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FEB 24 1994

Docket No. 50-219  
EA 93-285

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

Dear Mr. Barton:

SUBJECT: ENFORCEMENT CONFERENCE AND NOTICE OF VIOLATION FOR  
INSPECTION REPORT 50-219/93-81

This letter refers to the NRC Operational Safety Team Inspection (OSTI) conducted on September 27 through October 15, 1993, at the Oyster Creek Nuclear Generating Station and at the GPU Nuclear Corporate Office in Parsippany, New Jersey. The report was sent to you on December 23, 1993. During that inspection, an apparent violation of NRC requirements was identified. Specifically, it was determined that, on a number of occasions you operated the plant outside the plant Technical Specifications core design limits, while conducting core spray system surveillance testing. Your failure to adequately monitor the Average Planar Linear Heat Generation Rate (APLHGR) went unrecognized since Technical Specification Amendment 153, which modified the core spray LCO actions to include the APLHGR conditional limitation, was implemented on September 5, 1991. As a result, an enforcement conference was conducted with you and members of your staff at the Region I office on January 25, 1994, to discuss the apparent violation, its causes and corrective actions. Enclosure 2 to this letter contains a copy of the slides from your presentation at the enforcement conference and Enclosure 3 lists the persons in attendance at the conference.

Based on the information you provided at the enforcement conference and our review that there was low safety significance of not reducing the Maximum Average Planar Linear Heat Generation Rate (MAPLHGR) when one of the Core Spray loops was disabled and inoperable during surveillance testing with MAPLHGR exceeding 90%, we have determined that escalated enforcement was not appropriate. However, because appropriate procedural barriers were not in place to implement the thermal limit penalty established by Topical Report 053, "Thermal Limits With One Core Spray Sparger," the plant operated outside its design basis limits. Since technical specification (TS) action statement 3.4.A.3.b. was not met to bring the core to 90% of the APLHGR limits within two hours after the system was made inoperable during surveillance testing a violation of technical specification 3.4.A.3.b.

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occurred on a number of occasions. We have classified the violation at a Severity Level IV in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C.

While the direct impact of this violation on safety was low, we are concerned because the long-standing operational practice at Oyster Creek of not entering technical specification (TS) limiting conditions for operation (LCOs) during the performance of surveillance testing which renders equipment inoperable and unable to perform its design function caused the plant to operate outside its design basis. When fuses are removed or breakers are racked out, a system or component is not capable of performing its specified safety function, and the equipment should be declared inoperable. The operating practice of not entering a TS LCO action statement, when equipment is removed from service and is inoperable, is contrary to the NRC guidance provided in NRC Generic Letter 91-18, "Information to Licensees Regarding Two NRC Inspection Manual Sections on Resolution of Degrading and Nonconforming Conditions and Operability." Section 6.4, "Operability During TS Surveillance and Preventive Maintenance," of this guidance states that, the TS LCO statement shall be entered when equipment is removed from service and rendered incapable of performing its safety function. The LCO action statement shall be entered unless the TS explicitly direct otherwise.

To ensure that Oyster Creek is operated safely and maintained within its design basis, GPU Nuclear is expeditiously reviewing and evaluating all technical specification surveillances to identify similar conflicts that may exist during surveillance testing. The numerous surveillance procedures, which you identified at the enforcement conference, that may potentially cause you unnecessary operating limitations during surveillance testing such that a plant shutdown may be required should be aggressively evaluated. If resolution requires NRC action, such as enforcement discretion or technical specification amendment, it is expected that you contact the NRC as soon as possible.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After receiving your response to the Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to assure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be placed in the NRC Public Document Room. The response directed by this letter and the enclosed Notice is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96.511.

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Mr. John J. Barton

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Your cooperation is appreciated.

Sincerely,  
**ORIGINAL SIGNED BY:**

Wayne D. Lanning, Acting Director  
Division of Reactor Projects

Enclosures:

1. Notice of Violation
2. Licensee's Enforcement Conference Presentation
3. Persons Attending the Enforcement Conference

cc w/encls:

M. Laggart, Manager, Corporate Licensing  
 P. Czaya, Acting Licensing Manager, Oyster Creek  
 Public Document Room (PDR)  
 Local Public Document Room (LPDR)  
 Nuclear Safety Information Center (NSIC)  
 T. Martin, Regional Administrator  
 W. Kane, Deputy Regional Administrator  
 K. Smith, Regional Counsel  
 D. Holody, Enforcement Officer  
 J. Lieberman, Director OE  
 J. Goldberg, Deputy Assistant General Counsel for Enforcement, OGC  
 L. Callan, Acting Associate Director for Projects, NRR  
 K. Abraham, PAO (2)  
 NRC Resident Inspector  
 State of New Jersey

bcc w/encls:

Region I Docket Room (with concurrences)

bcc w/encls (VIA E-MAIL):

V. McCree, Regional Coordinator, OEDO  
 J. Stolz, NRR/PD 1-4  
 A. Dromerick, NRR/PD 1-4

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\* SEE PREVIOUS CONCURRENCE

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Wayne D. Lanning, Acting Director  
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\* SEE PREVIOUS CONCURRENCE

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Mr. John J. Barton

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Sincerely,

Richard W. Cooper, II, Director  
Division of Reactor Projects

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- J. Stolz, NRR/PD 1-4
- A. Dromerick, NRR/PD 1-4

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*Blau*  
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RCooper  
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