in this evaluation is a maintenance repair activity with a RCS leak that, without adequate makeup, would uncover the reactor core. Effective isolation provisions have been incorporated into the scope of the proposed repair activity which will minimize the probability that a RCS leak will occur. The freeze seal barrier has been demonstrated to last 55 minutes following a loss of nitrogen. The mitigating action to be taken upon a loss of nitrogen supply with the stem/disc removed is to install a valve bonnet seal plate assembly and thereby establish integrity of the reactor coolant pressure boundary. In addition, sufficient makeup capacity is provided to maintain the [reactor pressure vessel] RPV water level at or above 56'' [top of active fuel] TAF.

Failure of the freeze seal barrier with the valve disc/stem removed would result in a loss of RCS water inventory. The proposed repair activity is bounded by the events evaluated in UFSAR Sections 15.6.5 ''Decrease in Reactor Coolant Inventory Events'' and 15.7.4 ''Design Basis Fuel Handling Accidents in the Containment''.

Based on the above, the proposed activity does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. *The License Amendment Request does not create the possibility of a new or different kind of accident from any previously evaluated.*

As indicated above, the accident considered in this evaluation is a maintenance repair activity with a RCS leak that, without adequate makeup, would uncover the reactor core. The proposed repair activity is bounded by the events evaluated in UFSAR Sections 15.6.5 ''Decrease in Reactor Coolant Inventory Events'' and 15.7.4 ''Design Basis Fuel Handling Accidents in the Containment''. As such, the proposed License Amendment does not create a new or different kind of accident from any previously evaluated.

3. *The License Amendment Request does not involve a significant reduction in a margin of safety.*

With respect to the piping subjected to the freeze seal, an evaluation of stress and materials issues concluded that the ductility and notch toughness of the pipe base metal, weld metal, and weld heat affected zone will remain high during the operation. In addition, no permanent changes to the base metal, weld metal or heat affected zone material properties or corrosion resistance are expected. Moreover, the maximum stress intensity in the cooled weld is acceptable per [American Society of Mechanical Engineers] ASME Codes or B31.1 requirements. In light of the above, it was concluded that the pipe condition will not change as a result of the freeze seal and that it will retain its capabilities to meet its design loading.

A decrease in reactor coolant inventory caused by a leak or rupture is a [loss-of-coolant-accident] LOCA condition that has been evaluated in the UFSAR. The proposed repair activity is bounded by the events evaluated in UFSAR Sections 15.6.5 ''Decrease in Reactor Coolant Inventory Events'' and 15.7.4 ''Design Basis Fuel Handling Accidents in the Containment''. The proposed repair activity will be performed with at least one loop of the Reactor Recirculation System in the open position whereas the bounding events include all loops open. However, since the potential energy release from the primary systems is significantly less than that which would be released for the DBA event, the conditions with closed loops are bounded. One train of the Core Spray System is capable of providing sufficient water to restore the RPV water level, both trains will be operable during the proposed repair activity.

Based on the above, the proposed License Amendment 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.

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. 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 6D59, 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 Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 30, 1998, 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 Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Ocean County Library, Reference Department, 101 Washington Street, Toms River, NJ 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 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: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, 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 Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 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).

For further details with respect to this action, see the application for amendment dated September 19, 1998, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Ocean County Library, Reference Department, 101 Washington Street, Toms River, NJ 08753.

Dated at Rockville, Maryland, this 24th day of September 1998.

For the Nuclear Regulatory Commission.

**Ronald B. Eaton,**

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## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–22]**

## CBS Corporation, Westinghouse Test Reactor; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of a license amendment to the CBS Corporation (the licensee) (formerly Westinghouse Electric Corporation) that would allow