

Oyster Creek Generating Station  
Route 9 South  
PO Box 388  
Forked River, NJ 08731

www.exeloncorp.com

10 CFR 50.73

July 13, 2009  
RA-09-053

U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555 - 0001

Oyster Creek Nuclear Generating Station  
Facility Operating License No. DPR-16  
NRC Docket No. 50-219

Subject: Licensee Event Report (LER) 2009-004-00, Establishment of Secondary Containment Boundary Contrary to Technical Specification Requirements

Enclosed is Licensee Event Report 2009-004-00, Establishment of Secondary Containment Boundary Contrary to Technical Specification Requirements. This event did not affect the health and safety of the public or plant personnel. This event did not result in a safety system functional failure. There are no new regulatory commitments made in this LER submittal.

If any further information or assistance is needed, please contact James Barstow, Regulatory Assurance Manager at 609-971-4947.

Sincerely,



Michael J. Massaro,  
Vice President, Oyster Creek Nuclear Generating Station

Enclosure: NRC Form 366, LER 2009-004-00

cc: Regional Administrator, USNRC Region I  
USNRC Project Manager, Oyster Creek  
USNRC Senior Resident Inspector, Oyster Creek  
File No. 09055

TE22  
NRA

### LICENSEE EVENT REPORT (LER)

(See reverse for required number of digits/characters for each block)

Estimated burden per response to comply with this mandatory collection request: 80 hours. Reported lessons learned are incorporated into the licensing process and fed back to industry. Send comments regarding burden estimate to the Records and FOIA/Privacy Service Branch (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NE0B-10202, (3150-0104), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

<b>1. FACILITY NAME</b> Oyster Creek, Unit 1	<b>2. DOCKET NUMBER</b> 05000219	<b>3. PAGE</b> 1 OF 3
---	-------------------------------------	--------------------------

**4. TITLE**  
Establishment of Secondary Containment Boundary Contrary to Technical Specification Requirements

5. EVENT DATE			6. LER NUMBER			7. REPORT DATE			8. OTHER FACILITIES INVOLVED	
MONTH	DAY	YEAR	YEAR	SEQUENTIAL NUMBER	REV NO.	MONTH	DAY	YEAR	FACILITY NAME	DOCKET NUMBER
10	25	2008	2009	004	00	7	13	2009	N/A	N/A
									FACILITY NAME	DOCKET NUMBER
									N/A	N/A

<b>9. OPERATING MODE</b>  N	<b>11. THIS REPORT IS SUBMITTED PURSUANT TO THE REQUIREMENTS OF 10 CFR §:</b> <i>(Check all that apply)</i>			
<b>10. POWER LEVEL</b>  000	<input type="checkbox"/> 20.2201(b)	<input type="checkbox"/> 20.2203(a)(3)(i)	<input type="checkbox"/> 50.73(a)(2)(i)(C)	<input type="checkbox"/> 50.73(a)(2)(vii)
	<input type="checkbox"/> 20.2201(d)	<input type="checkbox"/> 20.2203(a)(3)(ii)	<input type="checkbox"/> 50.73(a)(2)(ii)(A)	<input type="checkbox"/> 50.73(a)(2)(vii)(A)
	<input type="checkbox"/> 20.2203(a)(1)	<input type="checkbox"/> 20.2203(a)(4)	<input type="checkbox"/> 50.73(a)(2)(ii)(B)	<input type="checkbox"/> 50.73(a)(2)(vii)(B)
	<input type="checkbox"/> 20.2203(a)(2)(i)	<input type="checkbox"/> 50.36(c)(1)(i)(A)	<input type="checkbox"/> 50.73(a)(2)(iii)	<input type="checkbox"/> 50.73(a)(2)(ix)(A)
	<input type="checkbox"/> 20.2203(a)(2)(ii)	<input type="checkbox"/> 50.36(c)(1)(ii)(A)	<input type="checkbox"/> 50.73(a)(2)(iv)(A)	<input type="checkbox"/> 50.73(a)(2)(x)
	<input type="checkbox"/> 20.2203(a)(2)(iii)	<input type="checkbox"/> 50.36(c)(2)	<input type="checkbox"/> 50.73(a)(2)(v)(A)	<input type="checkbox"/> 73.71(a)(4)
	<input type="checkbox"/> 20.2203(a)(2)(iv)	<input type="checkbox"/> 50.46(a)(3)(ii)	<input type="checkbox"/> 50.73(a)(2)(v)(B)	<input type="checkbox"/> 73.71(a)(5)
<input type="checkbox"/> 20.2203(a)(2)(v)	<input type="checkbox"/> 50.73(a)(2)(i)(A)	<input type="checkbox"/> 50.73(a)(2)(v)(C)	<input type="checkbox"/> OTHER	
<input type="checkbox"/> 20.2203(a)(2)(vi)	<input checked="" type="checkbox"/> 50.73(a)(2)(i)(B)	<input type="checkbox"/> 50.73(a)(2)(v)(D)	Specify in Abstract below or in NRC Form 366A	

**12. LICENSEE CONTACT FOR THIS LER**

FACILITY NAME James Barstow, Regulatory Assurance Manager	TELEPHONE NUMBER <i>(Include Area Code)</i> (609) 971-4947
--	---

**13. COMPLETE ONE LINE FOR EACH COMPONENT FAILURE DESCRIBED IN THIS REPORT**

CAUSE	SYSTEM	COMPONENT	MANUFACTURER	REPORTABLE TO EPIX	CAUSE	SYSTEM	COMPONENT	MANUFACTURER	REPORTABLE TO EPIX
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

<b>14. SUPPLEMENTAL REPORT EXPECTED</b> <input type="checkbox"/> YES <i>(If yes, complete 15. EXPECTED SUBMISSION DATE)</i> <input checked="" type="checkbox"/> NO	<b>15. EXPECTED SUBMISSION DATE</b>	MONTH	DAY	YEAR
		N/A	N/A	N/A

**ABSTRACT** *(Limit to 1400 spaces, i.e., approximately 15 single-spaced typewritten lines)*

During the 1R22 Refueling Outage (Fall 2008), a Temporary Modification was made to the secondary containment so that the trunnion room door could be left open to support maintenance activities. The Temporary Modification moved the barrier for secondary containment from the outer walls and door of the trunnion room to the inner walls, ceiling, floor, and associated penetrations in the trunnion room. A 10 CFR 50.59 Evaluation supported the Temporary Modification based on the determination that secondary containment integrity could be maintained separate from the trunnion room door and concluded that a Technical Specification change was not needed.

During the NRC Plant Modification Inspection (May 4 through 15, 2009), the determination was made that the Temporary Modification to open the trunnion room door for extended periods of time during 1R22 was in noncompliance with Oyster Creek's Technical Specifications. The supporting 10 CFR 50.59 Evaluation inappropriately determined that prior approval from the NRC was not needed in that the secondary containment integrity required by Technical Specification Limiting Condition of Operation (TS LCO) 3.4.B.1 was maintained.

LICENSEE EVENT REPORT (LER)  
CONTINUATION SHEET

1. FACILITY NAME	2. DOCKET	6. LER NUMBER			3. PAGE		
Oyster Creek, Unit 1	05000219	YEAR	SEQUENTIAL NUMBER	REV NO.	2	OF	3
		2009	- 004	- 00			

**NARRATIVE**

Plant Condition Prior to Event

Event Date: Refueling outage 1R22 (Fall 2008)  
 Unit 1 Mode: Shutdown/Refueling  
 Power Level: 0%

Description of Event

During the 1R22 Refueling Outage (Fall 2008), a Temporary Modification was made to the secondary containment so that the trunnion room door could be left open to support maintenance activities. The Temporary Modification moved the barrier for secondary containment from the outer walls and door of the trunnion room to the inner walls, ceiling, floor, and associated penetrations in the trunnion room. A 10 CFR 50.59 Evaluation supported the Temporary Modification based on the determination that secondary containment integrity could be maintained separate from the trunnion room door and concluded that a Technical Specification (TS) change was not needed.

During the NRC Plant Modification Inspection (May 4 through 15, 2009), the determination was made that the Temporary Modification to open the trunnion room door for extended periods of time during 1R22 was in noncompliance with Oyster Creek's Technical Specifications. The supporting 10 CFR 50.59 Evaluation inappropriately determined that prior approval from the NRC was not needed in that the secondary containment integrity required by Technical Specification Limiting Condition of Operation (TS LCO) 3.4.B.1 was maintained.

The 10 CFR 50.59 Evaluation reviewed the TS LCO and the TS bases as part of the 10 CFR 50.59 review. The evaluation concluded that the Temporary Modification of re-establishing the containment boundary to no longer rely on the trunnion room door maintained integrity of the secondary containment, that access to the reactor building was not created, and that a change of the TS was not required. However, the evaluator and reviewers did not recognize that re-establishing the secondary containment to not rely upon the trunnion room door was a change to the note associated with the TS definition and as such was a change to TS and requiring prior NRC approval.

Analysis of Event:

This event is reportable under the provisions of 10CFR50.73(a)(2)(i)(B) as a condition which is prohibited by the plant's Technical Specifications.

There were no safety consequences impacting the plant or public safety as a result of this event. All safety systems, structures, and components operated normally during this event. This event did not result in any safety system functional failure.

1. FACILITY NAME	2. DOCKET	6. LER NUMBER			3. PAGE		
Oyster Creek, Unit 1	05000219	YEAR	SEQUENTIAL NUMBER	REV NO.	3	OF	3
		2009	- 004	- 00			

**NARRATIVE**

Cause of Event:

The apparent cause of this event was that the Technical Specification definition note was in a confusing format. Due to the vagueness of the relationship of a note to Technical Specification Definition 1.14, Secondary Containment Integrity, and the Technical Specification LCO 3.4.B.1, Secondary Containment, the preparer and reviewers of the associated 10 CFR 50.59 Evaluation did not recognize that re-establishing the secondary boundary to not rely upon the trunnion room door was a literal change in the Technical Specification.

Corrective Actions:

A License Amendment Request will be submitted to revise Technical Specification Definition 1.14 to enable moving secondary containment boundary to trunnion room walls, ceiling, floor, and associated penetrations during refueling outages and to reformat the definition not to use a non-standard note.

Lessons learned will be provided for a briefing on the lessons learned from this event will be provided to all 50.59 qualified personnel and incorporated in future 50.59 training.

Previous Occurrences

There have been no similar Licensee Event Reports events at Oyster Creek in the last three years, where technical specifications were changed by plant permanent or temporary modifications without prior NRC approval.

Component Failure Data

None