

10 CFR 50.90

2130-06-20404
November 27, 2006

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

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

SUBJECT: Technical Specification Change Request No. 341 – Revision to Required
Submittal Date for Annual Radioactive Effluent Release Report

Pursuant to 10 CFR 50.90, "Application for amendment of license or construction permit," AmerGen Energy Company, LLC (AmerGen), hereby requests the following amendment to the Technical Specifications (TS), Appendix A of Operating License No. DPR-16 for Oyster Creek Nuclear Generating Station (OCNGS).

The proposed change will revise the required submittal date for the Annual Radioactive Effluent Release Report, as identified in specification 6.9.1.d, from "within 60 days after January 1, each year", to "prior to May 1 of each year." This change is requested to allow adequate time to obtain the necessary data from vendors and process the report. The proposed change is consistent with the intent of the current TS reporting requirements and with the improved standard TS presented in the NRC document titled: "Standard Technical Specifications – General Electric Plants, BWR/4," NUREG-1433, Revision 3.

AmerGen requests approval of the proposed amendment by November 30, 2007. Once approved, the amendment shall be implemented within 60 days of issuance.

The proposed change has been reviewed by the OCNGS Plant Operations Review Committee, and approved by the Nuclear Safety Review Board in accordance with Section 6.5 of the Oyster Creek Technical Specifications.

AmerGen has concluded that the proposed change presents no significant hazards consideration under the standards set forth in 10 CFR 50.92.

No new regulatory commitments are established by this submittal.

Pursuant to 10 CFR 50.91(b)(1), "Notice for public comment; State consultation," paragraph (b), AmerGen is notifying the State of New Jersey of this application for changes to the TS by transmitting a copy of this letter and its attachments to the designated State Official.

If you have any questions or require additional information, please contact Dave Robillard at (610) 765-5952.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 27th day of November, 2006.

Respectfully,

Pamela Brown

Pamela B. Cowan
Director - Licensing & Regulatory Affairs
AmerGen Energy Company, LLC

- Attachments:**
1. Oyster Creek Technical Specification Change Request No. 341, Evaluation of Proposed Change
 2. Oyster Creek Technical Specification Change Request No. 341, Proposed Technical Specification Changes (Mark-up)

cc: S. J. Collins, Administrator, Region I, USNRC
M. S. Ferdas, USNRC Senior Resident Inspector, Oyster Creek
G. E. Miller, USNRC Project Manager, Oyster Creek
P. Baldauf, Assistant Director, New Jersey Bureau of Nuclear Engineering
File No. 06043

Attachment 1

Oyster Creek Technical Specification Change Request No. 341

Evaluation of Proposed Change

1.0 INTRODUCTION

The proposed change to Facility Operating License No. DPR-16 for Oyster Creek Nuclear Generating Station would modify Technical Specification (TS) 6.9.1.d, Annual Radioactive Effluent Release Report, to revise the requirement to submit the report within 60 days of January 1 of each year. The submittal date requirement will be revised to submit the report prior to May 1 of each year. The NRC approved a similar amendment for Nine Mile Point Unit 1 on September 11, 2002.

2.0 DESCRIPTION OF PROPOSED CHANGE

TS 6.9.1.d, page 6-14, currently states:

"The Annual Radioactive Effluent Release Report covering the operations of the unit during the previous 12 months of operation shall be submitted within 60 days after January 1, each year.

The Report shall include a summary of the quantities of radioactive liquid and gaseous effluent and solid waste released from the unit. The material provided shall be: (1) consistent with the objectives outlined in the ODCM and (2) PCP; and (2) in conformance with 10 CFR 50.36(a) and Section IV.B.1 Appendix I to 10 CFR Part 50. "

The proposed change would revise TS 6.9.1.d to read: "The Radioactive Effluent Release Report covering the operation of the unit during the previous year shall be submitted prior to May 1 of each year in accordance with 10 CFR 50.36a. The report shall include a summary of the quantities of radioactive liquid and gaseous effluent and solid waste released from the unit. The material provided shall be consistent with the objectives outlined in the ODCM and Process Control Program and in conformance with 10 CFR 50.36a and 10 CFR Part 50, Appendix I, Section IV.B.1."

3.0 BACKGROUND

The Radioactive Effluent Release Report, required by 10 CFR 50.36(a)(2), provides a summary of the quantities of radioactive liquid and gaseous effluents and solid wastes released from the unit in the previous 12 months. The current TS 6.9.1.d requires that this report be submitted within 60 days after January 1 of each year. The proposed change is requested because the data used to develop the report is provided by contracted entities and is frequently not received by AmerGen in sufficient time to permit report development on an unexpedited basis.

The NRC approved an amendment to the Nine Mile Point Unit 1 TS on September 11, 2002, which removed the submittal date requirement from the TS and relocated the requirement to the ODCM. The proposed change is consistent with the NRC Safety Evaluation Report that supported the approval of that amendment. Additionally, the proposed change is consistent with the improved standard TS presented in the NRC document titled: "Standard Technical Specifications – General Electric Plants, BWR/4," NUREG-1433, Revision 3.

4.0 REGULATORY REQUIREMENTS & GUIDANCE

Title 10 of the Code of Federal Regulations (10 CFR) Section 50.36, "Technical Specifications," specifies the categories of items to be included in the plant TS. These include safety limits, limiting safety system settings, limiting control settings, limiting conditions for operation, surveillance requirements, design features and administrative controls. 10 CFR 50.36(a)(2) requires that each licensee submit a report to the Commission annually that specifies the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents during the previous 12 months. 10 CFR 50.36(a)(2) also requires that the time between submission of the reports must be no longer than 12 months.

5.0 TECHNICAL ANALYSIS

The Radioactive Effluent Release Report, required by 10CFR50.36(a)(2), provides a summary of the quantities of radioactive liquid and gaseous effluents and solid wastes released from the unit in the previous 12 months. The current TS 6.9.1.d requires that this report be submitted within 60 days after January 1 of each year. The proposed change would delete the requirement to submit the report within 60 days of January 1 of each year. The submittal date requirement would be revised to submit the report prior to May 1 of each year.

Preparation of the Report requires collecting, analyzing and collating data from several sources. The sources include data from the Oyster Creek laboratory, data from outside laboratories specializing in chemical separation techniques as well as radiochemistry for pure beta-emitting radionuclides, and weather data from a meteorology vendor. These data are then assembled into a package requiring a review by numerous levels of plant management up to and including the Site Vice President.

The most time consuming step in this process is the radiochemical separation process and the analysis for pure beta emitters. The samples for filters collected during the previous December are not sent to the vendor for analysis until, at earliest, the second week of January. The subsequent analysis process takes several weeks.

Furthermore, the weather data requires collection and analysis by a meteorology vendor and this process takes several weeks. The meteorology data are necessary to complete the required dose estimates. Accurate dose calculations and dose estimates are dependent upon factors such as wind direction, wind speed and atmospheric stability.

6.0 REGULATORY ANALYSIS

The proposed change does not affect the assumptions or conclusions contained in the plant safety analyses. The proposed change does not involve any physical changes to the plant design, nor does it impact any accident initiators.

In conclusion, based on the considerations discussed above, (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.

7.0 NO SIGNIFICANT HAZARDS CONSIDERATION

AmerGen Energy Company, LLC, (AmerGen) has evaluated whether or not a significant hazards consideration is involved with the proposed amendment by focusing on the three standards set forth in 10 CFR 50.92, "Issuance of amendment," as discussed below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change involves a revision to the required submittal date for the Radioactive Effluent Release Report, and is administrative in nature. The change will not alter the physical design or operation of any plant structure, system, or component.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change is administrative in nature. The proposed change has no impact on the design, function or operation of any plant structure, system or component and does not affect any accident analyses. Accordingly, the change does not introduce any new accident initiators, nor does it reduce or adversely affect the capabilities of any plant structure, system, or component to perform their safety function.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change is administrative in nature, does not negate any existing requirement, and does not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analysis. As such, there is no change being made to safety analysis assumptions, safety limits or safety system settings that would adversely affect plant safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, AmerGen concludes that the proposed amendment presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and accordingly, a finding of "no significant hazards consideration" is justified.

8.0 ENVIRONMENTAL CONSIDERATION

The proposed amendment does not involve (i) a significant hazards consideration, (ii) a significant change in the types or significant increase in the amounts of any effluents that may be released offsite, or (iii) a significant increase in individual or cumulative occupational radiation exposure. Accordingly, the proposed amendment meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement, or environmental assessment need be prepared in connection with the proposed amendment.

9.0 PRECEDENT

The NRC approved amendment No. 176 to the Nine Mile Point Unit 1 TS on September 11, 2002, which removed the submittal date requirement from the TS and relocated the requirement to the ODCM. (Accession No. ML0224803010)

10.0 REFERENCES

1. NUREG-1433, Revision 3, "Standard Technical Specifications- General Electric Plants, BWR/4," June 2004.

Attachment 2

Oyster Creek Technical Specification Change Request No. 341

Proposed Technical Specification Changes (Mark-up)

PAGES

6-14

The Radioactive Effluent Release Report covering the operation of the unit during the previous year shall be submitted prior to May 1 of each year in accordance with 10 CFR 50.36a. The report shall include a summary of the quantities of radioactive liquid and gaseous effluent and solid waste released from the unit. The material provided shall be consistent with the objectives outlined in the ODCM and Process Control Program and in conformance with 10 CFR 50.36a and 10 CFR Part 50, Appendix I, Section IV.B.1.

d. ~~Annual~~ Radioactive Effluent Release Report

The Annual Radioactive Effluent Release Report covering the operations of the unit during the previous 12 months of operation shall be submitted within 60 days after January 1, each year.

The Report shall include a summary of the quantities of radioactive liquid and gaseous effluent and solid waste released from the unit. The material provided shall be:
(1) consistent with the objectives outlined in the ODCM and
(2) PCP; and, (2) in conformance with 10 CFR 50.36(a) and Section IV.B.1 of Appendix I to 10 CFR Part 50.

e. Annual Radiological Environmental Operating Report

The Annual Radiological Environmental Operating Report covering the operation of the unit during the previous calendar year shall be submitted prior to May 1 of each year.

The Report shall include summaries, interpretations, and an analysis of trends of the results of the Radiological Environmental Monitoring Program for the reporting period. The material provided shall be consistent with the objectives outlined in: (1) the ODCM; and, (2) Sections IV.B.2, IV.B.3, and IV.C of Appendix I to 10 CFR Part 50.

f. CORE OPERATING LIMITS REPORT (COLR)

1. Core operating limits shall be established prior to each reload cycle, or prior to any remaining portion of a reload cycle for the following:
 - a. The AVERAGE PLANAR LINEAR HEAT GENERATION RATE (APLHGR) for Specification 3.10.A
 - b. The K_f core flow adjustment factor for Specification 3.10.C.
 - c. The MINIMUM CRITICAL POWER RATIO (MCFR) for Specification 3.10.C.
 - d. The LOCAL LINEAR HEAT GENERATION RATE (LLHGR) for Specification 3.10.B.
 - e. The Average Power Range Monitor (APRM) stability protection settings for Specifications 2.3.A.1 and 2.3.B.

and shall be documented in the COLR.