

May 31, 2002

Mr. John L. Skolds, President  
and Chief Nuclear Officer  
Exelon Nuclear  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - ISSUANCE OF  
AMENDMENT RE: CYCLE-SPECIFIC SAFETY LIMIT MINIMUM CRITICAL  
POWER RATIO (TAC NO. MB2891)

Dear Mr. Skolds:

The Commission has issued the enclosed Amendment No. 228 to Facility Operating License No. DPR-16 for the Oyster Creek Nuclear Generating Station, in response to your application dated September 11, 2001, as supplemented by a letter dated April 8, 2002.

The amendment revises the Technical Specifications, deleting the cycle-specific footnote regarding the safety limit minimum critical power ratio in Section 2.1.A, and making associated administrative changes.

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,

*/RA/*

Peter S. Tam, Senior Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-219

Enclosures: 1. Amendment No. 228 to DPR-16  
2. Safety Evaluation

cc w/encls: See next page

Mr. John L. Skolds, President  
and Chief Nuclear Officer  
Exelon Nuclear  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - ISSUANCE OF  
AMENDMENT RE: CYCLE-SPECIFIC SAFETY LIMIT MINIMUM CRITICAL  
POWER RATIO (TAC NO. MB2891)

Dear Mr. Skolds:

The Commission has issued the enclosed Amendment No. 228 to Facility Operating License No. DPR-16 for the Oyster Creek Nuclear Generating Station, in response to your application dated September 11, 2001, as supplemented by a letter dated April 8, 2002.

The amendment revises the Technical Specifications, deleting the cycle-specific footnote regarding the safety limit minimum critical power ratio in Section 2.1.A, and making associated administrative changes.

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,

*/RA/*

Peter S. Tam, Senior Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-219

Enclosures: 1. Amendment No. 228 to DPR-16  
2. Safety Evaluation

cc w/encls: See next page

DISTRIBUTION:

PUBLIC	OGC	SRichards	PD1-1 R/F
GHill (2)	RLaufer	WBeckner	PTam
SLittle	ACRS	JRogge, RI	THuang

Accession Number: **ML021280339**

OFFICE	PD1-1/PM	PD1-1/LA	SRXB/SC	OGC	PDI-1/SC
NAME	PTam	SLittle	RCaruso*	RWeisman	RLaufer
DATE	5/8/02	5/8/02	4/23/02	5/28/02	5/30/02

OFFICIAL RECORD COPY

\*Memo of 4/23/02 used essentially as-is

AMERGEN ENERGY COMPANY, LLC

DOCKET NO. 50-219

OYSTER CREEK NUCLEAR GENERATING STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 228

License No. DPR-16

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by AmerGen Energy Company, LLC, et al., (the licensee), dated September 11, 2001, as supplemented on April 8, 2002, 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.

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. 228, are hereby incorporated in the license. AmerGen Energy Company, LLC, shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of issuance and shall be implemented within 30 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

Richard J. Laufer, Chief, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical  
Specifications

Date of Issuance: May 31, 2002

ATTACHMENT TO LICENSE AMENDMENT NO. 228

FACILITY OPERATING LICENSE NO. DPR-16

DOCKET NO. 50-219

Replace the following pages of Appendix A, Technical Specifications, with the attached revised pages as indicated. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove

2.1-1

2.1-2

2.1-3

Insert

2.1-1

2.1-2

2.1-3

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 228

TO FACILITY OPERATING LICENSE NO. DPR-16

AMERGEN ENERGY COMPANY, LCC

OYSTER CREEK NUCLEAR GENERATING STATION

DOCKET NO. 50-219

1.0 INTRODUCTION

By letter dated September 11, 2001 (Reference 1), AmerGen Energy Company, LLC, (AmerGen or the licensee) submitted an application for changes to the Oyster Creek Nuclear Generating Station Technical Specifications (TSs), deleting the cycle-specific footnote regarding the safety limit minimum critical power ratio (SLMCPR) in TS 2.1.A, and making associated administrative changes. By letters dated April 8 and May 7, 2002 (References 2 and 3), the licensee provided clarifying information within the scope of the original application and did not change the staff's initial proposed no significant hazards consideration determination.

The licensee stated that the plant is currently (Cycle 18) operating with GE9 fuel. The licensee will introduce GE11 fuel into the core for Cycle 19, but has no plan to operate Cycle 19 with GE14 fuel (Reference 2).

2.0 EVALUATION

The licensee requested changes to the TSs in accordance with Title 10 of the *Code of Federal Regulations*, Section 50.90 (10 CFR 50.90). Following are details of the changes.

2.1 TS 2.1, Safety Limit - Fuel Cladding Integrity

The licensee proposed to delete the cycle-specific footnote on page 2.1-1 for the SLMCPR. This footnote has the wording "Applicable for cycle 18 only," and was instituted in the TSs by Amendment No. 192, dated August 26, 1997, because the Nuclear Regulatory Commission (NRC) had not then approved the General Electric (GE) methodology used for calculating the SLMCPR limits.

The licensee stated that the Oyster Creek cycle-specific SLMCPR value is currently calculated using NRC-approved methodology described in "General Electric Standard Application for Reactor Fuel," NEDE-24011-P-A-13 (GESTAR-II), and Amendment 25 to NEDE-24011-P-A (on cycle-specific SLMCPR). The Cycle 19 SLMCPR analysis will be based on the original GETAB [GE Boiling Water Reactor Thermal Analysis Basis] approach as referenced in GESTAR II and Amendment 25 to NEDE-240110-P-A. Amendment 25 was approved by the NRC staff on

March 11, 1999. Before that date, Amendment 25 was approved for use on a cycle-specific basis, as stated in the above paragraph.

The NRC staff has reviewed the licensee's justification for the removal of the cycle-specific footnote. The NRC staff noted that the licensee has already used NRC-approved methodologies, including Amendment 25 to NEDE-24011-P-A, GESTAR II, and GETAB to calculate the SLMCPR value for the current (Cycle 18) operation, and will use the same approach to perform the SLMCPR calculation for the upcoming Cycle 19 operation. Since Amendment 25 was approved for generic use, the subject cycle-specific footnote is no longer needed. The deletion of the footnote is, therefore, acceptable.

## 2.2 TS 2.1 Bases

The licensee proposed to relocate this section, which currently begins on page 2.1-1, to page 2.1-2. This change is purely editorial and is acceptable.

## 2.3 TS 2.1 References

The licensee proposed to delete a specific reference to Revision 11 of NEDE-24011-P-A (NEDE-24011-P-A-11). The licensee proposed to state this reference without revision number, as "NEDE-24011-P-A, General Electric Standard Application for Reactor Fuel (latest approved version as specified in the COLR [core operating limits report]." This change will conform this section to TS 6.9.1.f, where the COLR requirements are specified. This change is only administrative and, therefore, acceptable.

## 3.0 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 comments.

## 4.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (66 FR 59501). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). 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.

## 5.0 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.

## 6.0 REFERENCES

1. Letter from Ron J. DeGregorio to NRC, "Technical Specification Change Request No. 294 - Cycle Specific Safety Limit MCPR," September 11, 2001.
2. Letter from Michael P. Gallagher to NRC, "Additional Information - Technical Specification Change Request No. 294, Cycle-Specific Safety Limit MCPR (TAC No. MB2891)," April 8, 2002.
3. Letter from Michael P. Gallagher to NRC, providing reprinted Technical Specification pages, May 7, 2002.

Principal Contributor: T. Huang

Date: May 31, 2002



Oyster Creek Nuclear Generating Station

cc:

Chief Operating Officer  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555

Senior Vice President - Nuclear Services  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555

Vice President - Mid-Atlantic Operations  
Support  
Exelon Generation Company, LLC  
200 Exelon Way, KSA 3-N  
Kennett Square, PA 19348

Senior Vice President -  
Mid Atlantic Regional Operating Group  
Exelon Generation Company, LLC  
200 Exelon Way, KSA 3-N  
Kennett Square, PA 19348

Kevin P. Gallen, Esquire  
Morgan, Lewis, & Bockius LLP  
1800 M Street, NW  
Washington, DC 20036-5869

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

Vice President -  
Licensing and Regulatory Affairs  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555

Site Vice President  
Oyster Creek Nuclear Generating Station  
AmerGen Energy Company, LLC  
PO Box 388  
Forked River, NJ 08731

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

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

Senior Resident Inspector  
U.S. Nuclear Regulatory Commission  
P.O. Box 445  
Forked River, NJ 08731

Director - Licensing  
Exelon Generation Company, LLC  
Correspondence Control Desk  
P.O. Box 160  
Kennett Square, PA 19348

Oyster Creek Generating Station Plant  
Manager  
AmerGen Energy Company, LLC  
P.O. Box 388  
Forked River, NJ 08731

Regulatory Assurance Manager  
Oyster Creek Nuclear Generating Station  
AmerGen Energy Company, LLC  
P.O. Box 388  
Forked River, NJ 08731

Vice President, General Counsel and  
Secretary  
Exelon Generation Company, LLC  
300 Exelon Way  
Kennett Square, PA 19348

J. Rogge, Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406-1415

Manager Licensing - Oyster Creek and  
Three Mile Island  
Exelon Generation Company, LLC  
Nuclear Group Headquarters  
Correspondence Control  
P.O. Box 160  
Kennett Square, PA 19348

Correspondence Control Desk  
Exelon Generation Company, LLC  
200 Exelon Way, KSA 1-N-1  
Kennett Square, PA 19348