

May 11, 2006

Mr. Christopher M. Crane
President and Chief Executive Officer
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4300 Winfield Road
Warrenville, IL 60555

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - REVISION OF
EMERGENCY PLAN EMERGENCY ACTION LEVELS HA5 AND HU5
(TAC NO. MC9692)

Dear Mr. Crane:

By letter dated January 24, 2006, as supplemented by letter dated April 18, 2006, AmerGen Energy Company, LLC submitted a license amendment request (LAR) for the Oyster Creek Nuclear Generating Station (Oyster Creek). The LAR requested to revise the Oyster Creek Emergency Plan Emergency Action Levels (EALs) HA5 and HU5 to correct the wording of the associated EAL threshold values for abnormal intake structure water levels.

The Nuclear Regulatory Commission staff has completed its review of the proposed Oyster Creek Emergency Plan EAL revision and has concluded that the proposed revision meets the standards set forth in Title 10 of the *Code of Federal Regulations*, Part 50.47(b), and is, therefore, acceptable. Details of the review can be found in the enclosed Safety Evaluation.

Sincerely,

/RA/

G. Edward Miller, Project Manager
Plant Licensing Branch 1-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-219

cc: See next page

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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO A PROPOSED REVISION TO THE EMERGENCY ACTION LEVELS

OYSTER CREEK NUCLEAR GENERATING STATION

AMERGEN ENERGY COMPANY, LLC

DOCKET NO. 50-219

1.0 INTRODUCTION

By application letter dated January 24, 2006 (Reference 1), as supplemented by letter dated April 18, 2006 (Reference 2), AmerGen Energy Company, LLC (AmerGen or the licensee) requested changes to the Emergency Action Levels (EALs) for the Oyster Creek Nuclear Generating Station (Oyster Creek).

The proposed changes would revise the following EALs:

- HU5.6 - To change the EAL threshold value logic by requiring both indicators (PI-533-1172 and PI-533-1173) to indicate an abnormal intake structure level instead of only needing one indicator.
- HA5.5 - To change the EAL threshold value logic by requiring both indicators (PI-533-1172 and PI-533-1173) to indicate an abnormal intake structure level instead of only needing one indicator.

2.0 REGULATORY EVALUATION

The Nuclear Regulatory Commission (NRC) staff reviewed the proposed revision against the following regulations and guidance:

2.1 Regulations

Paragraph (a)(1) to Section 50.47, "Emergency Plans", of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50 states that no operating license for a nuclear power reactor will be issued unless a finding is made by the NRC that the state of onsite and offsite emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. Section 50.47 of 10 CFR also establishes standards that must be met by the onsite and offsite emergency response plans for the NRC staff to make a positive finding that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. One of these standards, 10 CFR 50.47(b)(4), stipulates that emergency plans include a standard emergency classification and action level scheme.

Section IV.B to Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," of 10 CFR Part 50 provides that emergency plans are to include EALs, which are to be used as criteria for determining the need for notification and participation of local and State agencies and which are to be used for determining when and what type of protective measures should be considered both onsite and offsite to protect health and safety. EALs are to be based on in-plant conditions and instrumentation, and also on onsite and offsite monitoring. Section IV.B of Appendix E provides that initial EALs shall be discussed and agreed on by the applicant and State and local authorities and be approved by the NRC, and reviewed annually thereafter with State and local authorities. In addition, Section IV.B of Appendix E states that an EAL revision must be approved by the NRC before implementation if it involves: (1) the changing from an EAL scheme based on NUREG-0654/FEMA-REP-1 to a scheme based on NUMARC/NESP-007 or Nuclear Energy Institute (NEI) 99-01; (2) the licensee is proposing an alternate method for complying with the regulations; or (3) the EAL revision has been evaluated by the licensee as constituting a decrease in effectiveness.

2.2 Guidance

Revision 4 to Regulatory Guide (RG) 1.101, issued in July 2003, endorses the guidance contained in NEI 99-01, "Methodology for Development of Emergency Action Levels," Revision 4, January 2003 (Reference 4), as acceptable to the NRC staff as an alternative method to that described in the following guidance for developing EALs required in Section IV of Appendix E to 10 CFR Part 50 and 10 CFR 50.47(b)(4):

- Appendix 1 to NUREG-0654/FEMA-REP-1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants" (November 1980), and
- Nuclear Management and Resources Council (NUMARC) document, entitled NESP-007, "Methodology for Development of Emergency Action Levels" (Revision 2, January 1992) (Reference 3).

Regulatory Issue Summary (RIS) 2003-18, "Use of NEI 99-01, Methodology for Development of Emergency Action Levels," dated October 8, 2003 (as well as Supplements 1 and 2, dated July 13, 2004, and December 12, 2005, respectively), provides guidance for developing or changing a standard emergency classification and action level scheme. In addition, this RIS provided recommendations to assist licensees, consistent with Section IV.B to Appendix E of 10 CFR Part 50, in determining whether to seek prior NRC approval of deviations from the guidance.

3.0 TECHNICAL EVALUATION

Since the proposed revisions to the Oyster Creek EALs were evaluated by AmerGen to be a potential decrease in effectiveness, the proposed changes were submitted to the NRC for approval prior to implementation by the licensee, as required under Section IV.B to Appendix E of 10 CFR Part 50 and 10 CFR 50.54(q).

Oyster Creek utilizes an EAL scheme based upon NUMARC NESP-007.

EALs HU5.6 and HA5.5 are based upon indications of abnormal intake structure water level. The instruments used for this level indication are PI-33-1172 and PI-33-1173. A loss of only one instrument, or train, is not indicative of a degradation of actual canal water level, which was identified during the August 6, 2005, sea-grass intrusion event at Oyster Creek. Additionally, Oyster Creek Abnormal Station Procedure, ABN-32 "Abnormal Intake Level", directs operators to monitor the intake water level using both pressure indicators. Plant response to the loss of only one instrument, or train, is in the Oyster Creek Technical Specifications and is not necessarily indicative of degradation in plant safety necessitating an EAL declaration.

During the review, the NRC Staff asked that AmerGen include more information in the EAL Basis Document for EALs HU5.6 and HA5.5 to ensure that decision-makers are fully aware of the rationale for why both pressure indicators should be used for EAL determination and declaration. By letter dated April 18, 2006 (Reference 2), AmerGen provided revised bases pages including this information. The NRC staff reviewed the proposed bases pages revisions and determined that they adequately documented the rationale for using both pressure indicators for EAL determinations.

4.0 CONCLUSION

The NRC staff performed a review of the proposed changes to the Oyster Creek EALs described in their letter dated January 24, 2006 (Reference 1), as supplemented by letter dated April 18, 2006 (Reference 2), and determined them to be consistent with the guidance of NESP-007 Revision 2. As such, the proposed Oyster Creek EAL changes will continue to meet the requirements of 10 CFR 50.47(b) and Section IV.B of Appendix E to 10 CFR Part 50 and are, therefore, acceptable.

5.0 REFERENCES

1. Letter number 2130-06-20172 from AmerGen Energy Company, LLC, to the NRC dated January 24, 2006, "Revision to Emergency Plan Emergency Action Levels HA5 and HU5", Agencywide Documents Access and Management System (ADAMS) Accession No. ML060310241.
2. Letter number 2130-06-20314 from AmerGen Energy Company, LLC, to the NRC dated April 18, 2006, "Response to Requests for Additional Information - Revision to Emergency Plan Emergency Action Levels HA5 and HU5", ADAMS Accession No. ML061210317.
3. Nuclear Management and Resources Council (NUMARC) document, entitled NESP-007, "Methodology for Development of Emergency Action Levels," Revision 2, January 1992, ADAMS Accession No. ML041120174.
4. "Emergency Planning and Preparedness for Nuclear Power Reactors", Regulatory Guide 1.101, Revision 4, ADAMS Accession No. ML032020276.