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10 CFR 50.54(q)

December 18, 2002
2130-02-20347

United States Nuclear Regulatory Commission
Document Control Desk
Washington DC 20555

Subject: Oyster Creek Generating Station
Docket 50-219
NRC Unresolved Item 50-219/02-07-02

References: 1) NRC Inspection Report 50-219/02-07
2) Letter, Gibson (NRC) to Quinn (FEMA), dated November 15, 2002

In Reference 1, above, the NRC docketed an Unresolved Item concerning changes to the Prompt Notification System for the Oyster Creek Generating Station. Specifically, the inspection report documented that five sirens and 58 tone alert radios had been removed from the Prompt Notification System, and that no documentation supporting this change could be found. This information was communicated to FEMA by Reference 2, above.

AmerGen Energy Company, LLC, has performed a 10 CFR 50.54(q) review on these two changes and has determined that prior NRC approval is not required. Enclosed with this cover is a copy of the review which was performed. Under separate cover letters, this same information has been transmitted to the New Jersey Office of Emergency Management and FEMA.

If you should require any further information, please contact Mr. John Rogers, of my staff, at 609.971.4893

Very truly yours,

Michael J. Marano for E. Harkness

Ernest J. Harkness P.E., Vice President
Oyster Creek Generating Station

EJH/JJR
Enclosure

cc: Administrator, Region I
NRC Senior Project Manager
NRC Senior Resident Inspector

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Enclosure I

BACKGROUND

Sirens

In 1988, a revision to 1000-PLN-1300.01 "GPU Nuclear (GPUN) Corporate Emergency Plan" was developed. Contained within that revision was a reduction in the number of sirens for the Oyster Creek Prompt Notification System (PNS), from 47 to 42 sirens. The GPUN Corporate Emergency Plan did not specifically identify PNS sirens by number or location. Concurrent with the plan change, five sirens which were located in the southern half of Long Beach Island and outside the defined ten mile Plume Exposure Pathway Emergency Planning Zone (EPZ) were removed. The evaluation of this Emergency Plan Change was conducted in accordance with the GPUN Safety Review process, and documented as a Safety Determination and Safety Evaluation under 50.59. The New Jersey Office of Emergency Management concurred with this change.

GPUN submitted Revision 1 of the plan for NRC review and approval, specifically identifying portions of the plan revision requiring NRC approval prior to implementation as required by 10CFR50.54(q). Other changes in the Emergency Plan, not requiring NRC approval, were identified by revision bars in the margins. The reduction in the number of sirens was identified by revision bar in the margin of the plan.

The NRC approved Revision 1 of the GPUN Corporate Emergency Plan August 8, 1988.

Tone Alert Radios

The original design basis for the Prompt Notification System for Oyster Creek, as submitted to and approved by FEMA, identified three areas within the 10-mile EPZ, where siren acoustical coverage was less than 60dBC. Two of the areas were contained within conservation areas, where residency is prohibited. One area did contain residences and eleven Tone Alert Radios (TAR) were placed in residences where the siren acoustical coverage was less than 60dBC. This was required to meet FEMA-REP-10 requirements. These eleven TARs were placed in the area northwest of the plant, commonly referred to as the "Caruso" properties. In addition, Oyster Creek distributed 58 TARs to local businesses and institutions within the 10-mile EPZ in areas with adequate acoustical coverage, which had replied to an offer for supplemental notifications. An additional number of TARs were placed with businesses and institutions outside of the ten-mile EPZ, as they were requested by those institutions. The FEMA approval for the Oyster Creek PNS was received in 1985.

In 1985, the State of New Jersey purchased the Caruso properties, with the intent of restoring the property to original wetlands, and containing the properties within a conservation area. The properties were purchased from the Caruso family, with a three-year leaseback to the families. In 1989, the leases expired, the families relocated, the State of NJ took control of the property, demolished the existing structures, and restored the properties to wetlands. The need for Tone Alert Radios for those residences was negated by the actions taken by the State of New Jersey.

During the time period from the middle 1980s, through 1995, Oyster Creek maintained the remaining TARs through annual surveys of holders of the TARs, operating checks, and the provision of written guidance for the use of the TARs, all consistent with FEMA-REP-10 guidance.

In 1995, as a result of modifications to the Emergency Broadcast System in which a new digital activation method was employed, the TARs which had been distributed to the public would no longer activate. As the TARs for the Caruso properties were no longer required, and the supplemental TARs were located either within areas of the ten-mile EPZ with adequate acoustical coverage or were located outside the ten-mile EPZ, Oyster Creek removed the requirements for TAR maintenance from existing procedures, and the approximately 75 TARs were turned over to the current owners to be utilized as they deemed appropriate.

Finally, an update to the Oyster Creek siren acoustical study was conducted in 2002. The results of this study indicated that although demographic growth within the ten mile EPZ has been substantial over the past 2 decades, the growth areas have been within areas with adequate siren acoustical coverage, such that no additional sirens were necessary.

EVALUATION AND REVIEW OF 10 CFR 50.47(b)

This evaluation has been developed to document the 50.54(q) evaluation of the reduction in the number of PNS sirens from 47 to 42 and the elimination of Tone Alert Radios from the Prompt Notification System. 10 CFR 50.47(b) states:

1. "Primary responsibilities for emergency response by the nuclear facility licensee and by State and local organizations within the Emergency Planing Zones have been assigned, the emergency responsibilities of the various supporting organizations have been specifically established, and each principal response organization has staff to respond and to augment its initial response on a continuous basis."

This change did not impact the assignment of responsibilities for emergency response, between Oyster Creek, State and local organizations.

2. "On-shift facility licensee responsibilities for emergency response are unambiguously defined, adequate staffing to provide initial facility accident response in key functional areas is maintained at all times, timely augmentation of response capabilities is available, and the interfaces among various onsite response activities and offsite support and response activities are specified."

This change did not impact on-shift responsibilities, nor change the schemes to augment the on-shift resources

3. "Arrangements for requesting and effectively using assistance resources have been made, arrangements to accommodate State and local staff at the licensee's near-site Emergency Operations Facility have been made, and other organizations capable of augmenting the planned response have been identified."

This change did not affect the ability to accommodate State and Federal resources at the EOF.

4. "A standard emergency classification and action level scheme, the bases of which include facility system and effluent parameters, is in use by the nuclear facility licensee, and State and local response plans call for reliance on information provided by facility licensees for determination of minimum initial offsite response measures."

This change did not affect emergency classification schemes, or require revision of existing EALs.

5. "Procedures have been established for notification, by the licensee, of State and local response organizations and for notification of emergency personnel by all organizations; the content of initial and follow-up messages to response organizations and the public has been established; and means to provide early notification and clear instruction to the populace within the plume exposure pathway Emergency Planning Zone have been established."

The original design documentation for the Oyster Creek Prompt Notification System had been developed prior to the ten-mile EPZ radius requirement being established. The original design, approved by FEMA and concurred with by the NRC, included a total of 47 Prompt Notification Sirens. Eleven of the 47 sirens were located outside of the ten mile EPZ perimeter. Six of those sirens provided acoustical coverage within the EPZ. Five of the sirens identified in the approved design documentation were located in the southern portion of Long Beach Island, south of the causeway bridge to/from the island to Route 72 in Stafford Township. These five sirens were all located outside the ten mile EPZ and provided no acoustical coverage within the ten-mile EPZ. These five sirens were removed from the Prompt Notification System in 1987. **As these sirens were outside of the ten mile EPZ, these sirens would not have been used to provide notification to the general public within the emergency planning zone, and their removal from the PNS system did not reduce the effectiveness of emergency planning efforts.**

The original design document also required the placement of eleven Tone Alert Radios to compensate for low siren acoustical coverage in one location. Within this location, these TARs were provided to residences. In 1989, the State of New Jersey took possession of those residences, and vacated and demolished the residences, and returned the properties to a wetlands condition, negating the need for TARs to compensate for low siren acoustics. **The elimination of the eleven TARs in the former Caruso properties did not reduce the effectiveness of emergency planning efforts.**

Additional Tone Alert Radios had been placed with business and institutions, within and without the ten-mile EPZ. These TARs had been placed in locations at the request of the owners and operators of these businesses and institutions for supplemental alerting. These TARs were maintained by Oyster Creek in accordance with FEMA-REP-10 guidance, although they were not required devices to compensate for low siren acoustical coverage. In 1996, as a result of modifications to the Emergency Broadcast System, the TARs became obsolete. As these TARs were not required to compensate for low siren acoustics, and therefore not required to be in place to meet FEMA-REP-10 Prompt Notification system requirements, the TARs were turned over to current owners, and no longer maintained by Oyster Creek. **The elimination of these supplemental TARs did not reduce the effectiveness of emergency planning efforts, as the Oyster Creek PNS continues to meet FEMA requirements.**

6. "Provisions exist for prompt communications among principal response organizations to emergency personnel and to the public."

This change did not affect the methods by which communications between response organizations and to the general public, within the Emergency Planning Zone, are accomplished. The Prompt Notification System and Emergency Broadcast System are still utilized within the OC EPZ.

7. "Information is made available to the public on a periodic basis on how they will be notified and what their initial actions should be in an emergency (e.g., listening to a local broadcast station and remaining indoors), the principal points of contact with the news media for dissemination of information during an emergency (including the physical location or locations) are established in advance, and procedures for coordinated dissemination of information to the public are established."

This change did eliminate the annual survey and periodic dissemination of information to owners of Tone Alert Radios. The information made available to the general public through publication in phone books was not changed. This change, therefore, did not affect the periodic dissemination of general information to the public.

8. "Adequate emergency facilities and equipment to support the emergency response are provided and maintained."

This change did result in revision to governing administrative procedures for annual review and update of Tone Alert Radios. As these TARs were no longer required to meet FEMA-REP-10 requirements, this change did not decrease the effectiveness of emergency planning efforts.

9. "Adequate methods, systems, and equipment for assessing and monitoring actual or potential offsite consequences of a radiological emergency condition are in use."

This change did not affect the methods for offsite dose assessment.

10. "A range of protective actions have been developed for the plume exposure pathway EPZ for emergency workers and the public. Guidelines for the choice of protective actions during an emergency, consistent with Federal guidance, are developed and in place, and protective actions for the ingestion exposure pathway EPZ appropriate to the locale have been developed."

This change did not affect the existing scheme and methodology for providing Protective Action recommendations to the appropriate state government officials.

11. "Means for controlling radiological exposure, in an emergency, are established for emergency workers. The means for controlling radiological exposures shall include exposure guidelines consistent with EPA Emergency Worker and Lifesaving Activity Protective Action Guides."

This change did not affect the methods for monitoring and controlling radiological exposure to emergency workers

12. "Arrangements are made for medical services for contaminated injured individuals."

This change had no effect on arrangements for medical services for injured, contaminated personnel.

13. "General plans for recovery and re-entry are developed."

This change had no effect on potential recovery plans

14. "Periodic exercises are (will be) conducted to evaluate major portions of emergency response capabilities, periodic drills are (will be) conducted to develop and maintain key skills, and deficiencies identified as a result of exercises or drills are (will be) corrected."

This change had no effect on the periodicity and conduct of drills and exercises.

15. "Radiological emergency response training is provided to those who may be called on to assist in an emergency."

This change did not affect the content, scope or target population for radiological emergency response training.

16. "Responsibilities for plan development and review and for distribution of emergency plans are established, and planners are properly trained."

This change did not affect the assignment of responsibilities for emergency plan administration and training.

10CFR50, APPENDIX E REQUIREMENTS

Organization

This change had no effect on the assignment of organizational responsibilities or notification of personnel in the event of an emergency.

Assessment

This change had no effect the methods for assessment of the consequences of radiological releases and development of appropriate emergency action levels

Activation Of Emergency Organizations

This change had no effect on the methods and activation points for activation of the emergency response organization.

Notification Procedures

This change had no effect on the methods for notification of Federal, State and Local officials. This change did not affect any potential protective measure for the general public within the defined ten-mile Plume Exposure Pathway Emergency Planning Zone (EPZ). This change eliminated original design sirens in the Prompt Notification system located outside of the ten mile EPZ, eliminated Tone Alert Radios that were required in residences with low acoustical coverage after those residences were vacated and demolished, and eliminated supplemental TARs inside and outside the ten-mile EPZ with adequate acoustical coverage.

Emergency Equipment and Facilities

This change had no effect on any emergency facilities or equipment designated for emergency use.

Training

This change had no effect on the content or target audience of emergency training, or the development and execution of drills and exercises for the purpose of testing the adequacy of emergency planning efforts.

Maintaining Emergency Preparedness

This change had no effect on the periodic review of the Emergency Plan and implementing procedures.

Recovery

This change had no effect on planning criteria for potential recovery or re-entry efforts.

Conclusion

Therefore, these changes did not decrease the effectiveness of the Oyster Creek Emergency Plan.