

April 30, 2008

Mr. Charles G. Pardee
Chief Nuclear Officer
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200 Exelon Way
Kennett Square, PA 19348

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - ISSUANCE OF
AMENDMENT REGARDING THE INCORPORATION OF TSTF-448,
REVISION 3, "CONTROL ROOM HABITABILITY" (TAC NO. MD5281)

Dear Mr. Pardee:

The Nuclear Regulatory Commission (NRC) has issued the enclosed Amendment No. 265 to Facility Operating License No. DPR-16 for the Oyster Creek Nuclear Generating Station, in response to your application dated April 12, 2007, (Agencywide Documents Access Management System (ADAMS) Accession Number ML071090282), as supplemented by letter dated January 23, 2008 (ADAMS Accession Number ML080300058), for implementation of the Technical Specification Task Force Traveler (TSTF)-448, Revision 3, "Control Room Habitability."

The amendment establishes more effective and appropriate action, surveillance, and administrative requirements related to ensuring the habitability of the control room envelope in accordance with the NRC-approved TSTF Standard Technical Specification change traveler TSTF-448, Revision 3.

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. 265 to DPR-16
2. Safety Evaluation

cc w/encls: See next page

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ML081050545 *By memo dated 4/1/08

OFFICE	NRR/LPLI-2/PM	NRR/LPLI-2/PM	NRR/LPLI-2/LA	DSS/SCVB/BC	OGC	NRR/LPLI-2/BC
NAME	MThorpe-Kavanaugh	EMiller	ABaxter	RDennig*	MBaty	HChernoff (w/comments)
DATE	4/25/08 4/30/08	4/17/08	4/17/08 4/30/08	04/01/08	4/24/08	4/30/08

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Updated 3/5/08

AMERGEN ENERGY COMPANY, LLC

DOCKET NO. 50-219

OYSTER CREEK NUCLEAR GENERATING STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 265
License No. DPR-16

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by AmerGen Energy Company, LLC, et al., (the licensee), dated April 12, 2007, as supplemented on January 23, 2008, 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 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. 265, are hereby incorporated in the license. AmerGen Energy Company, LLC, shall operate the facility in accordance with the Technical Specifications.

3. Further, Facility Operating License No. DPR-16 will be amended to add the following license condition 2.C.(10), to read as follows:
 - (10) Upon implementation of Amendment No. 265 adopting TSTF-448, Revision 3, the assessment of CRE habitability as required by specification 6.22.c.(ii), and the measurement of CRE pressure as required by specification 6.22.d, shall be considered met. Following implementation:
 - (a) The first performance of the periodic assessment of CRE habitability, Specification 6.22.c.(ii), shall be within 3 years, plus the 9-month allowance of Specification 1.24.
 - (b) The first performance of the periodic measurement of CRE pressure, Specification 6.22.d, shall be within 24 months, plus the 180 days allowed by Specification 1.24, as measured from the date of the most recent successful pressure measurement test, or within 180 days if not previously performed.
4. This license amendment is effective as of the date of issuance and shall be implemented within 180 days 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 License and
Technical Specifications

Date of Issuance: April 30, 2008

ATTACHMENT TO LICENSE AMENDMENT NO. 265

FACILITY OPERATING LICENSE NO. DPR-16

DOCKET NO. 50-219

Replace the following pages of the Facility Operating License with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove

License Page 3
License Page 5
License Page 6
License Page 7

Insert

License Page 3
License Page 5
License Page 6
License Page 7

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

iii
3.17-1
3-17-2
3-17-3
6-21
6-22

Insert

iii
3.17-1
*
*
6-21
6-22

* New insertion page is under the control of the OCNCS Technical Specifications Bases Control Program.

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 265

TO FACILITY OPERATING LICENSE NO. DPR-16

AMERGEN ENERGY COMPANY, LLC

OYSTER CREEK NUCLEAR GENERATING STATION

DOCKET NO. 50-219

1.0 INTRODUCTION

By application dated April 12, 2007, (Agencywide Documents Access Management System (ADAMS) Accession Number ML071090282) and supplemented by letter dated January 23, 2008 (ADAMS Accession Number ML080300058), Exelon Nuclear Generation Company, LLC and AmerGen Energy Company, LLC (the licensee) requested changes to the Technical Specifications (TS) for the Oyster Creek Nuclear Generating Station (OCNGS). The January 23, 2008, supplement provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination published in the Federal Register on June 5, 2007 (72 FR 31100).

On August 8, 2006, the commercial nuclear electrical power generation industry owners group Technical Specifications Task Force (TSTF) submitted a proposed change, TSTF-448, Revision 3, to the improved standard technical specifications (STS) (NUREGs 1430-1434) on behalf of the industry (TSTF-448, Revisions 0, 1, and 2 were prior draft iterations). TSTF-448, Revision 3, was a proposal to establish more effective and appropriate action, surveillance, and administrative STS requirements related to ensuring the habitability of the control room envelope (CRE).

In United States Nuclear Regulatory Commission (NRC) Generic Letter 2003-01 (ADAMS Accession No. ML031620248), licensees were alerted to findings at facilities that existing TS surveillance requirements for the control room heating, ventilating, and air-conditioning (HVAC) system (OCNGS site-specific system name) may not be adequate. Specifically, the results of the American Society for Testing and Materials (ASTM) E741-00, "Standard Test Method for Determining Air Change in a Single Zone by Means of a Tracer Gas Dilution," 2000 (ASTM E741), tracer gas tests to measure CRE unfiltered inleakage at facilities indicated that the differential pressure surveillance was not a reliable method for demonstrating CRE boundary operability. Licensees were requested to address existing TS as follows:

- Provide confirmation that your TS verify the operability of the CRE boundary, and the assumed unfiltered inleakage rates of potentially contaminated air.
- If you currently have a differential pressure surveillance requirement to demonstrate CRE boundary integrity, provide the basis for your conclusion that it remains adequate to demonstrate CRE integrity in light of the ASTM E741 testing results. If you conclude that

Enclosure

your differential pressure surveillance requirement is no longer adequate, provide a schedule for:

- (1) Revising the surveillance requirement in your TS to reference an acceptable surveillance methodology (e.g., ASTM E741); and
 - (2) Making any necessary modifications to your CRE boundary so that compliance with your new surveillance requirement can be demonstrated.
- If your facility does not currently have a technical specification surveillance requirement for your CRE integrity, explain how and at what frequency you confirm your CRE integrity and why this is adequate to demonstrate CRE integrity.

To promote standardization and to minimize the resources that would be needed to create and process plant specific amendment applications in response to the concerns described in the generic letter, the industry and the NRC proposed revisions to CRE habitability system requirements contained in the STS, using the STS change traveler process. This effort culminated in Revision 3 to traveler TSTF-448, "Control Room Habitability," which the NRC staff approved on January 17, 2007.

Consistent with the traveler as incorporated into NUREG-1433, "Standard Technical Specifications General Electric Plants, BWR/4," the licensee proposed revising action and surveillance requirements in their custom TS 3.17, "Control Room Heating, Ventilating, and Air-Conditioning System," and adding a new administrative controls program, TS 6.22, "Control Room Envelope Habitability Program," for OCNCS. The purpose of the change is to ensure that CRE boundary operability is maintained and verified through effective surveillance and programmatic requirements, and that appropriate remedial actions are taken in the event of an inoperable CRE boundary.

Some minor editorial and plant-specific changes were incorporated into this safety evaluation resulting in minor deviations from the model safety evaluation text in TSTF-448. These deviations are considered administrative in nature, in that they have no material impact on TSTF-448. As an example, NUREG-1433 contains TS 3.7.4, "Main Control Room Environmental Control (MCREC) System." The equivalent system at OCNCS is found in TS 3.17.

2.0 REGULATORY EVALUATION

2.1 Control Room and Control Room Envelope

NRC Regulatory Guide (RG) 1.196, "Control Room Habitability at Light-water Nuclear Power Reactors," Revision 0, May 2003 (ADAMS Accession No. ML031490611), uses the term "control room envelope (CRE)" in addition to the term "control room" and defines each term as follows:

Control Room: The plant area, defined in the facility licensing basis, in which actions can be taken to operate the plant safely under normal conditions and to maintain the reactor in a safe condition during accident situations. It encompasses the instrumentation and controls necessary for a safe shutdown of the plant and typically includes the critical document reference file, computer room (if used as an integral part of the emergency

response plan), shift supervisor's office, operator wash room and kitchen, and other critical areas to which frequent personnel access or continuous occupancy may be necessary in the event of an accident.

Control Room Envelope: The plant area, defined in the facility licensing basis, that in the event of an emergency, can be isolated from the plant areas and the environment external to the CRE. This area is served by an emergency ventilation system, with the intent of maintaining the habitability of the control room. This area encompasses the control room, and may encompass other non-critical areas to which frequent personnel access or continuous occupancy is not necessary in the event of an accident.

NRC RG 1.197, "Demonstrating Control Room Envelope Integrity At Nuclear Power Reactors," Revision 0, May 2003 (ADAMS Accession No. ML031490664), also contains these definitions, but uses the term CRE to mean both. This is because the protected environment provided for operators varies with the nuclear power facility. At some facilities this environment is limited to the control room; at others, it is the CRE. In this safety evaluation, consistent with the proposed changes to the STS, the CRE will be used to designate both.

2.2 Control Room Heating, Ventilating and Air-Conditioning (HVAC) System

The control room HVAC system (OCNGS terminology) provides a protected environment from which operators can control the unit during airborne challenges from radioactivity, hazardous chemicals, and fire byproducts, such as fire suppression agents and smoke, during both normal and accident conditions.

The control room HVAC system is designed to maintain a habitable environment in the CRE for 30 days of continuous occupancy after a Design-Basis Accident (DBA) without exceeding a 5 roentgen equivalent man (rem) total effective dose equivalent (TEDE).

The control room HVAC system consists of two independent trains each capable of maintaining the habitability of the CRE. Neither train has charcoal or high efficiency particulate (HEPA) filters. The control room HVAC system is considered operable when the individual components necessary to limit operator exposure are operable in both trains. A control room HVAC system train is considered operable when the associated:

- Fan is operable;
- Refrigeration unit is operable;
- Heater, ductwork, valves, and dampers are operable, and air circulation can be maintained; and
- CRE boundary is operable (the single boundary supports both trains).

The CRE boundary is considered operable when the measured unfiltered air leakage is less than or equal to the leakage value assumed by the licensing basis analyses of DBA consequences to CRE occupants. The licensing basis radiological accident dose consequence analysis for OCNGS is as described in License Amendment No. 262 for application of Alternative Source Term (AST) Methodology dated April 26, 2007 (ADAMS Accession

No. ML071080019). The unfiltered air inleakage rate value assumed in the AST analysis was the maximum single train air intake flow rate of 14,000 cubic feet per minute (cfm) which would be experienced with one train in smoke purge mode. OCNGS will not be required to perform periodic tracer gas testing of the CRE boundary for unfiltered inleakage because the results of such a test would have no bearing on CRE boundary operability.

2.3 Regulations Applicable to Control Room Habitability

In Appendix A, "General Design Criteria for Nuclear Power Plants," to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities," General Design Criteria (GDC) 1, 2, 3, 4, 5, and 19 apply to CRE habitability. However, the OCNGS was originally designed and constructed prior to the issuance of the GDC. Proposed GDC were issued in July 1967, during the construction of the plant. These proposed GDC were not adopted as regulatory requirements at the time this unit was built. As part of the application for a Full Term Operating License, the design of the station, as of March 6, 1972, was evaluated against the requirements of 10 CFR 50.34, Appendix A, "General Design Criteria for Nuclear Power Plants," in effect on July 7, 1971. OCNGS Updated Final Safety Analysis Report, Section 3.1, "Conformance with NRC General Design Criteria," provides a summary of this evaluation. The applicable GDCs are summarized below:

- GDC 1, "Quality Standards and Records," states that structures, systems, and components (SSCs) important to safety shall be designed, fabricated, erected, and tested to quality standards commensurate with the importance of the safety functions performed.
- GDC 2, "Design Basis for Protection Against Natural Phenomena," states that SSCs important to safety shall be designed to withstand the effects of earthquakes and other natural hazards.
- GDC 3, "Fire Protection," states that SSCs important to safety shall be designed and located to minimize the effects of fires and explosions.
- GDC 4, "Environmental and Dynamic Effects Design Bases," states that SSCs important to safety shall be designed to accommodate the effects of, and to be compatible with the environmental conditions associated with normal operation, maintenance, testing, and postulated accidents, including loss-of-coolant accidents (LOCAs).
- GDC 5, "Sharing of Structures, Systems, and Components," states that SSCs important to safety shall not be shared among nuclear power units unless it can be shown that such sharing will not significantly impair their ability to perform their safety functions, including, in the event of an accident in one unit, the orderly shutdown and cooldown of the remaining units.
- GDC 19, "Control Room," states that a control room shall be provided from which actions can be taken to operate the nuclear reactor safely under normal conditions and to maintain the reactor in a safe condition under accident conditions, including a LOCA. Adequate radiation protection shall be provided to permit access and occupancy of the control room under accident conditions without personnel receiving radiation exposures in excess of specified values.

Because the design of the plant is not being changed by the proposed amendment, the plant continues to meet the intent of GDCs 1, 2, 3, 4, 5 and 19. This safety evaluation was prepared based on the model safety evaluation published in the *Federal Register* on January 17, 2007 (72 FR 2022). Changes were made to accommodate plant-specific design variations from that assumed in the model, but are consistent with the intent of the model and are acceptable.

2.4 Adoption of TSTF-448, Revision 3, by OCNCS

Adoption of TSTF-448, Revision 3, will assure that the facility's TS LCO for the Control Room HVAC System is met by demonstrating operability of the CRE boundary. In support of this TSTF-448 also adds TS administrative controls to assure the habitability of the CRE.

The changes made by TSTF-448 to the STS requirements for the Main Control Room Environmental Control (MCREC) System (NUREG-1433 terminology) and the CRE boundary conform to 10 CFR 50.36(d)(2) and 10 CFR 50.36(d)(3). Their adoption will better assure that OCNCS will remain habitable during normal operation and DBA conditions. These changes, as applied to OCNCS, are therefore acceptable from a regulatory standpoint.

3.0 TECHNICAL EVALUATION

The NRC staff reviewed the proposed changes against the corresponding changes made to the STS by TSTF-448, Revision 3, which the NRC staff has found to satisfy applicable regulatory requirements, as described above in Section 2.0. The manual partial recirculation mode of the Control Room HVAC System at OCNCS pressurizes the CRE without filtering intake or recirculated air with HEPA or charcoal filters to minimize potential post-accident dose to the occupants. However, at OCNCS the dose reduction from operating in this mode is small and the accident dose analysis assumes a single train maximum capability air intake flow rate and demonstrates margin to the control room occupant dose limits. The proposed changes are consistent with this design.

3.1 Proposed Changes

The proposed amendment would strengthen CRE habitability TS requirements by changing TS 3.17, "Control Room Heating, Ventilating, and Air-Conditioning System," and adding a new TS administrative controls program on CRE habitability. Accompanying the proposed TS changes are changes to the TS Bases. The changes to the TS Bases were not reviewed by the NRC staff and their issuance should not be construed to imply approval of the TS Bases. Except for plant-specific differences, all of these changes are consistent with STS as revised by TSTF-448, Revision 3.

The NRC staff compared the proposed TS changes to the STS and the STS markups and evaluations in TSTF-448. The staff verified that differences from the STS were adequately justified on the basis of plant-specific design or retention of current licensing basis. OCNCS TS 6.21, "Technical Specifications (TS) Bases Control Program," is the appropriate control mechanism for updating and maintaining the adequacy of the TS Bases.

3.2 Editorial Changes

The licensee proposed editorial changes to TS 3.17, "Control Room Heating, Ventilating, and Air-Conditioning System," to establish standard terminology, such as "control room envelope (CRE)" in place of "control room" and to expand the "Objective" statement to explicitly acknowledge minimizing hazardous (airborne) chemicals and smoke. These changes improve the usability and quality of the presentation of the TS, have no impact on safety, and meet 10 CFR 50.36. Therefore, the NRC staff concludes that these changes are acceptable.

3.3 TS 3.17, "Control Room Heating, Ventilating, and Air-Conditioning System"

The licensee proposed to establish new action requirements in TS 3.17 for an inoperable CRE boundary. Currently, if one control room HVAC train is determined to be inoperable due to an inoperable CRE boundary, the existing action would apply and require restoring the train (and the CRE boundary) to operable status in 7 days. If two trains are determined to be inoperable due to an inoperable CRE boundary, the existing action specifies no time to restore the trains (and CRE boundary) to operable status, but requires placing the reactor in cold shutdown within 30 hours. These existing actions are more restrictive than would be appropriate in situations for which CRE occupant implementation of compensatory measures or mitigating actions would temporarily afford adequate CRE occupant protection from postulated airborne hazards. To account for such situations, the licensee proposed to revise the action requirements to add a new specification condition D, "When one or both control room HVAC systems are determined inoperable due to an inoperable CRE boundary...During Power Operation." This new action would allow 90 days to restore the CRE boundary (and consequently, the affected control room HVAC trains) to operable status, provided that mitigating actions are immediately implemented and within 24 hours are verified to ensure, that in the event of a DBA, CRE occupant radiological exposures will not exceed the calculated dose of the licensing basis analyses of DBA consequences, and that CRE occupants are protected from hazardous chemicals and smoke.

The 24-hour completion time of this new required action is reasonable based on the low probability of a DBA occurring during this time period, and the use of mitigating actions. The 90-day completion time is reasonable based on the determination that the mitigating actions will ensure protection of CRE occupants within analyzed limits while limiting the probability that CRE occupants will have to implement protective measures that may adversely affect their ability to control the reactor and maintain it in a safe shutdown condition in the event of a DBA. The 90-day completion time is a reasonable time to diagnose, plan and possibly repair, and test most anticipated problems with the CRE boundary. Therefore, proposed new Specification 3.17D is acceptable.

To distinguish new Specification 3.17D from existing Specification 3.17B for one control room HVAC train inoperable, 3.17B is revised to state "With one control room HVAC system determined inoperable for reasons other than specification D." To distinguish new Specification 3.17D from existing Specification 3.17C for both control room HVAC trains inoperable, 3.17C is revised to state "With both control room HVAC systems determined inoperable for reasons other than specification D." The changes to existing Conditions 3.17B and 3.17C are less restrictive because these conditions will no longer apply in the event one or both control room HVAC trains are inoperable due to an inoperable CRE boundary during power operations. This is acceptable because the new Specification 3.17D establishes adequate remedial measures in this condition.

The licensee proposed the new Specification 3.17D include the additional condition "When one or both control room HVAC systems are determined inoperable due to an inoperable CRE boundary...During movement of irradiated fuel assemblies in the containment or during operations with a potential for draining the reactor vessel." The Specification required actions proposed for this condition addition are to "Immediately suspend movement of irradiated fuel assemblies in the containment; and Immediately initiate action to suspend operations with the potential to drain the reactor vessel." These actions ensure that the dose risk to control room occupants from a fuel handling accident or reactor vessel drain down event is minimized. Based on this, the NRC staff concludes the proposed change is acceptable.

3.4 OCNCS TS 6.22 CRE Habitability Program

The proposed administrative controls program TS are consistent with the model program TS in TSTF-448, Revision 3. This program is intended to ensure the operability of the CRE boundary, which as part of an operable Control Room HVAC System, will ensure that CRE habitability is maintained such that CRE occupants can control the reactor safely under normal conditions and maintain it in a safe condition following a radiological event, hazardous chemical release, or a smoke challenge. The program shall ensure that adequate radiation protection is provided to permit access and occupancy of the CRE under DBA conditions without personnel receiving radiation exposures in excess of 5 rem TEDE for the duration of the accident.

A CRE Habitability Program TS acceptable to the NRC staff requires the program to contain the following elements:

- Definitions of CRE and CRE boundary. This element is intended to ensure that these definitions accurately describe the plant areas that are within the CRE, and also the interfaces that form the CRE boundary, and are consistent with the general definitions discussed in Section 2.1 of this safety evaluation. Establishing what is meant by the CRE and the CRE boundary will preclude ambiguity in the implementation of the program.
- Configuration control and preventive maintenance of the CRE boundary. This element is intended to ensure the CRE boundary is maintained in its design condition. Guidance for implementing this element is contained in Regulatory Guide 1.196, which endorsed, with exceptions, NEI 99-03, "Control Room Habitability Assessment Guidance," Revision 0, dated June 2001 (ADAMS Accession No. ML020600236). Maintaining the CRE boundary in its design condition provides assurance that its leak-tightness will not significantly degrade between CRE leakage determinations.
- Assessment of CRE habitability at the frequencies stated in Sections C.1 and C.2 of Regulatory Guide 1.197, Revision 0. The licensee proposed the following exception to C.1 and C.2 of Regulatory Guide 1.197, to be listed in the TS with this program element:

The OCNCS CRE boundary operability is not dependent on a measured unfiltered air leakage value (Reference Oyster Creek letter to NRC dated November 17, 2005, Letter No. 2130-05-20218). No leakage testing for determining the unfiltered air leakage past the CRE boundary into the CRE is required at the Oyster Creek site.

The licensing basis radiological accident dose consequence analysis for OCNGS is as described in License Amendment No. 262 for application of Alternative Source Term (AST) Methodology dated April 26, 2007 (ADAMS Accession No. ML0710800190). OCNGS has no control room HVAC system HEPA or charcoal filters for removal of airborne radioactivity. The accident dose analysis assumes a single train maximum capability air intake flow rate (14,000 cfm which would be experienced with one train in smoke purge mode) and demonstrates margin to the control room occupant dose limit of 5 rem TEDE. This exception is acceptable as unfiltered inleakage testing results of such a test would have no bearing on CRE boundary operability.

This element is intended to ensure that the plant assesses CRE habitability consistent with Sections C.1 and C.2 of Regulatory Guide 1.197 and NRC approved exceptions. Assessing CRE habitability at the NRC accepted frequencies provides assurance that significant degradation of the CRE boundary will not go undetected.

- Measurement of CRE pressure with respect to all areas adjacent to the CRE boundary at designated locations for use in assessing the CRE boundary at a frequency of 24 months on a staggered test basis with respect to the control room HVAC trains.

The licensee stated that this has been and will be accomplished by acquiring test data during sequential operation of both trains each refueling outage (24 months). This test schedule is adequate for meeting the intent of the staggered test basis requirement identified in TSTF-448. This element is intended to ensure that CRE differential pressure is regularly measured to identify changes in pressure warranting evaluation of the condition of the CRE boundary. Obtaining and trending pressure data provides assurance that significant degradation of the CRE boundary will not go undetected.

The licensee elected to maintain the OCNGS TS surveillance requirement 4.17B for CRE pressure testing in addition to the proposed CRE Habitability Program element requirement.

Consistent with TSTF-448, Revision 3, the program states that the provisions of OCNGS TS Section 1.24 "Surveillance Requirements," are applicable to the program frequencies for performing the activities required by program elements "c" (assessing CRE habitability) and "d" (measurement of CRE differential pressure). This statement is needed to avoid confusion. TS Section 1.24 is applicable to the surveillance that references the testing in the CRE Habitability Program. However, TS Section 1.24 is not applicable to Administrative Controls unless specifically invoked. Providing this statement in the program eliminates any confusion regarding whether TS Section 1.24 is applicable, and is acceptable.

Proposed TS 6.22 states that, "(1) a CRE Habitability Program shall be established and implemented, (2) the program shall include all of the NRC-staff required elements, as described above, and (3) the provisions of TS Section 1.24 shall apply to program frequencies." This is consistent with the model program TS approved by the NRC staff in TSTF-448, Revision 3, and 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 amendment. The State official had two comments, discussed in letter dated July 26, 2007 (ADAMS Accession No. ML072180247). The NRC staff addressed the State official's comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes 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 SRs. The NRC staff has determined that the amendment involves 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 amendment involves no significant hazards consideration, and there has been no public comment on such finding June 5, 2006 (72 FR 31100). Accordingly, the amendment meets 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 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.

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