

August 8, 2007

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

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - ISSUANCE OF
AMENDMENT RE: REQUEST TO REVISE ANNUAL RADIOACTIVE
EFFLUENT RELEASE REPORT SUBMITTAL DATE (TAC NO. MD4603)

Dear Mr. Crane:

The Commission has issued the enclosed Amendment No. 264 to Facility Operating License No. DPR-16 for the Oyster Creek Nuclear Generating Station (Oyster Creek). The amendment consists of changes to the Technical Specifications in response to your application dated November 27, 2006.

The amendment revises the submittal date for the Annual Radioactive Effluent Release Report. Specifically, the required submittal date is revised from "within 60 days after January 1, each year," to "prior to May 1 of each year."

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/

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

Docket No. 50-219

Enclosures:

1. Amendment No. 264 to DPR-16
2. Safety Evaluation

cc w/encls: See next page

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Package Accession Number: **ML071650449**
Amendment Accession Number: **ML071650437**
TS(s) Accession Number: **ML07**

OFFICE	LPLI-2/PM	LPLI-2/LA	DIRS/IHPB/BC(A)	DIRS/ITSB/BC	OGC	LPLI-2/BC
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AMERGEN ENERGY COMPANY, LLC

DOCKET NO. 50-219

OYSTER CREEK NUCLEAR GENERATING STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 264
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, 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 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 Facility Operating 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.264, 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 its issuance and shall be implemented within 60 days of the date of issuance.

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 Technical Specifications

Date of Issuance: August 8, 2007

ATTACHMENT TO LICENSE AMENDMENT NO.264

FACILITY OPERATING LICENSE NO. DPR-16

DOCKET NO. 50-219

Replace page 3 of Facility Operating License No. DPR-16 with the attached revised page 3. The revised page is identified by amendment number and contains a marginal line indicating the area of change.

Replace the following page of the Technical Specifications with the attached page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove
6-14

Insert
6-14

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO.264

TO FACILITY OPERATING LICENSE NO. DPR-16

AMERGEN ENERGY COMPANY, LCC

OYSTER CREEK NUCLEAR GENERATING STATION

DOCKET NO. 50-219

1.0 INTRODUCTION

By application dated November 27, 2006 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML063320196), AmerGen Energy Company, LLC (AmerGen or the licensee) requested changes to the Technical Specifications (TSs) for the Oyster Creek Nuclear Generating Station (Oyster Creek). The Nuclear Regulatory Commission (NRC) staff's original proposed no significant hazards consideration determination was published in the *Federal Register* on May 8, 2007 (72 FR 26174).

The proposed amendment would revise the submittal date for the Annual Radioactive Effluent Release Report. Specifically, the required submittal date is revised from "within 60 days after January 1, each year," to "prior to May 1 of each year."

2.0 REGULATORY EVALUATION

Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Section 50.36a(a)(2) states:

Each licensee shall 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, including any other information as may be required by the Commission to estimate maximum potential and annual radiation doses to the public resulting from effluent releases. The report must be submitted as specified in § 50.4, and the time between submission of the reports must be no longer than 12 months. If quantities of radioactive materials released during the reporting period are significantly above design objectives, the report must cover this specifically. On the basis of these reports and any additional information the Commission may obtain from the licensee or others, the Commission may require the licensee to take action as the Commission deems appropriate.

3.0 TECHNICAL EVALUATION

3.1 Description of Proposed Change

The proposed change would revise TS 6.9.1.d, "Annual Radioactive Effluent Release Report," from:

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 [Offsite Dose Calculation Manual] and (2) PCP [Process Control Program]; and (3) in conformance with 10 CFR 50.36(a) and Section IV.B.1 Appendix I to 10 CFR Part 50.

to:

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.

3.2 Evaluation of Proposed Changes

The proposed wording for TS 6.9.1.d would continue to require the same content as the existing wording such that the material provided is consistent with the ODCM, PCP, and applicable regulations. The NRC staff finds that the time-frame proposed by the licensee would continue to keep the Commission informed, consistent with the intent of 10 CFR 50.36a(a)(2) while allowing the licensee sufficient time to prepare the report. Given that the information to be submitted will remain the same and the revised reporting date is appropriate, the proposed TS 6.9.1.d will continue to meet the requirements of 10 CFR 50.36a(a)(2). The NRC staff, therefore, finds the proposed change to be acceptable.

The NRC staff notes that the requested TS change will create a unreported period during the first iteration of the new reporting date (i.e., between 60 days after January 1 and May 1 of the year following implementation). In the absence of an exemption from the requirement of 10 CFR 50.36a(a)(2) that the time between submission of reports be no longer than 12 months, AmerGen will need to submit an additional report covering the previous 12 months such that the requirements of 10 CFR 50.36a(a)(2) will continue to be met.

4.0 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 had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment relates to changes in recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). 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.

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

Principal Contributor: G. E. Miller

Date: August 8, 2007

Oyster Creek Nuclear Generating Station

Site Vice President - Oyster Creek
Nuclear Generating Station
AmerGen Energy Company, LLC
P.O. Box 388
Forked River, NJ 08731

Senior Vice President of
Operations
AmerGen Energy Company, LLC
200 Exelon Way, KSA 3-N
Kennett Square, PA 19348

Kathryn M. Sutton, Esquire
Morgan, Lewis, & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Kent Tosch, Chief
New Jersey Department of
Environmental Protection
Bureau of Nuclear Engineering
CN 415
Trenton, NJ 08625

Vice President - Licensing and
Regulatory Affairs
AmerGen Energy Company, LLC
4300 Winfield Road
Warrenville, IL 60555

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 and Regulatory Affairs
AmerGen Energy Company, LLC
Correspondence Control
P.O. Box 160
Kennett Square, PA 19348

Manager Licensing - Oyster Creek
Exelon Generation Company, LLC
Correspondence Control
P.O. Box 160
Kennett Square, PA 19348

Regulatory Assurance Manager
Oyster Creek
AmerGen Energy Company, LLC
P.O. Box 388
Forked River, NJ 08731

Assistant General Counsel
AmerGen Energy Company, LLC
200 Exelon Way
Kennett Square, PA 19348

Ron Bellamy, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406-1415

Correspondence Control Desk
AmerGen Energy Company, LLC
200 Exelon Way, KSA 1--1
Kennett Square, PA 19348

Oyster Creek Nuclear Generating Station
Plant Manager
AmerGen Energy Company, LLC
P.O. Box 388
Forked River, NJ 08731