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10CFR 2.201

March 31, 2005

2130-05-20062

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555

Oyster Creek Generating Station
Facility Operating License No. DPR-16
NRC Docket No. 50-219

Subject: Reply to Notice of Violation EA-04-213

Reference: (1) FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING AND NOTICE OF VIOLATION (NRC Inspection Report 05000219/2004009) Oyster Creek Generating Station, dated March 1, 2005

By letter dated March 1, 2005, the NRC docketed a Final Significance Determination for a White Finding and Notice of Violation (NRC Inspection Report 05000219/2004009) for the Oyster Creek Generating Station. Attachment 1 to this cover letter provides the requisite reply to the Notice of Violation. Attachment 2 lists the regulatory commitments made in this reply.

If any further information or assistance is needed, please contact David Fawcett at 609-971-4284.

Sincerely,

C. N. Swenson
Vice President, Oyster Creek Generating Station

CNS/DIF
Attachment 1 – Reply to the Notice of Violation
Attachment 2 – List of Regulatory Commitments

cc: S. J. Collins, Administrator, USNRC Region I
P. S. Tam, USNRC Senior Project Manager, Oyster Creek
R. J. Summers, USNRC Senior Resident Inspector, Oyster Creek
File No. 05012

IE01

ATTACHMENT 1

AmerGen Energy Company, LLC
Oyster Creek Generating Station

Docket No. 50-219
License No. DPR-16

Restatement of Violation EA-04-213

During an NRC inspection conducted between August 23 - November 29, 2004, for which exit meetings were held on August 26 and November 29, 2004, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

A. 10 CFR 50.54(q) requires a licensee authorized to possess and operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards in 10 CFR 50.47(b).

10 CFR 50.47(b)(4) requires the facility licensee to have a standard emergency classification and action level scheme in use, and state and local response plans call for reliance on information provided by facility licensees for determinations of minimum initial offsite response measures.

Contrary to the above, for the period between July 23- 31, 2004, the licensee had a degraded emergency classification and action level scheme in use because the Fission Product Barrier Matrix Emergency Action Level contained an incorrect threshold value, which could have delayed a General Emergency declaration and subsequent minimum initial offsite response actions directed by state and local response plans. Specifically, a threshold value (reactor water level) used to make a General Emergency declaration (in conjunction with other factors), was incorrectly listed as "less than minus 30" top of active fuel" when it should have been "less than minus 20" top of active fuel."

B. Technical Specification 6.8.1 requires written procedures covering the applicable procedures in Appendix "A" of Regulatory Guide 1.33, as referenced in the Quality Assurance Topical Report (QATR). Chapter 6 of the Exelon Quality Assurance Topical Report, NO-AA-10, Revision 72, dated March 8, 2004, describes that the Company has in place programmatic controls, which ensure that procedures are technically correct before use and that procedures are reviewed and revised as needed, when pertinent source material is changed, when the plant design is changed, or when deficiencies are identified and corrected.

Procedure CC-AA-102, "Design Input and Configuration Change Impact Screening," requires responsible departments to identify the procedures within their scope of responsibility that are affected by the configuration change and to create action requests to track the procedure changes, and requires the responsible engineer to determine the effect of the configuration change on the general station emergency response plans or scenarios.

Contrary to the above, on July 23, 2004, the licensee did not follow the configuration control process for implementing the necessary changes to station procedures when pertinent source material changed (reactor water level threshold value). As a result, necessary changes were not made to the Fission Product Barrier Matrix Emergency

Action Level, as well as to Emergency Operating Procedure flow chart 2000-EMG-3200.12, "Secondary Containment and Reactivity Release Control," Table 14, and to Emergency Plan Implementing Procedure, EP-OC-123-1006, "Radiological Assessment Computer Program Technical Basis."

These violations are associated with a WHITE significance determination process finding.

AmerGen Reply to Notice of Violation EA-04-213

AmerGen concurs with the violations as written.

Reason for the Violations

This finding involved untimely actions to change an Emergency Action Level (EAL), namely a Fission Product Barrier Matrix threshold value used for making a General Emergency (GE) declaration.

Program implementation and human performance deficiencies were contributing factors to this finding. More specifically, a configuration change process was not used to ensure that the Emergency Preparedness department was aware of a plant configuration change that would require a simultaneous change to an affected EAL related to the emergency declaration.

AmerGen used the procedure revision process rather than the configuration control process for implementing the necessary changes to station procedures when the Minimum Steam Cooling Reactor Water Level (MSCRWL) value was revised, resulting in the failure to make the necessary changes to the EALs, as well as to emergency operating procedures (EOP) flow chart procedure, 2000-EMG-3200.12, "Secondary Containment and Reactivity Release Control," Table 14, and to the Emergency Plan Implementing Procedure, EP-OC-123-1006, "Radiological Assessment Computer Program Technical Basis."

A root cause analysis was completed that determined the following:

- The first root cause was determined to be unfamiliarity with the Emergency Plan revision process and an assumption that the EAL change could be made later.

- The second root cause was determined to be that the EOP Program Engineer was focused on the EOP revision needed, and did not recognize the other impacts due to inexperience with the AmerGen configuration control process that he seldom used in his normal duties.

Corrective Steps that Have Been Taken and the Results Achieved

Following self identification of this issue, AmerGen took immediate corrective actions that included: (1) the reactor power was reduced in order to support the rod pattern change to satisfy the previous MSCRWL limit of minus 30" TAF; (2) a 10 CFR 50.54(q) review was conducted to ensure the change would not decrease the effectiveness of the plan; and (3) the EAL change was reviewed by the Plant Operations Review Committee (PORC) and approval was obtained from the State of New Jersey, Bureau of Nuclear Engineering prior to implementation.

The EAL revision to correct the value for MSCRWL was completed on 07/31/2004.

Corrective Steps that Were or Will Be Taken to Avoid Further Violations

CAPR 1. Add the topic of Emergency Plan revision process as an Engineering Support Program (ESP) recurring training subject through the curriculum review committee/ training advisory committee (CRC/TAC) process. Action – CAP O2004-1986-11. Completed 12/14/2004.

CAPR 2. Revise the administrative procedure for control of EOP documents (CC-AA-309, Control of Design Analysis) to include instructions to use the appropriate configuration control process to revise the plant specific technical guidelines (PSTG) Appendix C criteria. Action – CAP O2004-1986-12. Completed 12/02/2004.

CAPR 3. Fully implement and provide training on HU-AA-1212, Technical Task Risk/Rigor Assessment Procedure, with all OC Engineering department personnel. The pre-job briefing portion of this process will effectively prevent future events by ensuring that engineering personnel have a full and complete understanding of the requirements of the job. Action – CAP O2004-1986-13. Completed 12/06/2004.

Date When Full Compliance Will Be Achieved

Full compliance was achieved on July 31, 2004 when the EALs were revised to the new value for MSCRWL.

ATTACHMENT 2

SUMMARY OF COMMITMENTS

The following table identifies commitments made in this document. (Any other actions discussed in the submittal represent intended or planned actions. They are described to the NRC for the NRC's information and are not regulatory commitments.)

COMMITMENT	COMMITTED DATE OR "OUTAGE"	COMMITMENT TYPE	
		ONE-TIME ACTION	PROGRAMMATIC
Add the topic of Emergency Plan revision process as an Engineering Support Program (ESP) recurring training subject through the curriculum review committee/ training advisory committee (CRC/TAC) process.	12/14/2004		YES
Revise the administrative procedure for control of EOP documents (CC-AA-309, Control of Design Analysis) to include instructions to use the appropriate configuration control process to revise the plant specific technical guidelines (PSTG) Appendix C criteria.	12/02/2004		YES
Fully implement and provide training on HU-AA-1212, Technical Task Risk/Rigor Assessment Procedure, with all OC Engineering department personnel. The pre-job briefing portion of this process will effectively prevent future events by ensuring that engineering personnel have a full and complete understanding of the requirements of the job.	12/06/2004		YES