

August 7, 1995

Mr. John J. Barton
Vice President and Director
GPU Nuclear Corporation
Oyster Creek Nuclear Generating Station
Post Office Box 388
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SUBJECT: ISSUANCE OF AMENDMENT (TAC NO. M89351)

Dear Mr. Barton:

The Commission has issued the enclosed Amendment No. 181 to Facility Operating License No. DPR-16 for the Oyster Creek Nuclear Generating Station, in response to your application dated April 15, 1995, as supplemented by letters on May 20, 1994, and March 8, 1995.

The amendment revises Technical Specification Section 6.5.3, "AUDITS," by removing the specified frequency for internal audits. These frequency specifications will now be located in Appendix E of the GPU Nuclear Operational Quality Assurance Plan (1000-PLN-7200.01). In addition, a minor editorial change has been incorporated correcting a reference in TS 6.5.1.14 in response to a finding in the Operational Safety Team Inspection report of December 23, 1993.

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 W. Hernan for

Alexander W. Dromerick, Senior Project Manager
Project Directorate I-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-219

- Enclosures: 1. Amendment No. 181 to DPR-16
2. Safety Evaluation

cc w/encls: See next page

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DATE	7/20/95	7/20/95	7/26/95	7/24/95	7/26/95	8/11/95	

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

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Vice President and Director
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Alexander W. Dromerick, Senior Project Manager
Project Directorate I-3
Division of Reactor Projects - I/II
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cc w/encls: See next page

J. Barton

Oyster Creek Nuclear
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cc:

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

GPU NUCLEAR CORPORATION

AND

JERSEY CENTRAL POWER & LIGHT COMPANY

DOCKET NO. 50-219

OYSTER CREEK NUCLEAR GENERATING STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 181
License No. DPR-16

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by GPU Nuclear Corporation, et al. (the licensee) dated April 15, 1994, as supplemented May 20, 1994 and March 8, 1995, 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. 181, are hereby incorporated in the license. GPU Nuclear Corporation shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Phillip F. McKee, Director
Project Directorate I-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical
Specifications

Date of Issuance: August 7, 1995

ATTACHMENT TO LICENSE AMENDMENT NO. 181

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.

Remove

6-5

6-7

Insert

6-5

6-7

RECORDS

6.5.1.13 Written records of activities performed under specifications 6.5.1.1 through 6.5.1.11 shall be maintained.

QUALIFICATIONS

6.5.1.14 Responsible Technical Reviewers shall meet or exceed the qualifications of ANSI/ANS 3.1-1978 Section 4.6 or 4.4 for applicable disciplines or have 7 years of appropriate experience in the field of his specialty. Credit towards experience will be given for advanced degrees on a one-for-one basis up to a maximum of two years. These Reviewers shall be designated in writing.

6.5.2 INDEPENDENT SAFETY REVIEW

FUNCTION

6.5.2.1 The Vice President of each division within GPU Nuclear Corporation shall be responsible for ensuring the periodic independent safety review of the subjects described in 6.5.2.5 within his assigned area of safety review responsibility, as assigned in the GPUN Review and Approval Matrix.

6.5.2.2 Independent safety review shall be completed by an individual/group not having direct responsibility for the performance of the activities under review, but who may be from the same functionally cognizant organization as the individual/group performing the original work.

6.5.2.3 GPU Nuclear Corporation shall collectively have or have access to the experience and competence required to independently review subjects in the following areas:

- a. Nuclear power plant operations
- b. Nuclear engineering
- c. Chemistry and radiochemistry
- d. Metallurgy
- e. Nondestructive testing
- f. Instrumentation and control
- g. Radiological safety
- h. Mechanical engineering
- i. Electrical engineering
- j. Administrative controls and quality assurance practices
- k. Emergency plans and related organization, procedures and equipment
- l. Other appropriate fields associated with the unique characteristics of Oyster Creek

6.5.2.4 Consultants may be utilized as determined by the cognizant Vice President to provide expert advice.

6.5.3 AUDITS

6.5.3.1 Audits of facility activities shall be performed in accordance with the Oyster Creek Operational Quality Assurance Plan. These audits shall encompass:

- a. The conformance of facility operations to provisions contained within the Technical Specifications and applicable license conditions.
- b. The performance, training and qualifications of the facility staff.
- c. The results of actions taken to correct deficiencies occurring in facility equipment, structures, systems or method of operation that affect nuclear safety.
- d. The Facility Emergency Plan and implementing procedures.
- e. The Facility Security Plan and implementing procedures.
- f. The Fire Protection Program and implementing procedures.
- g. The performance of activities required by the Operational Quality Assurance Plan to meet the criteria of Appendix 'B', 10 CFR 50.
- h. The radiological environmental monitoring program and the results thereof.
- i. The OFFSITE DOSE CALCULATION MANUAL and implementing procedures.
- j. The PROCESS CONTROL PROGRAM and implementing procedures for radioactive wastes.
- k. Any other area of facility operation considered appropriate by the IOSRG or the Office of the President-GPUN.

6.5.3.2 Audits of the following shall be performed under the cognizance of the Vice President - responsible for technical support.

- a. An independent fire protection and loss prevention program inspection and audit shall be performed utilizing either qualified licensee personnel or an outside fire protection firm.
- b. An inspection and audit of the fire protection and loss prevention program, by an outside qualified fire consultant.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 181

TO FACILITY OPERATING LICENSE NO. DPR-16

GPU NUCLEAR CORPORATION AND

JERSEY CENTRAL POWER & LIGHT COMPANY

OYSTER CREEK NUCLEAR GENERATING STATION

DOCKET NO. 50-219

1.0 INTRODUCTION

By letter of April 15, 1994, as supplemented by letters of May 20, 1994, and March 8, 1995, the GPU Nuclear Corporation (GPUN, the licensee) submitted a request for changes to the Oyster Creek Nuclear Generating Station (OCNGS) Technical Specifications (TS). The requested changes would relocate the audit frequencies specified for the Quality Assurance (QA) program, the Security Plan, the Emergency Plan, the fire protection program, the staff training program, and the Offsite Dose Calculation Manual (ODCM) from the administrative controls section (Chapter 6) of the TS to the licensee-controlled corporate Operational QA (OQA) Plan. These frequencies would be located in Appendix E of the OQA Plan. In some cases, the audit frequency is being lengthened to 24 months. A minor editorial change has been incorporated into TS 6.5.1.14 correcting a reference in response to a finding in the Operational Safety Team Inspection (OSTI) report of December 23, 1993. The letters of May 20, 1994, and March 8, 1995, provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

2.0 BACKGROUND

Section 182a of the Atomic Energy Act of 1954, as amended, (the Act) requires applicants for nuclear power plant operating licenses to include TS as part of the license. The Commission's regulatory requirements related to the content of TS are set forth in 10 CFR 50.36. That regulation requires that the TS include items in five specific categories, including (1) safety limits, limiting safety system settings and limiting control settings; (2) limiting conditions for operation; (3) surveillance requirements; (4) design features; and (5) administrative controls. However, the regulation does not specify the particular requirements to be included in a plant's TS.

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The Commission has provided guidance for the contents of TS in its "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors" (Final Policy Statement), published in the Federal Register on July 22, 1993 (58 FR 39132). The Commission indicated therein that compliance with the Final Policy Statement satisfies Section 182a of the Act. In particular, the Commission indicated that certain items could be relocated from the TS to licensee-controlled documents, consistent with the standard enunciated in *Portland General Electric Co. (Trojan Nuclear Plant)*, ALAB-531, 9 NRC 263, 273 (1979). In that case, the Atomic Safety and Licensing Appeal Board indicated that "technical specifications are to be reserved for those matters as to which the imposition of rigid conditions or limitations upon reactor operation is deemed necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety."

Consistent with this approach, the Final Policy Statement identified four criteria to be used in determining whether particular limiting conditions for operation are required to be included in the TS, as follows: (1) installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary; (2) a process variable, design feature, or operating restriction that is an initial condition of a design basis accident or transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier; (3) a structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a design basis accident or transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier; (4) a structure, system, or component which operating experience or probabilistic safety assessment has shown to be significant to public health and safety.

The Commission's policy statement provides that many of the existing TS limiting conditions for operation which do not satisfy these four specified criteria may be relocated to the Updated Final Safety Analysis Report (UFSAR), such that future changes could be made to these provisions pursuant to 10 CFR 50.59. Other requirements may be relocated to more appropriate documents (e.g. Security Plan, OQA Plan, and Emergency Plan) and controlled by the applicable regulatory requirement. While the content of the TS administrative controls is specified in 10 CFR 50.36(c)(5), particular details of the administrative controls may be relocated to licensee-controlled documents where §50.59 or comparable regulatory controls exist.

Administrative controls in existing TS related to the review and audit functions, including specified frequency provisions, may be relocated to a licensee-controlled document that provides adequate control over changes to these provisions and which provides an appropriate change control mechanism. As such, these review and audit provisions can be relocated to the Quality Assurance Program referenced in the OCNCS UFSAR and controlled pursuant to 10 CFR 50.54.

3.0 EVALUATION

The licensee proposed that the audit frequencies specified in existing TS (6.5.3.1.a to 6.5.3.2.b), including the frequency of fire protection system audits, be relocated from the TS to the GPUN OQA Plan, Appendix E, such that future changes could be made pursuant to 10 CFR 50.54(a). In addition, staff approval was requested to extend the audit frequency (maximum time between audits) from 12 months to 24 months in three cases and from 6 months to 24 months in one case.

Specifying audit frequencies in the TS is not necessary to assure safe operation of the facility, given that the requirements in the QA program implement the Commission's regulations pertaining to these review and audit functions as set forth below. The review and audit functions define an administrative framework to confirm that plant activities have been properly conducted in a safe manner. The reviews and audits serve also to provide a cohesive program that provides senior level utility management with assessments of facility operation and recommends actions to improve nuclear safety and reliability. As such, the review and audit program does not include any elements that are delineated in the Final Policy Statement criteria, as discussed above, for determining which limiting conditions are required to be included in the TS. As documented in the Final Policy Statement, the review and audit functions constitute requirements that can be relocated to the OQA Plan and controlled by the applicable regulatory requirement. Control of changes to the QA program description are governed by the provisions of 10 CFR 50.54(a). Such an approach would result in an equivalent level of regulatory authority while providing for a more appropriate change control process and flexibility in scheduling audits.

Audit requirements, including frequencies, are specified (or are to be specified) in the QA program to satisfy 10 CFR Part 50, Appendix B, Criterion XVIII. The licensee has committed to or relies upon the guidance in ANSI N18.7 and ANSI N45.2 to meet the requirements of Appendix B to 10 CFR Part 50. Audits are also governed by 10 CFR 50.54(t), 10 CFR 50.54(p), and 10 CFR Part 73. Therefore, duplication of these requirements does not enhance the level of plant safety. Control of changes to the QA program description are governed by the provisions of 10 CFR 50.54(a).

The licensee will continue to implement a QA program in accordance with the requirements of 10 CFR Part 50, Appendix B, and commitments to ANSI N18.7, which provides appropriate controls for the approval of changes to the audit functions and frequencies. Future changes to the OQA Plan, including departures from the referenced ANSI standards, that constitute a reduction in commitment, require NRC approval pursuant to 10 CFR 50.54(a). The staff concludes that this regulatory requirement provides sufficient control for the audit frequencies, so that removing these requirements from the TS is acceptable. The staff has also concluded that, even with this minor reduction in commitment by reducing the frequency of four audits, other features of the OQA Plan revision submitted with the TS Change Request result in an overall enhancement to the OCNCS audit program. For example, an annual review would be required in all areas, using performance trend indicators including

Licensee Event Reports, Notices of Violation, and other independent observations, to determine if the audit frequency should be increased.

On the above basis, the staff concludes that these provisions are not required to be in the TS under 10 CFR 50.36 or Section 182a of the Act, and are not required to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety. In addition, the staff finds that sufficient regulatory controls exist under 10 CFR 50.54 to adequately control future modifications to these provisions. Accordingly, the staff has concluded that these requirements may be relocated from the OCNGS TS to the GPUN OQA Plan. In addition, with regard to the licensee's request for staff approval of reduced frequencies for four of the audits, the staff concludes that sufficient guidance will exist in the GPUN OQA Plan to ensure audits are conducted on a performance basis and audits would be performed more frequently than the minimum specified of areas demonstrating poor or questionable performance. The staff finds, therefore, that these changes are acceptable.

The staff also agrees with the minor change in TS 6.5.1.14 which resolves a comment in the OSTI report.

4.0 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 no comment.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). 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.

6.0 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 Contributors: R. Gramm
A. Dromerick

Date: August 7, 1995