

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 22, 1998

*Damele*

SUBJECT: CONFIRMATORY ORDER MODIFYING LICENSE NO. DPR-16, OYSTER CREEK  
 NUCLEAR GENERATING STATION

Dear Mr. Roche:

The Commission has issued the enclosed Confirmatory Order Modifying License (Order) for GPU Nuclear, Inc. and the Oyster Creek Nuclear Generating Station. This Order confirms GPU Nuclear, Inc.'s commitment, as stated in your letter dated October 1, 1997, to complete implementation of Thermo-Lag 330-1 fire barriers corrective actions by December 31, 2000. This commitment was set out in your letter of consent dated May 11, 1998.

You should proceed with implementation of these corrective actions in accordance with your proposed schedule.

A copy of this Order is being filed with the Office of the Federal Register for publication.

Sincerely,

Original signed by

Ronald B. Eaton, Senior Project Manager  
 Project Directorate I-3  
 Division of Reactor Projects - I/II  
 Office of Nuclear Reactor Regulation

Docket No. 50-219

Enclosure: Order

cc w/encl: See next page

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NAME	BBoger	SCollins				
DATE	05/14/98	05/14/98				



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

May 22, 1998

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**M. Roche  
GPU Nuclear, Inc.**

**cc:**

**Ernest L. Blake, Jr., Esquire  
Shaw, Pittman, Potts & Trowbridge  
2300 N Street, NW  
Washington, DC 20037**

**Regional Administrator, Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406-1415**

**BWR Licensing Manager  
GPU Nuclear Corporation  
1 Upper Pond Road  
Parsippany, NJ 07054**

**Mayor  
Lacey Township  
818 West Lacey Road  
Forked River, NJ 08731**

**Licensing Manager  
Oyster Creek Nuclear Generating Station  
Mail Stop: Site Emergency Bldg.  
P.O. Box 388  
Forked River, NJ 08731**

**Resident Inspector  
c/o U.S. Nuclear Regulatory Commission  
P.O. Box 445  
Forked River, NJ 08731**

**Kent Tosch, Chief  
New Jersey Department of  
Environmental Protection  
Bureau of Nuclear Engineering  
CN 415  
Trenton, NJ 08625**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
GPU Nuclear Inc.; et al. ) Docket No. 50-219  
Oyster Creek Nuclear Generating Station )  
)

**CONFIRMATORY ORDER MODIFYING LICENSE**  
**EFFECTIVE IMMEDIATELY**

I.

GPU Nuclear Inc., (GPUN or the Licensee) is the holder of Facility Operating License No. DRP-16, which authorizes operation of Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey.

II.

The staff of the U.S. Nuclear Regulatory Commission (NRC) has been concerned that Thermo-Lag 330-1 fire barrier systems installed by licensees may not provide the level of fire endurance intended and that licensees that use Thermo-Lag 330-1 fire barriers may not be meeting regulatory requirements. During the 1992 to 1994 timeframe, the NRC staff issued Generic Letter (GL) 92-08, "Thermo-Lag 330-1 Fire Barriers" and subsequent requests for additional information that requested licensees to submit plans and schedules for resolving the Thermo-Lag issue. The NRC staff has obtained and reviewed all licensees' corrective plans and schedules. The staff is concerned that some licensees may not be making adequate progress toward resolving the plant-specific issues, and that some implementation schedules may be either too tenuous or too protracted. For example, several licensees informed the NRC staff that

their completion dates had slipped by 6 months to as much as 3 years. For plants that have completion action scheduled beyond 1997, the NRC staff has met with these licensees to discuss the progress of the licensees' corrective actions and the extent of licensee management attention regarding completion of Thermo-Lag corrective actions. In addition, the NRC staff discussed with licensees the possibility of accelerating their completion schedules.

GPUN was one of the licensees with which the NRC staff held a meeting. At this meeting, the NRC staff reviewed with GPUN the schedule of Thermo-Lag corrective actions. Subsequent to that meeting GPUN submitted by letter dated October 1, 1997, a supplement to their integrated schedule which changed the implementation schedule of Thermo-lag corrective actions. Based on the information submitted by GPUN, the NRC staff has concluded that the schedule presented by GPUN is reasonable. This conclusion is based on the (1) amount of installed Thermo-Lag, (2) the complexity of the plant-specific fire barrier configurations and issues, (3) the need to perform certain plant modifications during outages as opposed to those that can be performed while the plant is at power, and (4) integration with other significant, but unrelated issues that GPUN is addressing at its plant. In order to remove compensatory measures such as fire watches, it has been determined that resolution of the Thermo-Lag corrective actions by GPUN must be completed in accordance with the current GPUN schedule. By letter dated April 27, 1998, the NRC staff notified GPUN of its plan to incorporate GPUN's schedule commitment into a requirement by issuance of an order and requested consent from the Licensee. By letter dated May 11, 1998, the Licensee provided its consent to issuance of a Confirmatory Order.

### III.

The Licensee's commitment as set forth in its letter of May 11, 1998, is acceptable and is necessary for the NRC to conclude that public health and safety are reasonably assured. To preclude any schedule slippage and to assure public health and safety, the NRC staff has determined that the Licensee's commitment in its May 11, 1998, letter be confirmed by this

Order. The Licensee has agreed to this action. Based on the above, and the Licensee's consent, this Order is immediately effective upon issuance.

IV.

Accordingly, pursuant to sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, IT IS HEREBY ORDERED, effective immediately, that:

GPUN shall complete final implementation of Thermo-Lag 330-1 fire barrier corrective actions at Oyster Creek Nuclear Generating Station described in the GPUN submittal to the NRC dated October 1, 1997. The scheduled completion date for all corrective actions is Refueling Outage 18. Overall work package closeout will be completed by December 31, 2000.

The Director, Office of Nuclear Reactor Regulation, may relax or rescind, in writing, any provisions of this Confirmatory Order upon a showing by the Licensee of good cause.

V.

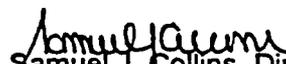
Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attention: Chief, Rulemaking and Adjudications Staff, Washington, D.C. 20555. Copies of the hearing request shall also be sent to the Director, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, to the Deputy Assistant General Counsel for Enforcement at the same address, to the Regional Administrator,

NRC Region I, U.S. Nuclear Regulatory Commission, 475 Allendale Rd., King of Prussia, PA 19406-1415, and to the Licensee. If such a person requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland  
this 22nd day of May 1998

NRC Region I, U.S. Nuclear Regulatory Commission, 475 Allendale Rd., King of Prussia, PA 19406-1415, and to the Licensee. If such a person requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address criteria set forth in 10 CFR 2.714(d).

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Original signed by  
Samuel J. Collins

Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation

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NAME	BBoger	SCollins			
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