

JUL 20 1994

Docket No. 50-219  
NOED No. 94-1-007

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

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION FOR GPUN REGARDING  
OYSTER CREEK

By letter dated July 19, 1994, you documented your verbal request of the previous evening that the U.S. Nuclear Regulatory Commission (NRC) exercise its discretion not to enforce compliance with the required actions in Technical Specifications 3.4.B.3, 3.4.C.7, & 3.0.A regarding the operability of the automatic depressurization system and containment spray system during a seismic event. On July 18, 1994, you informed the NRC that the Oyster Creek Nuclear Generating Station had commenced a Technical Specification required shutdown based on a finding during a plant walkdown evaluating electrical panel seismic acceptability. Specifically, you determined that the control panels could tip in such a fashion that the associated relays and control wiring operability could not be assured. You requested to delay the initiation of a reactor shutdown for a period of 48 hours while repairs were made. You provided as justification for continued operation that 1) modifications were being made to restore the plant to within its design basis seismic requirements, 2) the probability of a seismic event of sufficient magnitude to overturn these panels in combination with a loss of coolant accident is extremely low, especially when considering the small amount of time that this condition will exist, and, 3) compliance with the Technical Specification requirements require that the plant be shutdown which would impose an unnecessary transient on the plant. In addition, you identified compensatory measures to brief reactor operators on the issue and expected response to a seismic event, and an inspection of the panels should any seismic event occur until these panels are restored to full qualification. It is our understanding that the modification was completed on July 19, 1994/4:00 a.m. and the systems were declared operable at 11:00 a.m.

On the basis of our review of your justification, including the compensatory measures identified above, the staff has concluded that this course of action is of a minimal or no safety impact, and we are clearly satisfied that this exercise of enforcement discretion is warranted from a public health and safety perspective. Therefore, to exercise discretion not to enforce compliance with Technical Specification 3.4.B.3, 3.4.C.7, & 3.0.A for the period from July 18, 1994/6:41 p.m. to July 20, 1994/6:41 p.m. was approved on July 18, 1994/8:25 p.m. in a telephoned discussion between Mr. John Barton and myself.

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Notwithstanding this exercise of discretion beginning July 18, we will consider whether any enforcement action is warranted for conditions prior to July 18 that led to the need for this exercise of enforcement discretion.

Sincerely,

Original Signed By



Thomas T. Martin  
Regional Administrator

Enclosure: GPUN Letter Dated July 19, 1994, Documentation for Exercise of Discretion

cc w/encl:

M. Laggart, Manager, Corporate Licensing  
G. Busch, Manager, Site Licensing, Oyster Creek  
Public Document Room (PDR)  
Local Public Document Room (LPDR)  
Nuclear Safety Information Center (NSIC)  
K. Abraham, PAO (2)  
NRC Resident Inspector  
State of New Jersey

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bcc w/encl:

Region I Docket Room (with concurrences)

T. Martin, RA

R. Zimmerman, NRR

W. Russell, NRR

J. Lieberman, OE

J. Calvo, NRR

S. Varga, NRR

J. Stolz, NRR

W. Dean, OEDO

A. Thadani, NRR

J. Wiggins, DRS

J. Rogge, DRP

L. Briggs, SRI, Oyster Creek

A. Dromerick, NRR/PD 1-4

D. Holody, ORA

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Rogge

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RI:DRP

Lanning

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Holody

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Wiggins

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Martin

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Stolz

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HQ:\NRR

Calvo

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\*See previous Concurrence

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Wiggins

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Stolz

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Calvo

7/20/94

per Alex Dromerick  
at 7:20 at 9:45 a.m.  
Lanning Concurrence  
discussed

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