



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

April 10, 1992

Docket
File

Docket No. 50-219

Exemption to APR-16

Mr. John J. Barton
Vice President and Director
GPU Nuclear Corporation
Oyster Creek Nuclear Generating Station
Post Office Box 388
Forked River, New Jersey 08731

Dear Mr. Barton:

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - 10 CFR 55.45(b)(2)(iii)
AND (iv) EXEMPTION REQUEST (TAC NO. M82016)

In a letter dated September 5, 1990, GPU Nuclear Corporation (GPUN) requested an exemption from the filing requirements of 10 CFR 55.45(b)(2)(iii) to allow for the submittal of NRC Form-474, "Simulation Facility Certification," after the March 26, 1991, deadline provided in the rule but no later than December 31, 1991. GPUN further requested an exemption from the requirement of 10 CFR 55.45(b)(2)(iv) to allow GPUN to continue to administer the simulation facility portion of the operating tests on the Nine Mile Point Unit 1 (NMP-1) simulator. By letter dated February 6, 1991, GPUN provided additional information in support of these requests. We evaluated these requests and the additional information and recommended that the exemptions be granted. On March 25, 1991, the NRC granted the exemptions until December 31, 1991.

By letter dated December 6, 1991, GPUN requested exemptions of the same requirements until December 31, 1992. We have evaluated this request and recommend that the exemptions be granted. A copy of the Exemption has been forwarded to the Office of the Federal Register for publication.

By letter dated March 2, 1992, GPUN notified the NRC that the simulator vendor had signed a letter of intent with a third party to provide a proven NSSS model. Attached to that letter was a projected training schedule indicating that GPUN intends to begin their 1993 annual requalification operating tests in October 1993.

It should be noted that this schedule does not appear to support the license renewal of three operators whose licenses expire in October and November of 1993, and who have not yet had the opportunity to pass an NRC-administered

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Mr. John J. Barton

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requalification examination in accordance with 10 CFR 55.57(b)(2)(iv). There are presently no NRC-administered requalification examinations scheduled before October 1993.

Sincerely,

/s/

Alexander W. Dromerick, Sr. Project Manager
Project Directorate I-4
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure:
Exemption

cc w/enclosure:
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Mr. John J. Barton
GPU Nuclear Corporation

Oyster Creek Nuclear
Generating Station

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

GPU NUCLEAR CORPORATION AND
JERSEY CENTRAL POWER & LIGHT
COMPANY

(Oyster Creek Nuclear Generating
Station)

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Docket No. 50-219

EXEMPTION

I.

The GPU Nuclear Corporation and Jersey Central Power & Light Company (GPUN/the licensee) are the holders of Facility Operating License No. DPR-16, which authorizes operation of the Oyster Creek Nuclear Generating Station, (the facility) at steady state reactor core power levels not in excess of 1930 megawatts thermal. This facility is a boiling water reactor located in Ocean County, New Jersey. The license provides, among other things, that Oyster Creek Nuclear Generating Station is subject to all rules, regulations, and Orders of the Commission now or hereafter in effect.

The revision to 10 CFR Part 55, "Operators' Licenses," which became effective on May 26, 1987, established requirements for the administration of operating tests on nuclear power plant simulators. These regulations, in conjunction with 10 CFR 50.54(i-1), require the use of simulation facilities when administering operating tests for initial licensing and requalification. These regulations further require that a simulation facility used to

administer operating tests after May 26, 1991, be certified or NRC-approved. By letters dated September 5, 1990, and December 6, 1991, GPUN requested exemptions concerning the schedule requirements for certification and use of a plant-referenced simulator.

II.

Section 55.45(b)(2)(iii) of 10 CFR Part 55 requires that facility licensees submit a certification for use of a simulation facility consisting solely of a plant-referenced simulator no later than 46 months after the effective date of this rule, that is, by March 26, 1991, by filing NRC Form-474, "Simulation Facility Certification." On September 5, 1990, GPUN requested an exemption from the filing requirements of 10 CFR 55.45(b)(2)(iii) to allow for the submittal of NRC Form-474 after March 26, 1991, but no later than December 31, 1991. In addition, GPUN requested an exemption from the requirement of 10 CFR 55.45(b)(2)(iv) to allow the facility to continue to administer the simulation facility portion of the operating tests on the Nine Mile Point Unit 1 (NMP-1) simulator until the new Oyster Creek plant-referenced simulator is certified. By letter dated February 6, 1991, GPUN provided additional information in support of these requests. On March 25, 1991, the exemptions were granted until December 31, 1991. On December 6, 1991, GPUN requested exemptions of the same requirements until December 31, 1992.

The licensee intends to comply with 10 CFR 55.45(b)(1) by certifying a plant-referenced simulator. GPUN proposes to submit NRC Form-474 no later

than December 31, 1992, following completion of acceptance testing and to use the NMP-1 simulator for operator training and examination until the facility's plant-referenced simulator is certified.

The licensee entered into a contract for construction of a plant-referenced simulator in January 1988. The simulator was originally scheduled to be ready for training by October 17, 1990. Due to technical difficulties encountered in modeling the facility's nuclear steam supply system (NSSS), the vendor previously projected that the simulator would not be ready for training until December 15, 1991. The initial exemptions were requested because the simulator would not be ready for certification by March 26, 1991. The exemption herein was requested due to the vendor's inability to overcome the technical difficulties in modeling the facility's NSSS in sufficient time to submit NRC Form-474 by December 31, 1991.

III.

The Commission has determined that pursuant to 10 CFR 55.11, the exemptions to 10 CFR 55.45(b)(2)(iii) and 10 CFR 55.45(b)(2)(iv) are authorized by law and will not endanger life or property and are otherwise in the public interest. Furthermore, the Commission has determined, pursuant to 10 CFR 50.12(a), that special circumstances of 10 CFR 50.12(a)(2)(v) are applicable in that these exemptions will provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulations. These exemptions grant a 12-month extension of the exemptions previously granted on March 25, 1991, for submittal of the Oyster Creek Nuclear Generating Station simulation facility certification. Good faith efforts to comply with 10 CFR 55.45(b)(2)(iii) and 10 CFR 55.45(b)(2)(iv) were made as follows:

- (1) On May 20, 1987, GPUN finalized a simulator specification.
- (2) In January 1988 GPUN entered into contract with a vendor for construction of a plant-referenced simulator.

- (3) In March 1988 GPUN organized a simulator management department in recognition of the effort required to acquire, modify, operate, maintain and effectively use the simulator.
- (4) The contract schedule called for the simulator to be ready for training by October 17, 1990.
- (5) The contract included a penalty to provide incentive for the vendor to meet the schedule and this penalty was effected.
- (6) GPUN asked the vendor to hire an outside consultant to evaluate the NSSS model and recommend corrections.
- (7) GPUN asked the vendor to pursue the purchase and development of a proven NSSS model as a contingency.
- (8) GPUN is conducting factory acceptance testing of the simulator in parallel with continued NSSS model development.
- (9) Certification testing will be completed at the vendor's site as part of the factory acceptance testing, rather than at the facility after delivery.
- (10) GPUN compressed the development schedule by modifying the factory acceptance testing program, including GPUN undertaking a portion of the vendor's test program.
- (11) By letter dated March 2, 1992, GPUN notified the NRC that the vendor had signed a letter of intent with a third party to provide a proven NSSS model.
- (12) GPUN implemented control room operator training activities designed to compensate for the lack of a plant specific simulator. A special safety inspection was conducted by the NRC from January 27 to January 30, 1992, and this compensatory training was found to be adequate.

IV.

The Commission hereby grants an exemption from the schedular requirements of 10 CFR 55.45(b)(2)(iii) for submittal of NRC Form-474, "Simulation Facility Certification." Furthermore, the Commission hereby grants an exemption from the requirement of 10 CFR 55.45(b)(2)(iv) for the administration of the simulation facility portion of operating tests only on certified or approved simulation facilities after May 26, 1991, to allow GPUN to use the Nine Mile Point Unit 1 simulator for the 1992 annual licensed operator requalification operating tests. These exemptions are effective until December 31, 1992.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the quality of the human environment (57 FR 12349).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/s/

Steven A. Varga, Director
 Division of Reactor Projects - I/II
 Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
 this 10th day of April 1992

**Concurred on letter & Exemption

*Concurred on letter

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