

September 18, 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: LICENSED AND NON-LICENSED OPERATING
PERSONNEL TRAINING PROGRAMS (TAC NO. MB2694)

Dear Mr. Skolds:

The Commission has issued the enclosed Amendment No. 232 to Facility Operating License No. DPR-16 for Oyster Creek Nuclear Generating Station, in response to your application dated August 1, 2001, as supplemented on June 19 and September 9, 2002.

The amendment revises Technical Specifications Section 6.3, "Facility Staff Qualifications," deletes Section 6.4, "Training," and revises the Table of Contents to reflect deletion of Section 6.4. These changes reflect updating of requirements that had been outdated based on licensed operator training programs being accredited by the Institute of Nuclear Power Operations, and promulgation of applicable regulations.

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. 232 to DPR-16
2. Safety Evaluation

cc w/encls: See next page

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AMERGEN ENERGY COMPANY, LLC

DOCKET NO. 50-219

OYSTER CREEK NUCLEAR GENERATING STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 232
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 August 1, 2001, as supplemented on June 19 and September 9, 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. 232, 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: September 18, 2002

ATTACHMENT TO LICENSE AMENDMENT NO. 232

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

iii
6-2a
6-3

Insert

iii
6-2a
6-3

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 232
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 August 1, 2001, Exelon Generation Company, LLC (Exelon, parent company of the licensees of the following plants) submitted an application for license amendments for Braidwood Station, Units 1 and 2; Byron Station, Units 1 and 2; Clinton Power Station; Dresden Nuclear Power Station, Units 2 and 3; LaSalle County Station, Units 1 and 2; Limerick Generating Station, Units 1 and 2; Oyster Creek Nuclear Generating Station; Peach Bottom Atomic Power Station, Units 2 and 3; Three Mile Island Nuclear Station, Unit 1; and Quad Cities Nuclear Power Station, Units 1 and 2, to the Nuclear Regulatory Commission (NRC) for approval. Exelon provided additional information by a letter dated June 19, 2002. Exelon requested approval of changes to the plant-specific Technical Specifications (TSs) to revise the requirements regarding facility staff qualifications and licensed operator and non-licensed personnel training programs. The application stated that the changes would revise requirements that have been superseded based on licensed operator training programs being accredited by the Institute for Nuclear Power Operations, promulgation of the revised 10 CFR Part 55, "Operators' Licences," which became effective on May 26, 1987, and adoption of a systems approach to training as required by 10 CFR 50.120, "Training and qualification of nuclear power plant personnel." Additional information was provided by Exelon in its letters of June 19, and September 9, 2002. Exelon's June 19 and September 9, 2002, letters provided clarifying information within the scope of the original application and did not change the Nuclear Regulatory Commission (NRC) staff's proposed no significant hazard consideration dated October 31, 2001 (66 FR 55009).

While Exelon's application covered all its nuclear facilities listed above, this safety evaluation is specific for Oyster Creek Nuclear Generating Station (OCNGS).

2.0 REGULATORY EVALUATION

On March 20, 1985, the NRC issued the Commission Policy Statement on Training and Qualification of Nuclear Power Plant Personnel which endorsed the training accreditation process and the National Academy for Nuclear Training (NANT). In Generic Letter 87-07,

"Information Transmittal of Final Rulemaking for Revisions to Operator Licensing - 10 CFR 55 and Conforming Amendments," dated March 19, 1987, and in NUREG-1262, "Answers to Questions at Public Meetings Regarding Implementation of Title 10, Code of Federal Regulations, Part 55 on Operators' Licenses," published November 1987, the NRC indicated it would accept a facility's licensed operator training program if the facility certified in writing that the program was accredited and based on a systems approach to training (SAT). This certification would supersede the requirement of American National Standards Institute (ANSI) N18.1-1971, "Selection and Training of Nuclear Power Plant Personnel," and ANSI/American Nuclear Society (ANS)-3.1-1978, "Selection, Qualification and Training of Personnel for Nuclear Power Plants." Facility licensees were advised to submit a request to the NRC for an administrative change to their licensing documents to revise or delete, as appropriate, the requirements that had been superseded.

In 1992, the NRC published its proposed rule 10 CFR 50.120, "Training and Qualification of Nuclear Power Plant Personnel." The proposed rule stated that, if adopted, the rule would supersede the Policy Statement on Training and Qualification of Nuclear Power Plant Personnel and would not result in any change to accredited programs. The NRC concluded that accredited programs, implemented consistent with industry objectives and criteria, would be in compliance with this regulation. In April 1993, the NRC published its final rule on training and qualification of nuclear power plant personnel. The rule requires nuclear power plant licensees to establish, implement, and maintain SAT-based training programs for nine non-licensed positions. Accreditation of these nine training programs is an acceptable means of meeting the requirements of 10 CFR 50.120.

On January 18, 2001, the NRC published Regulatory Issue Summary (RIS) 2001-01, "Eligibility of Operator License Applicants," to familiarize licensees with the NRC's current guidelines for the qualification and training of reactor operator and senior operator license applicants. RIS 2001-01 acknowledged that 10 CFR 55.31(a)(4) allows the NRC to accept an application for an operator's license if the facility licensee certifies that the applicant has successfully completed a Commission-approved training program that is based on a systems approach to training. In addition, RIS 2001-01 stated that: (1) a training program would be considered approved by the NRC when it receives or renews accreditation from the National Nuclear Accrediting Board (NNAB); (2) accreditation of operator training programs suggests that facilities are implementing the education and experience guidelines endorsed by the NNAB; (3) NANT guidelines for education and experience (those in effect in 1987 or those issued in January 2000) outline acceptable methods for implementing the Commission's regulations; and (4) the staff encourages all facility licensees to review their requirements and commitments related to licensed operator and senior operator education and experience and to update their documentation (e.g., Final Safety Analysis Report, Technical Specifications, and training program descriptions) to "enhance consistency and minimize confusion."

3.0 TECHNICAL EVALUATION

3.1 Proposed Changes to the Technical Specifications

The changes proposed by Exelon will revise, clarify, or delete, as appropriate, requirements regarding facility staff qualifications and licensed operator and non-licensed personnel training programs at the facilities named above in Section 1.0. The requested changes will update requirements that had been outdated based on licensed operator training programs being

accredited by the Institute of Nuclear Power Operations, promulgation of the revised 10 CFR 55, "Operators' Licenses," and adoption of a systems approach to training as required by 10 CFR 50.120.

The licensed operator training programs and the training programs for the nine non-licensed positions required by 10 CFR 50.120 at OCNCS are accredited by the NNAB and are based on a systems approach to training as stated in writing in the August 1, 2001, submittal.

In the June 19, 2002, letter, the licensee proposed to revise Section 6.3, "Facility Staff Qualifications," which describes the requirements for facility/unit staff qualifications. In addition, the education and experience eligibility requirements for reactor operator and senior reactor operator license applicants will be described in applicable station training procedures. The revised wording of this section specifies that "the education and experience eligibility requirements of the operator license applicants, and changes thereto, shall be approved by the NRC and described in an applicable station training procedure." Changes to the procedures addressing issues other than education and experience eligibility requirements may be made consistent with the Exelon procedure revision process. Exelon stated that a note will be added to the applicable procedures to serve as a reminder for the procedure writer to ensure that the requirements imposed by this TS section are followed (i.e., content of the applicable sections/pages will not be changed without prior NRC approval).

The NRC staff concludes that the modified education and experience eligibility requirements in Section 6.3, and the procedural excerpts providing education and experience eligibility flowcharts as described in the submittal of June 19, 2002, are adequate because they conform with the reactor operator and senior reactor operator license eligibility criteria and standards acceptable to the NRC, and, per the wording in the TSs, afford the NRC final approval authority for changes to eligibility criteria contained within the applicable procedures. In order to assure that approval of future changes to the operator qualifications will be done by a license amendment, the NRC staff clarified the proposed wording by adding a specific document reference (the licensee's letter of June 19, 2002) that contains the operator qualifications. The licensee's letter of September 9, 2002, acknowledged that this clarification was being added. In addition, the changes will not affect the 10 CFR 50.36(c)(5) requirement to ensure the licensee maintains administrative controls that assure the operation of the facility in a safe manner.

Exelon proposed to delete Section 6.4, "Training," on the basis that it is redundant to the requirements of 10 CFR Part 55 for licensed operators, and 10 CFR 50.120 for non-licensed personnel. This section currently states that the training programs for the unit staff shall be maintained under the direction of the "Manager responsible for plant training." The NRC staff compared the requirements proposed to be removed with those currently in the regulations to determine whether this section could be deleted. The NRC staff also evaluated removing the training requirements for licensed operators and non-licensed personnel from the TSs against the requirements of 10 CFR 50.36(c)(5). The NRC staff noted that requirements for personnel training programs are already provided in 10 CFR Part 55 and 10 CFR 50.120, thus obviating the need to further specify requirements for these training programs in the TSs. Deleting Section 6.4 eliminates any confusion regarding standards and expectations for training by removing the redundant or superseded requirements. Therefore, the NRC staff finds the proposed changes acceptable.

3.2 Summary of Technical Review

Based on the above discussion, the licensee's proposed changes are consistent with applicable regulations, would eliminate inconsistencies between the TSs and these regulations, and would eliminate unneeded wording. The proposed changes have been found acceptable as stated above.

4.0 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.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment relates to changes in recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). 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.

6.0 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.

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Date: September 18, 2002

Oyster Creek Nuclear Generating Station

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