

April 4, 2003

Mr. John L. Skolds, Chairman
and Chief Executive Officer
AmerGen Energy Company, LLC
4300 Winfield Road
Warrenville, Illinois 60555

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - ISSUANCE OF
AMENDMENT RE: ELIMINATION OF REQUIREMENTS FOR POST-
ACCIDENT SAMPLING SYSTEM (TAC NO. MB6920)

Dear Mr. Skolds:

The Commission has issued the enclosed Amendment No. 237 to Facility Operating License No. DPR-16 for the Oyster Creek Nuclear Generating Station. The amendment consists of changes to the Technical Specifications in response to your application transmitted by letter dated November 27, 2002.

The amendment deletes Section 6.17, "Post Accident Sampling," thereby eliminating the requirements to have and maintain the subject system. The subject requirements were imposed by a July 7, 1981, Nuclear Regulatory Commission Confirmatory Order.

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,

IRAI

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. 237 to DPR-16
2. Safety Evaluation

cc w/encls: See next page

April 4, 2003

Mr. John L. Skolds, Chairman
and Chief Executive Officer
AmerGen Energy Company, LLC
4300 Winfield Road
Warrenville, Illinois 60555

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - ISSUANCE OF
AMENDMENT RE: ELIMINATION OF REQUIREMENTS FOR POST-
ACCIDENT SAMPLING SYSTEM (TAC NO. MB6920)

Dear Mr. Skolds:

The Commission has issued the enclosed Amendment No. 237 to Facility Operating License No. DPR-16 for the Oyster Creek Nuclear Generating Station. The amendment consists of changes to the Technical Specifications in response to your application transmitted by letter dated November 27, 2002.

The amendment deletes Section 6.17, "Post Accident Sampling," thereby eliminating the requirements to have and maintain the subject system. The subject requirements were imposed by a July 7, 1981, Nuclear Regulatory Commission Confirmatory Order.

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. 237 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	WReckley

Accession Number: ML030900284

OFFICE	CLIIP LPM	PD1-1/PM	PD1-1/LA	PDI-1/SC
NAME	WReckley*	PTam	SLittle	RLaufer
DATE	3/17/03	4/2/03	3/31/03	4/4/03

OFFICIAL RECORD COPY

*See previous concurrence

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
P.O. 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
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
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

Oyster Creek Nuclear Generating Station

cc:

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

AMERGEN ENERGY COMPANY, LLC

DOCKET NO. 50-219

OYSTER CREEK NUCLEAR GENERATING STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 237
License No. DPR-16

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by AmerGen Energy Company, LLC (the licensee), dated November 27, 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. 237, 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 180 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: April 4, 2003

ATTACHMENT TO LICENSE AMENDMENT NO. 237

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

3.13-4
6-20

Insert

3.13-4
6.20

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 237

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 November 27, 2002, AmerGen Energy Company, LLC, (AmerGen or the licensee) submitted a request for changes to the Oyster Creek Nuclear Generating Station (OCNGS) Technical Specifications (TSs). The proposed changes would eliminate the requirements to have and maintain the post-accident sampling system (PASS).

In the aftermath of the accident at Three Mile Island (TMI), Unit 2, the Nuclear Regulatory Commission (NRC) imposed requirements on licensees for commercial nuclear power plants to install and maintain the capability to obtain and analyze post-accident samples of the reactor coolant and containment atmosphere. The desired capabilities of the PASS were described in NUREG-0737, "Clarification of TMI Action Plan Requirements." The NRC issued Orders to licensees with plants operating at the time of the TMI accident to confirm the installation of PASS capabilities (generally as they had been described in NUREG-0737). The Order for OCNGS was dated July 7, 1981. A requirement for PASS and related administrative controls was added to the TSs of the operating plants and was included in the initial TSs for plants licensed during the 1980s and 90s. Additional guidance regarding PASS capabilities were included in Regulatory Guide (RG) 1.97, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident."

Significant improvements have been achieved, since the TMI accident, in the areas of understanding risks associated with nuclear plant operations and developing better strategies for managing the response to potentially severe accidents at nuclear power plants. Recent insights about plant risks and alternate severe accident assessment tools have led the NRC staff to conclude that some TMI Action Plan items can be revised without reducing the ability of licensees to respond to severe accidents. The NRC's efforts to oversee the risks associated with nuclear technology more effectively and to eliminate undue regulatory costs to licensees and the public have prompted the NRC to consider eliminating the requirements for PASS in TSs and other parts of the licensing bases of operating reactors.

The NRC staff has completed its review of the topical report, submitted by the Boiling Water Reactor (BWR) Owners Group (BWROG), that proposed the elimination of PASS. The justifications for the proposed elimination of PASS requirements center on evaluations of the

various radiological and chemical sampling, and their potential usefulness in responding to a severe reactor accident, or making decisions regarding actions to protect the public from possible releases of radioactive materials. As explained in more detail in its safety evaluation (SE) for the topical report, the NRC staff has reviewed the available sources of information for use by decision-makers in developing protective action recommendations and assessing core damage. Based on this review, the NRC staff found that the information provided by PASS is either unnecessary, or is effectively provided by other indications of process parameters or measurement of radiation levels. The NRC staff agrees with the BWROG that licensees can remove the TS requirements for PASS, revise (as necessary) other elements of the licensing bases, and pursue possible design changes to alter or remove existing PASS equipment.

2.0 REGULATORY EVALUATION

By letter dated November 30, 2000, the BWROG submitted Topical Report NEDO-32991, "Regulatory Relaxation for BWR Post Accident Sampling Stations (PASS)," for eliminating PASS requirements from BWRs. The NRC staff's SE for the BWROG Topical Report is dated June 12, 2001 (ADAMS Accession Number ML011630016). The BWROG proposed that relaxation of the PASS requirements be incorporated into the Standard Technical Specifications by submitting a change numbered as TSTF-413.

The NRC staff prepared this SE relating to the elimination of requirements on post-accident sampling for BWRs and solicited public comment (66 FR 66949, dated December 27, 2001) in accordance with the Consolidated Line Item Improvement Program (CLIIP). The use of the CLIIP in this matter is intended to help the NRC to efficiently process amendments that propose to remove the PASS requirements. Licensees of nuclear power reactors to which this SE apply were informed (67 FR 13027, dated March 20, 2002) that they could request amendments conforming to the SE, and, in such requests, should confirm the applicability of the SE to their reactors and provide the requested plant-specific verifications and commitments.

3.0 TECHNICAL EVALUATION

The ways in which the requirements and recommendations for PASS were incorporated into the licensing bases of commercial nuclear power plants varied as a function of when the plants were licensed. Plants that were operating at the time of the TMI accident are likely to have been the subject of Confirmatory Orders that imposed the PASS functions described in NUREG-0737 as obligations. The issuance of plant-specific amendments to adopt this change, which would remove PASS and related administrative controls from TS, would also supercede the PASS specific requirements imposed by post-TMI Confirmatory Orders.

The technical evaluations for the elimination of PASS sampling requirements are provided in the SE dated June 12, 2001, for BWROG Topical Report NEDO-32991. As described in its SE for the topical report, the NRC staff finds that the post-accident sampling requirements for the following may be eliminated for BWR plants:

1. Reactor coolant dissolved gases.
2. Reactor coolant hydrogen.
3. Reactor coolant oxygen.
4. Reactor coolant chlorides.

5. Reactor coolant pH.
6. Reactor coolant boron.
7. Reactor coolant conductivity.
8. Radioisotopes in the reactor coolant.
9. Containment hydrogen.
10. Containment oxygen.
11. Radioisotopes in the containment atmosphere.
12. Suppression pool pH.
13. Chlorides in the suppression pool.
14. Boron in the suppression pool.
15. Radioisotopes in the suppression pool.

The NRC staff agrees that the sampling of radioisotopes is not required to support emergency response decision-making during the initial phases of an accident, because the information provided by the PASS is either unnecessary or is effectively provided by other indications of process parameters or measurement of radiation levels. Therefore, it is not necessary to have dedicated equipment to obtain this sample in a prompt manner.

The NRC staff does, however, believe that there could be significant benefits to having information about the radioisotopes existing post-accident in order to address public concerns and plan for long-term recovery operations. As stated in the SE for the topical report, the NRC staff has found that licensees could satisfy this function by developing contingency plans to describe existing sampling capabilities and what actions (e.g., assembling temporary shielding) may be necessary to obtain and analyze highly radioactive samples from the reactor coolant system (RCS), suppression pool, and containment atmosphere (see item 4.1 under Verifications and Commitments). The contingency plans for obtaining samples from the RCS, suppression pool, and containment atmosphere may also enable a licensee to derive information on parameters such as hydrogen concentrations in containment and the pH of water in the suppression pool. The NRC staff considers the sampling of the suppression pool to be potentially useful in confirming calculations of pH and confirming that potentially unaccounted for acid sources have been sufficiently neutralized. The use of the contingency plans for obtaining samples would depend on the plant conditions and the need for information by the decision-makers responsible for responding to the accident.

In addition, the NRC staff considers radioisotope sampling information to be useful in classifying certain types of events (such as a reactivity excursion or mechanical damage) that could cause fuel damage without having an indication of a loss of reactor coolant inventory. However, the NRC staff agrees with the topical report's contentions that other indicators of failed fuel, such as radiation monitors, can be correlated to the degree of failed fuel (see item 4.2 under Verifications and Commitments).

In lieu of the information that would have been obtained from the PASS, the NRC staff believes that licensees should maintain or develop the capability to monitor radioactive iodine species that have been released to offsite environs. This information would be useful for decision-makers trying to assess a release of and limit the public's exposure to radioactive materials (see item 4.3 under Verifications and Commitments).

The NRC staff believes that the changes related to the elimination of the PASS that are described in the topical report, related SE, and this proposed amendment of the TSs are

unlikely to result in a decrease in the effectiveness of a licensee's emergency plan. Each licensee, however, must evaluate possible changes to its emergency plan in accordance with 10 CFR 50.54(q) (regarding emergency plans) to determine if the change decreases the effectiveness of its site-specific plan. Evaluations and reporting of changes to emergency plans should be performed in accordance with applicable regulations and procedures.

The NRC staff notes that containment hydrogen concentration monitors are required by 10 CFR 50.44 (regarding combustible gas control systems) and are relied upon to meet the data reporting requirements of 10 CFR Part 50, Appendix E, Section VI.2.a.(ii)(3). The NRC staff concludes that these hydrogen monitors provide an adequate capability for monitoring containment hydrogen concentration during the early phases of an accident. The NRC staff sees value in maintaining the capability to obtain grab samples for complementing the information from the hydrogen monitors in the long-term (i.e., by confirming the indications from the monitors and providing hydrogen measurements for concentrations outside the range of the monitors). As previously mentioned, the licensee's contingency plan (see item 4.1 under Verifications and Commitments) for obtaining highly radioactive samples will include sampling of the containment atmosphere and may, if deemed necessary and practical by the appropriate decision-makers, be used to supplement the hydrogen monitors.

The licensee stated in its application that, consistent with previous NRC reviews of the post-accident monitoring functions at Oyster Creek, the torus air space is not monitored for hydrogen using monitors like those described in NUREG-0737 and RG 1.97. Instead, the licensee uses the PASS to obtain a sample of the torus atmosphere and the sample is analyzed to determine the hydrogen concentration. The hydrogen concentration of the torus atmosphere determined by these samples is used, in combination with measurements of other parameters, in emergency and severe accident management procedures. The preceding discussion about the value of contingency plans addresses most BWRs and the drywell at Oyster Creek since the PASS provides a supplemental sampling capability in these cases. The possible use of lines and components currently in the PASS as the primary means of determining the hydrogen concentration in the torus atmosphere at Oyster Creek does not alter the staff's finding that the post-accident sampling TS may be deleted. The NRC staff notes, however, that regulatory requirements such as 10 CFR 50.65 (the maintenance rule) may continue to apply to some equipment currently in the PASS.

The licensee included in its application a change to the TS Bases for "Accident Monitoring Instrumentation." The change reflects the deletion of Section 6.17, "Post-accident Sampling," and is included in the issuance of this amendment as a matter of convenience.

4.0 VERIFICATIONS AND COMMITMENTS

As requested by the NRC staff in the notice of availability for this TS improvement, the licensee has addressed the following plant-specific verifications and commitments.

- 4.1 Each licensee should verify that it has, and make a regulatory commitment to maintain (or make a regulatory commitment to develop and maintain), contingency plans for obtaining and analyzing highly radioactive samples of reactor coolant, suppression pool, and containment atmosphere.

The licensee has committed to maintain or develop contingency plans for obtaining and analyzing highly radioactive samples of the reactor coolant, suppression pool, and containment atmosphere. The contingency plans will be contained within plant procedures. The licensee will implement this commitment with the implementation of the license amendment. As previously noted (Section 3.0 above), the licensee needs to fully define the system requirements for sampling hydrogen concentration in the torus atmosphere in terms of the plant's licensing history, current regulations and the pending changes to 10 CFR 50.44.

- 4.2 Each licensee should verify that it has, and make a regulatory commitment to maintain (or make a regulatory commitment to develop and maintain), a capability for classifying fuel damage events at the Alert level threshold (typically this is 300 $\mu\text{Ci/ml}$ dose equivalent iodine). This capability may utilize the normal sampling system and/or correlations of radiation readings to radioisotope concentrations in the reactor coolant.

The licensee has committed to establish the capability for classifying fuel damage events at the Alert level threshold. This capability will be described in the Emergency Plan and associated implementing procedures. The licensee will implement this commitment with the implementation of the license amendment.

- 4.3 Each licensee should verify that it has, and make a regulatory commitment to maintain (or make a regulatory commitment to develop and maintain), an I-131 site survey detection capability, including an ability to assess radioactive iodines released to offsite environs, by using effluent monitoring systems or portable sampling equipment.

The licensee has established the capability to monitor radioactive iodines released to offsite environs. This capability is described in the Emergency Plan and associated implementing procedures. The licensee has implemented this commitment.

The NRC staff finds that reasonable controls for the implementation and for subsequent evaluation of proposed changes pertaining to the above regulatory commitments are provided by the licensee's administrative processes, including its commitment management program. Should the licensee choose to incorporate a regulatory commitment into the Emergency Plan, the OCNCS Updated Final Safety Analysis Report, or other document with established regulatory controls, the associated regulations would define the appropriate change-control and reporting requirements. The NRC staff has determined that the commitments do not warrant the creation of regulatory requirements, which would require prior NRC approval of subsequent changes. The NRC staff has agreed that NEI 99-04, Revision 0, "Guidelines for Managing NRC Commitment Changes," provides reasonable guidance for the control of regulatory commitments made to the NRC staff (see Regulatory Issue Summary 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000 [ADAMS Accession Number ML003741774]). The commitments should be controlled in accordance with the industry guidance or comparable criteria employed by a specific licensee. The NRC staff may choose to verify the implementation and maintenance of these commitments in a future inspection or audit.

5.0 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 provided a verbal comment, noting

the lack of a hydrogen monitor for the torus atmosphere. The NRC staff addressed this point in the evaluation Section 3.0 above.

6.0 ENVIRONMENTAL CONSIDERATION

This amendment changes a requirement with respect to installation or 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 (68 FR 2798). 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.

7.0 CONCLUSION

The NRC staff 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.

Principal Contributor: W. Reckley

Date: April 4, 2003