

Mr. Michael B. Roche  
Vice President and Director  
GPU Nuclear, Inc.  
Oyster Creek Nuclear Generating Station  
P.O. Box 388  
Forked River, NJ 08731

May 12, 1999

SUBJECT: OYSTER CREEK - ISSUANCE OF AMENDMENT RE: REMOVAL OF THE RESTRICTION ON THE SALE OR LEASE OF PROPERTY WITHIN THE EXCLUSION AREA BOUNDARY (TAC NO. MA4168)

Dear Mr. Roche:

The Commission has issued the enclosed Amendment No. 205 to Facility Operating License No. DPR-16 for the Oyster Creek Nuclear Generating Station, in response to your application dated November 10, 1998.

The amendment removes the restriction on the sale or lease of property within the exclusion area and replaces the restriction with a requirement to retain complete authority to determine and maintain sufficient control of activities including the authority to exclude or remove personnel and property within the minimum exclusion distance. A Technical Specification (TS) Bases page for the proposed change is included. Also included are clarifications and administrative changes which: (1) clarify TS definition 1.38 to become "Site Boundary" rather than the current term "exclusion area," to be consistent with the 10 CFR 20.1003 definition for site boundary and the 10 CFR 100.3 definition of exclusion area, (2) revise the TS definition from exclusion area to site boundary in TS 6.8.4(a)(9), and (3) revise and update the TS Table of Contents for Section 1 Definitions.

A copy of the related Safety Evaluation is also enclosed. Notice of Issuance will be included in the Commission's biweekly Federal Register notice.

Sincerely,

ORIGINAL SIGNED BY:

Ronald B. Eaton, Senior Project Manager, Section 2  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-219

Enclosures: 1. Amendment No. 205 to DPR-16  
2. Safety Evaluation

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

May 12, 1999

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GPU Nuclear, Inc.  
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Sincerely,

A handwritten signature in black ink, appearing to read "Ronald B. Eaton".

Ronald B. Eaton, Senior Project Manager, Section 2  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-219

Enclosures: 1. Amendment No. 205 to DPR-16  
2. Safety Evaluation

cc w/encls: See next page

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cc:

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DATED: May 12, 1999

AMENDMENT NO. 205 TO FACILITY OPERATING LICENSE NO. DPR-16-OYSTER CREEK

**Docket File:**

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

GPU NUCLEAR, INC.

AND

JERSEY CENTRAL POWER & LIGHT COMPANY

DOCKET NO. 50-219

OYSTER CREEK NUCLEAR GENERATING STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 205  
License No. DPR-16

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by GPU Nuclear, Inc. et al., (the licensee), dated November 10, 1998, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance: (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
  - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

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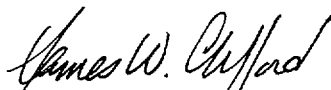
2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-16 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 205 , are hereby incorporated in the license. GPU Nuclear, Inc. shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of issuance, to be implemented within 30 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



James W. Clifford, Chief, Section 2  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical  
Specifications

Date of Issuance: May 12, 1999

ATTACHMENT TO LICENSE AMENDMENT NO. 205

FACILITY OPERATING LICENSE NO. DPR-16

DOCKET NO. 50-219

Replace the following pages of the Appendix A, Technical Specifications, with the attached pages as indicated. The revised pages are identified by amendment number and contain vertical lines indicating the areas of change.

<u>Remove</u>	<u>Insert</u>
i	i
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5.1-1	5.1-1
-----	5.1-2
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parameters used in the calculation of offsite doses resulting from radioactive gaseous and liquid effluent, in the calculation of gaseous and liquid effluent monitoring Alarm/Trip Setpoints, and in the conduct of the Environmental Radiological Monitoring Program. The ODCM shall also contain (1) the Radioactive Effluent Controls and Radiological Environmental Monitoring Programs required by Section 6.8.4; and (2) descriptions of the information that should be included in the Annual Radioactive Effluent Release Report AND Annual Radiological Environmental Operating Report required by Specifications 6.9.1.d and 6.9.1.e, respectively.

1.37 PURGE

PURGE OR PURGING is the controlled process of discharging air or gas from a confinement and replacing it with air or gas.

1.38 SITE BOUNDARY

The SITE BOUNDARY is the perimeter line around the OCNCS beyond which the land is neither owned, leased, nor otherwise subject to control by GPU (ref. ODCM). The area outside the SITE BOUNDARY is termed OFFSITE or UNRESTRICTED AREA.

1.39 REACTOR VESSEL PRESSURE TESTING

System pressure testing required by ASME Code Section XI, Article IWA-5000, including system leakage and hydrostatic test, with reactor vessel completely water solid, core not critical and section 3.2.A satisfied.

1.40 SUBSTANTIVE CHANGES

SUBSTANTIVE CHANGES are those which affect the activities associated with a document or the document's meaning or intent. Examples of non-substantive changes are: (1) correcting spelling, (2) adding (but not deleting) sign-off spaces, (3) blocking in notes, cautions, etc, (4) changes in corporate and personnel titles which do not reassign responsibilities and which are not referenced in the Appendix A Technical Specifications, and (5) changes in nomenclature or editorial changes which clearly do not change function, meaning or intent.

1.41 DOSE EQUIVALENT I-131

DOSE EQUIVALENT I-131 shall be that concentration of I-131 microcuries per gram which alone would produce the same thyroid dose as the quantity and isotopic mixture of I-131, I-132, I-133, I-134, and I-135 actually present. The thyroid dose conversion factors used for this calculation shall be those listed in Table E-7 or Regulatory Guide 1.109, "Calculation of Annual Doses to Man from Routine Releases of Reactor Effluences for the Purpose of Evaluating Compliance with 10 CFR Par 40 Appendix I."

SECTION 5

DESIGN FEATURES

5.1 SITE

- A. The reactor (center line) is located 1,358 feet west of the east boundary of New Jersey State Highway Route 9 which is the minimum exclusion distance as defined in 10 CFR 100.3. The licensee will at all times retain the complete authority to determine and maintain sufficient control of all activities through ownership, easement, contract and/or other legal instruments on property which is closer to the reactor (center line) than 1,358 feet. This includes the authority to exclude or remove personnel and property within the minimum exclusion distance.
  
- B. The reactor building, standby gas treatment system and stack shall comprise a secondary containment in such fashion to enclose the primary containment in order to provide for controlled elevated release of the reactor building atmosphere under accident conditions.

Bases:

Exclusion area means that area surrounding the reactor, in which the reactor licensee has the authority to determine all activities including exclusion or removal of personnel and property from the area. This area may be traversed by a highway, railroad, or waterway, provided these are not so close to the facility as to interfere with normal operations of the facility and provided appropriate and effective arrangements are made to control traffic on the highway, railroad, or waterway, in case of emergency, to protect the public health and safety. Residence within the exclusion area shall normally be prohibited. In any event, residents shall be subject to ready removal in case of necessity. Activities unrelated to operation of the reactor may be permitted in an exclusion area under appropriate limitations, provided that no significant hazards to the public health and safety will result.

Activities unrelated to plant operation within the exclusion area are acceptable provided:

- (a) Such activities, including accidents associated with such activities, represent no hazard to the plant or have been shown to be accommodated as part of the plant design basis
- (b) The licensee is aware of such activities and has made appropriate arrangements to evacuate persons engaged in such activities, in the event of an accident, and
- (c) There is reasonable assurance that persons engaged in such activities can be evacuated without receiving radiation doses in excess of the guideline values given in 10 CFR Part 100.

Contract provisions for property agreements in the exclusion area must ensure that the licensee retains sufficient control of all activities in the exclusion area including the authority to exclude or remove personnel and property, thereby (1) maintaining compliance with 10 CFR Part 100 radiological limits for the exclusion area, including evacuation when necessary, and (2) ensuring that any activities, now or in the future, in the exclusion area would not negatively affect nuclear safety, safe plant operations or violate current plant design or licensing bases.

Any property transactions in the "exclusion area", as is the case for any activity which has the potential to adversely affect nuclear safety or safe plant operations, requires a specific safety evaluation and 50.59 review.

References:

- (1) 10 CFR Part 100, "Reactor Site Criteria".
- (2) NRC Standard Review Plan, NUREG-0800 (Formerly NUREG-75/087), Chapter 2.1.2, "Exclusion Area Authority and Control", Rev. 2, July 1981.

9. Limitations on the annual and quarterly doses to a MEMBER OF THE PUBLIC from I-131, I-133, tritium, and all radionuclides in particulate form with half-lives greater than 8 days in gaseous effluent released beyond the SITE BOUNDARY conforming to Appendix I of 10 CFR 50,
10. Limitations on the annual dose or dose commitment to any MEMBER OF THE PUBLIC due to releases of radioactivity and to radiation from Uranium fuel cycle sources conforming to 40 CFR Part 190.

b. Radiological Environmental Monitoring Program

A program shall be provided to monitor the radiation and radionuclides in the environs of the plant. The program shall provide (1) representative measurements of radioactivity in the highest potential exposure pathways, and (2) verification of the accuracy of the effluent monitoring program and modeling of environmental exposure pathways. The program shall (1) be contained in the ODCM, (2) conform to the guidance of Appendix I to 10 CFR Part 50, and (3) include the following:

1. Monitoring, sampling, analysis, and reporting of radiation and radionuclides in the environment in accordance with the methodology and parameters in the ODCM,
2. A Land Use Census to ensure that changes in the use of areas at and beyond the SITE BOUNDARY are identified and that modifications to the monitoring program are made if required by the results of this census, and
3. Participation in an Interlaboratory Comparison Program to ensure that independent checks on the precision and accuracy of the measurements of radioactive materials in environmental sample matrices are performed as part of the quality assurance program for environmental monitoring.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 205

TO FACILITY OPERATING LICENSE NO. DPR-16

GPU NUCLEAR, INC. AND

JERSEY CENTRAL POWER & LIGHT COMPANY

OYSTER CREEK NUCLEAR GENERATING STATION

DOCKET NO. 50-219

1.0 INTRODUCTION

By letter dated November 10, 1998, GPU Nuclear, Inc., (the licensee) submitted a request for changes to the Oyster Creek Nuclear Generating Station Technical Specifications (TSs). The requested changes would remove the restriction on the sale or lease of property within the exclusion area and replace the restriction with a requirement to retain complete authority to determine and maintain sufficient control of activities including the authority to exclude or remove personnel and property within the minimum exclusion distance. A TS Bases page for the proposed change is included. Also included are clarifications and administrative changes which: (1) revise TS definition 1.38 to become "site boundary" from the current term "exclusion area" to be consistent with the 10 CFR 20.1003 definition for site boundary and the 10 CFR 100.3 definition of exclusion area, (2) revise the TS definition from exclusion area to site boundary in TS 6.8.4(a)(9), and (3) revise and update the TS Table of Contents for Section 1 Definitions.

2.0 EVALUATION

Oyster Creek TS 5.1.A. currently reads as follows:

The reactor (center line) is located 1,358 feet west of the east boundary of New Jersey State Highway Route 9 which is the minimum exclusion distance as defined in 10CFR100.3. No part of the property which is closer to the reactor (center line) than 1,358 feet shall be sold or leased.

The licensee's amendment request proposes to change TS 5.1.A. to read as follows:

The reactor (center line) is located 1,358 feet west of the east boundary of New Jersey State Highway Route 9 which is the minimum exclusion distance as defined in 10 CFR 100.3. The licensee will at all times retain the complete authority to determine and maintain sufficient control of all activities through

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ownership, easement, contract and/or other legal instruments on property which is closer to the reactor (center line) than 1,358 feet. This includes the authority to exclude or remove personnel and property within the minimum exclusion distance.

Title 10 of the Code of Federal Regulations, Part 100.3 defines exclusion area as "that area surrounding the reactor, in which the reactor licensee has the authority to determine all activities including exclusion or removal of personnel and property from the area..." Later in the section, 10 CFR 100.3 addresses alternate uses of portions of an exclusion area: "Residence within the exclusion area shall normally be prohibited. In any event, residents shall be subject to ready removal in case of necessity. Activities unrelated to operation of the reactor may be permitted in an exclusion area under appropriate limitations, provided that no significant hazards to the public health and safety will result."

In Standard Review Plan (SRP) 2.1.2 "Exclusion Area Authority and Control," the question of activities unrelated to plant operation within the exclusion area is addressed as follows:

Activities unrelated to plant operation within the exclusion area are acceptable provided:

- (a) Such activities, including accidents associated with such activities, represent no hazard to the plant or have been shown to be accommodated as part of the plant design basis...
- (b) The applicant is aware of such activities and has made appropriate arrangements to evacuate persons engaged in such activities, in the event of an accident, and
- (c) There is reasonable assurance that persons engaged in such activities can be evacuated without receiving radiation doses in excess of the guideline values given in 10 CFR Part 100.

In the safety evaluation accompanying the proposed change request the licensee states that the safety function for the exclusion area consists of maintaining 10 CFR 100 radiological limits for the exclusion area, including evacuation when necessary, and ensuring any activities, now or in the future, in the exclusion area do not negatively affect nuclear safety, safe plant operation or violate current plant design or licensing bases. The licensee's evaluation further states that to ensure compliance with Part 100 limits and to maintain control of all current and future activities in the exclusion area, the licensee would either maintain ownership or, for property released from licensee ownership, include, as part of any property agreement, requirements which retain the complete authority to determine and maintain sufficient licensee control through easement, contract, and/or other legal instruments. This would include the authority to exclude or remove personnel and property within the minimum exclusion distance. The evaluation went on to provide sample contract provisions that would be incorporated into any future property agreement in the exclusion area.

The staff concurs with the licensee's conclusions concerning the ability to maintain control over portions of the site which may be sold or leased to outside interests. SRP 2.1.2 "Exclusion Area Authority and Control," quoted above, gives conditions for approving activities unrelated to plant operation within the exclusion area. The actions described by the licensee to ensure compliance with Part 100 limits and to maintain control of current and future activities in the exclusion area satisfy the conditions specified in SRP 2.1.2. Additionally, any property transactions would require safety evaluations and 50.59 reviews to determine whether the proposed activity might have the potential to adversely affect nuclear safety or safe plant operation. These evaluations would be subject to NRC inspection and/or review.

The application also proposes a change to TS Definition 1.38, Exclusion Area, which currently reads as follows:

EXCLUSION AREA is defined in 10 CFR part 100.3(2). As used in these technical specification, the Exclusion Area boundary is the perimeter line around the OCNCS beyond which the land is neither owned, leased, nor otherwise subject to control by GPU (ref. ODCM Figure 1-1). The area outside the Exclusion Area is termed OFFSITE or UNRESTRICTED AREA.

The proposed revision will change TS Definition 1.38 to define SITE BOUNDARY as follows:

The SITE BOUNDARY is the perimeter line around the OCNCS beyond which the land is neither owned, leased, nor otherwise subject to control by GPU (ref. ODCM). The area outside the SITE BOUNDARY is termed OFFSITE or UNRESTRICTED AREA.

The Oyster Creek site is relatively large, with the site boundary extending more than a mile to the west beyond the 1358 foot minimum exclusion area. The current TS 1.38 definition of Exclusion Area could cause confusion between the terms "site boundary" and "minimum exclusion area." The proposed revision is consistent with the 10 CFR 20.1003 definition which states: "Site Boundary means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee." The staff concurs with the proposed change to TS Definition 1.38.

The licensee changed from the term "exclusion area" to "site boundary" in TS 6.8.4(a)(9) to conform to the definition change in TS definition 1.38. The staff concurs with this proposed change. Likewise the licensee updated the Table of Contents to reflect this revision. The staff concurs with this administrative change.

The licensee included a new Bases page 5.102, which defines the exclusion area, in terms of a minimum exclusion distance from the centerline of the reactor, and states what provision the licensee considers necessary for property contract agreements. The licensee further states that property transactions in the exclusion area require a specific safety evaluation and review pursuant to 10 CFR 50.59. The Bases pages are not subject to NRC review and approval but are included with the issuance of this amendment to maintain the TS authority file current.

### 3.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New Jersey State official was notified of the proposed issuance of the amendment. The State official had two questions regarding this amendment which were received in a letter dated January 11, 1999. The staff has reviewed the State's letter and is preparing a response which will be transmitted shortly. The State's questions do not warrant modifying or withholding the license amendment.

### 4.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (63 FR 66595). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

### 5.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: M. Davis

Date: May 12, 1999