June 6, 2007

Mr. William Levis
Senior Vice President & Chief Nuclear Officer
PSEG Nuclear LLC - N09
Post Office Box 236
Hancocks Bridge, NJ 08038

SUBJECT: SALEM NUCLEAR GENERATING STATION, UNIT NOS. 1 AND 2, ISSUANCE OF AMENDMENTS RE: RELOCATION OF TECHNICAL SPECIFICATION REQUIREMENTS FOR THE MOVABLE INCORE DETECTORS AND RADIOACTIVE GASEOUS EFFLUENT OXYGEN MONITORING INSTRUMENTATION (TAC NOS. MD2505 AND MD2506)

Dear Mr. Levis:

The Commission has issued the enclosed Amendment Nos. 282 and 265 to Facility Operating License Nos. DPR-70 and DPR-75 for the Salem Nuclear Generating Station, Unit Nos. 1 and 2 (Salem). These amendments consist of changes to the Technical Specifications (TSs) in response to your application dated June 30, 2006.

The amendments relocate TS 3/4.3.3.2, “Movable Incore Detectors” and TS 3/4.3.3.9, “Radioactive Gaseous Effluent Oxygen Monitoring Instrumentation” to the Salem Updated Final Safety Analysis Report (UFSAR). The amendments also revise TS 3/4.11.2.5, “Explosive Gas Mixture” to reflect the relocation of TS 3.3-13 from the TSs to the UFSAR.

A copy of our safety evaluation is also enclosed. Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

/ra/

Richard B. Ennis, Senior Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-272 and 50-311

Enclosures:
1. Amendment No. 282 to License No. DPR-70
2. Amendment No. 265 to License No. DPR-75
3. Safety Evaluation

cc w/encls: See next page

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cc w/encls: See next page

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Amendment Accession No: ML071200393
Unit 1 TS Accession No.: ML071590180
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OFFICE	LPL1-2/PM	LPL1-1/LA	EICB/BC	ITSB/BC	SRXB/BC	OGC	LPL1-2/BC
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Salem Nuclear Generating Station, Unit Nos. 1 and 2

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Drawer 0509
Hancocks Bridge, NJ 08038

PSEG NUCLEAR, LLC

EXELON GENERATION COMPANY, LLC

DOCKET NO. 50-272

SALEM NUCLEAR GENERATING STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 282
License No. DPR-70

1. The Nuclear Regulatory Commission (the Commission) has found that:

   A. The application for amendment filed by PSEG Nuclear LLC, acting on behalf of itself and Exelon Generation Company, LLC (the licensees) dated June 30, 2006, 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 Title 10 of the *Code of Federal Regulations* (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 set forth in 10 CFR Chapter I;

   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-70 is hereby amended to read as follows:

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 282, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days. Implementation shall include the relocation of the requirements in TS 3/4.3.3.2, "Movable Incore Detectors" and TS 3/4.3.3.9, "Radioactive Gaseous Effluent Oxygen Monitoring Instrumentation" to the Salem UFSAR.

FOR THE NUCLEAR REGULATORY COMMISSION

/ra/

Harold K. Chernoff, Chief
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Facility Operating License
and the Technical Specifications

Date of Issuance: June 6, 2007

ATTACHMENT TO LICENSE AMENDMENT NO. 282

FACILITY OPERATING LICENSE NO. DPR-70

DOCKET NO. 50-272

Replace the following page of Facility Operating License No. DPR-70 with the attached revised page as indicated. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove	Insert
Page 4	Page 4

Replace the following pages of the 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	Insert
IV	IV
3/4 3-39	- - -
3/4 3-40 through 3/4 3-45	3/4 3-39 through 3/4 3-45
3/4 3-61	3/4 3-61
3/4 3-64	- - -
3/4 3-65	- - -
3/4 3-66	- - -
3/4 3-67	- - -
3/4 11-15	3/4 11-15

PSEG NUCLEAR, LLC

EXELON GENERATION COMPANY, LLC

DOCKET NO. 50-311

SALEM NUCLEAR GENERATING STATION, UNIT NO. 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 265
License No. DPR-75

1. The Nuclear Regulatory Commission (the Commission) has found that:

   A. The application for amendment filed by PSEG Nuclear LLC, acting on behalf of itself and Exelon Generation Company, LLC (the licensees) dated June 30, 2006, 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 Title 10 of the *Code of Federal Regulations* (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 set forth in 10 CFR Chapter I;

   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-75 is hereby amended to read as follows:

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 265, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days. Implementation shall include the relocation of the requirements in TS 3/4.3.3.2, "Movable Incore Detectors" and TS 3/4.3.3.9, "Radioactive Gaseous Effluent Oxygen Monitoring Instrumentation" to the Salem UFSAR.

FOR THE NUCLEAR REGULATORY COMMISSION

/ra/

Harold K. Chernoff, Chief
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Facility Operating License
and the Technical Specifications

Date of Issuance: June 6, 2007

ATTACHMENT TO LICENSE AMENDMENT NO. 265

FACILITY OPERATING LICENSE NO. DPR-75

DOCKET NO. 50-311

Replace the following page of Facility Operating License No. DPR-75 with the attached revised page as indicated. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove	Insert
Page 4	Page 4

Replace the following pages of the 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	Insert
IV	IV
3/4 3-41a	3/4 3-42
3/4 3-42	- - -
3/4 3-56	3/4 3-56
3/4 3-59	- - -
3/4 3-60	- - -
3/4 3-61	- - -
3/4 3-62	- - -
3/4 11-15	3/4 11-15

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NOS. 282 AND 265 TO FACILITY OPERATING

LICENSE NOS. DPR-70 AND DPR-75

PSEG NUCLEAR, LLC

EXELON GENERATION COMPANY, LLC

SALEM NUCLEAR GENERATING STATION, UNIT NOS. 1 AND 2

DOCKET NOS. 50-272 AND 50-311

1.0 INTRODUCTION

By letter dated June 30, 2006 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML061920587), PSEG Nuclear, LLC (the licensee) submitted a request for changes to the Salem Nuclear Generating Station, Unit Nos. 1 and 2 (Salem), Technical Specifications (TSs).

The proposed amendment would relocate TS 3/4.3.3.2, "Movable Incore Detectors" and TS 3/4.3.3.9, "Radioactive Gaseous Effluent Oxygen Monitoring Instrumentation" to the Salem Updated Final Safety Analysis Report (UFSAR). The amendment would also revise TS 3/4.11.2.5, "Explosive Gas Mixture" to reflect the relocation of TS 3.3-13 from the TSs to the UFSAR. In addition, the amendment would make other minor changes to reflect the relocations and makes minor format changes to improve consistency.

The licensee's application stated that the changes are proposed as line-item TS improvements consistent with the guidance in Nuclear Regulatory Commission (NRC or the Commission) Generic Letter (GL) 95-10, "Relocation of Selected Technical Specifications Requirements Related to Instrumentation."

2.0 REGULATORY EVALUATION

In Section 50.36 of Title 10 of the *Code of Federal Regulations* (10 CFR), the NRC established its regulatory requirements related to the content of TSs. Pursuant to 10 CFR 50.36, TSs are required to include items in the following five specific categories: (1) safety limits, limiting safety system settings, and limiting control settings; (2) limiting conditions for operation (LCOs); (3) surveillance requirements (SRs); (4) design features; and (5) administrative controls. The regulation does not specify the particular requirements to be included in a plant's TSs.

On July 22, 1993 (58 FR 39132), the Commission published a "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors" (Final Policy Statement) which discussed the criteria to determine which items are required to be included in the TSs as LCOs. The criteria were subsequently incorporated into the regulations by an amendment to 10 CFR 50.36 (60 FR 36953). Specifically, 10 CFR 50.36(c)(2)(ii) requires that a TS LCO be established for each item meeting one or more of the following criteria:

Criterion 1: Installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary.

Criterion 2: A process variable, design feature, or operating restriction that is an initial condition of a design-basis accident or transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier.

Criterion 3: A structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a design-basis accident or transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier.

Criterion 4: A structure, system, or component which operating experience or probabilistic risk assessment has shown to be significant to public health and safety.

In general, there are two classes of changes to TSs: (1) changes needed to reflect modifications to the design basis (TSs are derived from the design basis), and (2) changes to take advantage of the evolution in policy and guidance as to the required content and preferred format of TSs over time. In determining the acceptability of such changes, the NRC staff interprets the requirements of 10 CFR 50.36, using as a model the accumulation of generically approved guidance in the improved Standard Technical Specifications (STSs). For this review, the NRC staff used NUREG-1431, Revision 3, "Standard Technical Specifications, Westinghouse Plants."

Within this general framework, licensees may remove material from their TSs if the material is not required to be in the TSs based on the NRC staff's interpretation of 10 CFR 50.36, including judgments about the level of detail required in the TSs. As discussed in the Final Policy Statement, the NRC staff reviews, on a case-by-case basis, whether enforceable regulatory controls are needed for the relocated material (e.g., 10 CFR 50.59).

In GL 95-10, the NRC staff provided guidance regarding the relocation of selected TS requirements related to instrumentation as a result of applying the 10 CFR 50.36 criteria. As discussed in the GL, on reviewing typical TSs for nuclear power reactors, the NRC staff determined that, in accordance with the 10 CFR 50.36 criteria, several specifications did not warrant inclusion in the TSs. The NRC staff also concluded that the instrumentation addressed by these specifications are not related to dominant contributors to plant risk. The GL identified the following typical TSs as candidates for relocation to licensee-controlled documents.

1) Incore Detectors (Movable Incore Detectors, Traversing Incore Probe)
2) Seismic Monitoring Instrumentation
3) Meteorological Monitoring Instrumentation
4) Chlorine Detection System

5) Loose-Part Detection System
6) Explosive Gas Monitoring Instrumentation
7) Turbine Overspeed Protection

GL 95-10 indicated that licensees, that have not converted or are not in the process of converting to the improved STSs, may request a license amendment to relocate the above listed instrumentation requirements from their TSs. The guidance in Attachment 1 of the GL stated that: (1) the license amendment request should contain a commitment to relocate each selected requirement to a particular licensee-controlled document or program, (e.g., the UFSAR or the emergency plan); (2) the commitment should address the submittal of the revised documents to the NRC in accordance with the applicable regulation (e.g., 10 CFR 50.71(e)); and (3) the amendment request should clearly describe the program the licensee will use to control changes to relocated provisions (e.g., 10 CFR 50.59 or 50.54(q)).

3.0 TECHNICAL EVALUATION

3.1 Relocation of TS 3/4.3.3.2, “Movable Incore Detectors”

As discussed in Attachment 1 to GL 95-10:

> The relocation of requirements related to incore neutron detectors affects the TS sections entitled “Incore Detectors” or “Movable Incore Detectors,” for pressurized water reactors (PWRs), or "Traversing Incore Probe," for boiling water reactors (BWRs). Incore instrumentation is used periodically to calculate power peaking factors to verify nuclear design predictions, ensure operation within established fuel performance limits, and calibrate other nuclear instrumentation. The measurements are used in a confirmatory manner and do not provide direct input to reactor protection system or engineered safety features actuation system functions.
>
> These instruments are neither used for, nor capable of, detecting a significant abnormal degradation of the reactor coolant pressure boundary before a design basis accident, nor do they function as a primary success path to mitigate events which assume a failure of or a challenge to the integrity of fission product barriers. Although the core power distributions (measured by the incore detectors) constitute an important initial condition to design basis accidents and therefore need to be addressed by TSs, the detectors themselves are not an active design feature needed to preclude analyzed accidents or transients. The staff has determined, therefore, that the incore detector requirements do not meet the criteria of 10 CFR 50.36 for inclusion in TSs. Licensees may propose to relocate the incore detector requirements to the UFSAR and control changes to those provisions in accordance with 10 CFR 50.59.
>
> Relocation of the incore detector requirements from the TS to the UFSAR does not imply any reduction in their importance in confirming that core power distributions are bounded by safety analysis limits. It is expected that licensees will continue to maximize the number of available incore detectors. Evaluations related to changes in incore detector requirements are expected to consider such factors as the need to identify the inadvertent loading of a fuel assembly into an improper location, the calibration of protection systems using incore measurements, and the allowances for measurement and nuclear design uncertainties. Should these or other considerations lead to the

> identification of a proposed change as an unreviewed safety question, the licensee should request NRC review and approval in accordance with 10 CFR 50.59(c).

In its application dated June 30, 2006, the licensee stated that the movable incore detectors are used for periodic surveillance of the power distribution, and calibration of the excore detectors, but are not assumed in any design-basis accident analysis and are not used to mitigate an accident. The application also stated that the movable incore detectors are not used at Salem to meet any requirements except those stated in GL 95-10. Based on the considerations in Attachment 1 to GL 95-10 discussed above, and the licensee's confirmation that the Salem movable incore detectors are not used to meet any requirements except those stated in GL 95-10, the NRC staff finds that the Salem movable incore detector requirements do not meet the criteria of 10 CFR 50.36 for inclusion in TSs.

In its application dated June 30, 2006, the licensee indicated that, based on the guidance in GL 95-10, PSEG would: (1) relocate the movable incore detectors requirements to the Salem UFSAR; (2) submit revisions to the Salem UFSAR in accordance with the requirements of 10 CFR 50.71(e); and (3) control changes to the relocated provisions in accordance with 10 CFR 50.59. The NRC staff finds that the licensee commitment is consistent with the guidance in Attachment 1 to GL 95-10. Control of the relocated provisions, in accordance with 10 CFR 50.71(e) and 10 CFR 50.59, provides assurance that NRC review and approval will be requested for changes exceeding the stated regulatory threshold (e.g., an unreviewed safety question).

Since the proposed relocation is consistent with the criteria in 10 CFR 50.36 and the guidance in GL 95-10, the NRC concludes that the proposed relocation of TS 3/4.3.3.2 is acceptable.

3.2 Relocation of TS 3/4.3.3.9, "Radioactive Gaseous Effluent Oxygen Monitoring Instrumentation"

As discussed in Attachment 1 to GL 95-10:

> The relocation of most of the instrumentation related to radioactive gaseous effluent monitoring was addressed in Generic Letter 89-01, "Implementation of Programmatic Controls for Radiological Effluent Technical Specifications [RETS] in the Administrative Controls Section of the Technical Specifications and the Relocation of Procedural Details of RETS to the Offsite Dose Calculation Manual or the Process Control Program." Relocation of the requirements for explosive gas monitoring instrumentation was not addressed in the guidance provided by Generic Letter 89-01. Staff positions regarding the monitoring of explosive gases within the radioactive waste management systems are outlined in SRP [Standard Review Plan] Section 11.3 and Branch Technical Position ETSB-11-5, "Postulated Radioactive Releases Due to a Waste Gas System Leak or Failure."
>
> The actions required by existing TSs typically require alternate sampling, limited operation of the gaseous waste system, and submittal of a special report if the explosive gas monitoring instrumentation does not conform to the limiting condition for operation. The explosive gas monitoring instrumentation requirements address detection of possible precursors to the failure of a waste gas system but do not prevent or mitigate design basis accidents or transients which assume a failure of or present a challenge to

> a fission product barrier. Acceptable concentrations of explosive gases are actually controlled by other limiting conditions for operation (e.g., Gaseous Effluents, Explosive Gas Mixture) or by programs described in the "Administrative Controls" section of TSs. The requirements related to explosive gas monitoring instrumentation do not conform to the 10 CFR 50.36 criteria for inclusion in the TSs. Therefore, licensees may propose to relocate the explosive gas monitoring instrumentation requirements to the UFSAR and control changes to those provisions in accordance with 10 CFR 50.59.

In its application dated June 30, 2006, the licensee stated that the radioactive gaseous effluent oxygen monitoring instrumentation is provided to monitor the concentrations of potentially explosive gas mixtures in the waste gas holdup system. The application also stated that the radioactive gaseous effluent oxygen monitoring instrumentation requirements address detection of possible precursors to failure of the waste gas system, but do not prevent or mitigate design-basis accidents or transients which assume a failure of, or present challenge to, a fission product barrier. Acceptable concentrations of explosive gases are actually controlled by the requirements in another LCO, TS 3.11.2.5. The licensee further stated in its application that the radioactive gaseous effluent oxygen monitoring instrumentation is not used at Salem to meet any requirements except those stated in GL 95-10. Based on the considerations in Attachment 1 to GL 95-10 discussed above, and the licensee's confirmation that the Salem radioactive gaseous effluent oxygen monitoring instrumentation is not used to meet any requirements except those stated in GL 95-10, the NRC staff finds that the Salem radioactive gaseous effluent oxygen monitoring instrumentation requirements do not meet the criteria of 10 CFR 50.36 for inclusion in TSs.

In its application dated June 30, 2006, the licensee indicated that, based on the guidance in GL 95-10, PSEG would: (1) relocate the radioactive gaseous effluent oxygen monitoring instrumentation requirements to the Salem UFSAR; (2) submit revisions to the Salem UFSAR in accordance with the requirements of 10 CFR 50.71(e); and (3) control changes to the relocated provisions in accordance with 10 CFR 50.59. The NRC staff finds that the licensee commitment is consistent with the guidance in Attachment 1 to GL 95-10. Control of the relocated provisions, in accordance with 10 CFR 50.71(e) and 10 CFR 50.59, provides assurance that NRC review and approval will be requested for changes exceeding the stated regulatory threshold (e.g., an unreviewed safety question).

Since the proposed relocation is consistent with the criteria in 10 CFR 50.36 and the guidance in GL 95-10, the NRC concludes that the proposed relocation of TS 3/4.3.3.9 is acceptable.

3.3 Revision to TS 3/4.11.2.5, "Explosive Gas Mixture"

Currently, SR 4.11.2.5 reads as follows:

> The concentration of oxygen in the waste gas holdup system shall be determined to be within the above limits by continuously monitoring the waste gases in the waste gas holdup system with the oxygen monitor required OPERABLE by Table 3.3-13. If hydrogen is not measured, the concentration of hydrogen shall be assumed to exceed 4% by volume.

The SR references TS Table 3.3-13, which specifies that at least one oxygen monitoring channel must be operable. Table 3.3-13 also requires that if no oxygen monitoring channels

are operable, “operation of the waste gas holdup system may continue provided grab samples are collected at least once per 24 hours and analyzed within the following 4 hours.”

Since TS Table 3.3-13 is part of TS 3/4.3.3.9 which is proposed for relocation to the UFSAR (as discussed in Safety Evaluation (SE) Section 3.2), the licensee has proposed to revise SR 4.11.2.5 to read as follows:

> The concentration of oxygen in the waste gas holdup system shall be determined to be within the above limits by continuously** monitoring the waste gases in the waste gas holdup system with the oxygen monitor. If hydrogen is not measured, the concentration of hydrogen shall be assumed to exceed 4% by volume.
>
> ** Note: If the oxygen monitoring instrumentation is inoperable, operation of the waste gas holdup system may continue, provided grab samples are collected at least once per 24 hours and analyzed within the following 4 hours.

The NRC staff finds the proposed revision to SR 4.11.2.5 provides required actions for inoperable oxygen monitoring instrumentation equivalent to those currently provided in TS Table 3.3-13. Therefore, the proposed change is acceptable.

3.4 Technical Evaluation Conclusion

Based on the discussion in SE Sections 3.1 through 3.3, the NRC staff concludes that the proposed amendment is acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New Jersey State official was notified of the proposed issuance of the amendments. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendments change a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20 and changes surveillance requirements. The NRC staff has determined that the amendments involve 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 amendments involve no significant hazards consideration, and there has been no public comment on such finding (71 FR 65143). Accordingly, the amendments meet 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 amendments.

6.0 CONCLUSION

The Commission 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 amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributors: S. Mazumdar
R. Ennis

Date: June 6, 2007