

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, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (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, 301–415–4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

**AmerGen Energy Company, LLC, et al., Docket No. 50–219, Oyster Creek Nuclear Generating Station (OCNGS), Ocean County, New Jersey**

*Date of amendment request:* June 2, 2003.

*Description of amendment request:* The licensee proposed to revise Sections 3.7.B.1 and 3.7.C.2 of the OCNGS Technical Specifications (TSs). Section 3.7.B.1 currently specifies that the reactor may remain in operation “for a period not to exceed 7 days in any 30 day period if a startup transformer is out of service.” Section 3.7.C.2, referring to the standby diesel generators (DGs), currently specifies that the reactor may remain in operation “for a period not to exceed 7 days in any 30 day period if a diesel generator is out of service.” The proposed revision is to delete the phrase “in any 30 day period” from these two sections. The licensee regards this phrase as an unnecessary restriction, and states that it has no basis in the existing TSs, design basis, or licensing basis of OCNGS.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the three standards of 10 CFR 50.92(c) and performed its own. The NRC staff's analysis is presented below:

The first standard requires that operation of the unit in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. The

proposed changes, if approved by the NRC staff, will be made in a manner such that conservatism is maintained through continued compliance with applicable NRC regulations (specifically, the Maintenance Rule in 10 CFR 50.65) and guidance. No hardware design change is involved with the proposed amendment, thus there can be no adverse effect on the functional performance of the startup transformers or DGs. Consequently, the subject components will continue to perform their design functions with no decrease in their capabilities to mitigate the consequences of postulated accidents. Unavailability of these components was not factored into the scenarios of previously analyzed accidents, nor were the subject components assumed to be initiators of previously analyzed accidents. Consequently, the proposed revision to the subject sections will lead to no increase in the consequences of accidents previously evaluated, and will lead to no increase of the probability of accidents previously evaluated.

The second standard requires that operation of the unit in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed amendment is not the result of a hardware design change, nor does it lead to the need for a hardware design change. There is no change in the methods OCNGS is operated. As a result, all structures, systems, and components will continue to perform as previously analyzed by the licensee, and previously evaluated and accepted by the NRC staff. Therefore, the proposed amendment will not create the possibility of a new or different kind of accident from any previously evaluated.

The third standard requires that operation of the unit in accordance with the proposed amendment will not involve a significant reduction in a margin of safety. Since the licensee did not propose to exceed or alter a design basis or safety limit, the proposed amendment will not affect in any way the performance characteristics and intended functions of the subject components. Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

Based on the NRC staff's analysis, 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.

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*NRC Section Chief:* Richard J. Laufer.

**Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Maricopa County, Arizona**

*Date of amendments request:* May 28, 2003.

*Description of amendments request:* The amendments would modify several surveillance requirements (SRs) in Technical Specifications (TSs) 3.8.1 and 3.8.4 on alternating current and direct current sources, respectively, for plant operation. The revised SRs would have notes deleted or modified to allow the SRs to be performed, or partially performed, in reactor modes that are currently not allowed by the TSs. The current SRs are not allowed to be performed in Modes 1 and 2. Several of the current SRs also cannot be performed in Modes 3 and 4. The footnote to SR 3.8.4.8 would also be deleted. There would also be renumbering in several of the SR notes.

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

The emergency diesel generators (DGs) and their associated emergency loads are accident mitigating features, rather than accident initiating equipment. Each DG is dedicated to a specific vital bus and these buses and DGs are independent of each other. There is no common mode failure provided by the testing changes proposed in this license amendment request (LAR) that would cause multiple bus failures. Therefore, there will be no significant impact on any accident probabilities by the approval of the requested amendment.

The design of plant equipment is not being modified by these proposed changes. The changes include an increase in the online time the DG will be paralleled to the grid in Mode 1, 2, 3, [and] 4. The overall time that the DG is paralleled in all modes (outages/non-outage) should remain unchanged. As such, the ability of the DGs to respond to a design basis accident (DBA) can be adversely impacted by [the] proposed changes. However, the impacts are not considered significant based on the DG under test maintaining its ability to respond to an auto-start signal were one to be received during testing, along with the ability of the remaining DG to mitigate a DBA or provide a safe shutdown, and data that shows that the DG itself will not perturb the electrical system significantly. Furthermore, the