

February 27, 2006

Mr. William Levis
Senior Vice President & Chief Nuclear Officer
PSEG Nuclear LLC - X04
Post Office Box 236
Hancocks Bridge, NJ 08038

SUBJECT: HOPE CREEK GENERATING STATION - NOTICE OF CONSIDERATION OF
ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE,
PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION
DETERMINATION, AND OPPORTUNITY FOR A HEARING (TAC NO. MC8602)

Dear Mr. Levis:

Enclosed is a copy of a "Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity For a Hearing" related to the application for amendment filed by PSEG Nuclear, dated October 11, 2005, for the Hope Creek Generating Station (Hope Creek). The application for amendment requested relocation of the primary containment penetration conductor overcurrent protective devices and the Class 1E isolation breaker overcurrent protective devices from the Technical Specifications to the Updated Final Safety Analysis Report for Hope Creek.

This notice is being forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Stewart N. Bailey, Senior Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-354

cc w/encl: See next page

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ADAMS ACCESSION NUMBER: ML060580683

OFFICE	LPL1-2/PM	LPL1-2/LA	LPL1-2/BC
NAME	SBailey	CRaynor	DRoberts
DATE	2/27/06	2/27/06	2/27/06

OFFICIAL RECORD COPY

Hope Creek Generating Station

cc:

Mr. Michael P. Gallagher
Vice President - Eng/Tech Support
PSEG Nuclear
P.O. Box 236
Hancocks Bridge, NJ 08038

Mr. Dennis Winchester
Vice President - Nuclear Assessments
PSEG Nuclear
P.O. Box 236
Hancocks Bridge, NJ 08038

Mr. George P. Barnes
Site Vice President - Hope Creek
PSEG Nuclear
P.O. Box 236
Hancocks Bridge, NJ 08038

Mr. George H. Gellrich
Plant Support Manager
PSEG Nuclear
P.O. Box 236
Hancocks Bridge, NJ 08038

Mr. Michael J. Massaro
Plant Manager - Hope Creek
PSEG Nuclear
P.O. Box 236
Hancocks Bridge, NJ 08038

Mr. Darin Benyak
Director - Regulatory Assurance
PSEG Nuclear - N21
P.O. Box 236
Hancocks Bridge, NJ 08038

Jeffrie J. Keenan, Esquire
PSEG Nuclear - N21
P.O. Box 236
Hancocks Bridge, NJ 08038

Ms. R. A. Kankus
Joint Owner Affairs
Exelon Generation Company, LLC
Nuclear Group Headquarters KSA1-E
200 Exelon Way
Kennett Square, PA 19348

Lower Alloways Creek Township
c/o Ms. Mary O. Henderson, Clerk
Municipal Building, P.O. Box 157
Hancocks Bridge, NJ 08038

Dr. Jill Lipoti, Asst. Director
Radiation Protection Programs
NJ Department of Environmental
Protection and Energy
CN 415
Trenton, NJ 08625-0415

Mr. Brian Beam
Board of Public Utilities
2 Gateway Center, Tenth Floor
Newark, NJ 07102

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Senior Resident Inspector
Hope Creek Generating Station
U.S. Nuclear Regulatory Commission
Drawer 0509
Hancocks Bridge, NJ 08038

UNITED STATES NUCLEAR REGULATORY COMMISSION

PSEG NUCLEAR LLC

DOCKET NO. 50-354

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 (NRC or the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-57 issued to PSEG Nuclear LLC (the licensee) for operation of the Hope Creek Generating Station located in Salem County, New Jersey.

The proposed amendment would relocate the primary containment penetration conductor overcurrent protective devices and the Class 1E isolation breaker overcurrent protective devices from the Technical Specifications to the Updated Final Safety Analysis Report.

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 Title 10 of the *Code of Federal Regulations* (10 CFR), Section 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; (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. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not increase the probability of any previously evaluated accident. No safety function has been altered. The proposed changes relocate the Primary Containment Penetration Conductor Overcurrent Protective Devices Limiting Condition for Operation (LCO) and Class 1E Isolation Breaker Overcurrent Protective Devices LCO requirements from the TS [technical specifications] to the Hope Creek Generating Station Updated Final Safety Analysis Report (UFSAR). Relocation of the Primary Containment Penetration Conductor Overcurrent Protective Devices LCO and Class 1E Isolation Breaker Overcurrent Protective Devices LCO requirements is consistent with the NRC Final Policy Statement on TS Improvements and 10 CFR 50.36. In part, the Final Policy Statement provides screening criteria to evaluate TS requirements for the purpose of relocation to other licensee-controlled documents. LCOs which do not meet any of the Final Policy Statement criteria and any 10 CFR 50.36(c)(2)(ii) criteria may be proposed for relocation. The Primary Containment Penetration Conductor Overcurrent Protective Devices LCO and Class 1E Isolation Breaker Overcurrent Protective Devices LCO requirements do not satisfy any of the Final Policy Statement screening criteria. The proposed changes do not affect any operational characteristic, function, or reliability of any structure, system, or component (SSC). Thus the consequences of accidents previously analyzed are unchanged between the existing TS requirements and the proposed changes.

Based upon the above, the proposed change will not involve a significant increase in the probability or consequences of an accident previously analyzed.

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

Response: No.

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated in the UFSAR. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of the proposed changes. Specifically, no new hardware is being added to the plant as part of the proposed change, no existing equipment is being modified, and no significant changes in operations are being introduced.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

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

Response: No.

The proposed changes will not alter any assumptions, initial conditions, or results of any accident analyses. The proposed changes relocate the Primary Containment Penetration Conductor Overcurrent Protective Devices LCO and Class 1E Isolation Breaker Overcurrent Protective Devices LCO requirements from the TS to the UFSAR consistent with the NRC Final Policy Statement on TS Improvements and 10 CFR 50.36.

Therefore, the proposed changes do 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 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the *Federal Register* a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place 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. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

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

Within 60 days after the date of publication of this notice, 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 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 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/doc-collections/cfr/>. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief

Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, 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 general requirements: 1) the name, address and telephone number of the requestor or petitioner; 2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; 3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and 4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which supports the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner/requestor 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. The petition must include 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/requestor who fails to satisfy 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.

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.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii).

A request for a hearing or a petition for leave to intervene must be filed by: 1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; 2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; 3) E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, HEARINGDOCKET@NRC.GOV; or 4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415-1101, verification number is (301) 415-1966. A copy of the request for hearing and petition for leave to intervene should

also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by email to OGCMailCenter@nrc.gov. A copy of the request for hearing and petition for leave to intervene should also be sent to the Jeffrie J. Keenan, Esquire, Nuclear Business Unit - N21, P.O. Box 236, Hancocks Bridge, NJ 08038, attorney for the licensee.

For further details with respect to this action, see the application for amendment dated October 11, 2005, which is available for public inspection at the Commission's PDR, located at One White Flint North, File Public Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 27th day of February, 2006.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Stewart N. Bailey, Senior Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation