



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 14, 2009

Mr. Charles G. Pardee
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - ENVIRONMENTAL
ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT
(TAC NO. ME0756)

Dear Mr. Pardee:

Enclosed is a copy of the Environmental Assessment and Finding of No Significant Impact related to your application for revision of an exemption. This action is in response to your application dated March 3, 2009, Agencywide Documents Access and Management System (ADAMS) Accession No. ML090630132. This application requested exemptions from the requirements of Title 10 of the *Code of Federal Regulations*, Appendix R, Section III.G, "Fire Protection of Safe Shutdown Capability," for the use of operator manual actions for the Oyster Creek Nuclear Generating Station in lieu of the requirements specified in Appendix R, Section III.G.2

The assessment is being forwarded to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Edward Miller".

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

Docket No. 50-219

Enclosure:
Environmental Assessment

cc w/encl: Distribution via Listserv

UNITED STATES NUCLEAR REGULATORY COMMISSION

EXELON GENERATION COMPANY, LLC

DOCKET NO. 50-219

OYSTER CREEK NUCLEAR GENERATING STATION

ENVIRONMENTAL ASSESSMENT AND FINDING OF

NO SIGNIFICANT IMPACT

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of exemptions from Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Appendix R, Section III.G, "Fire Protection of Safe Shutdown Capability," for Renewed Facility Operating License No. DPR-16, for the use of operator manual actions in lieu of the requirements specified in Section III.G.2, as requested by Exelon Generation Company, LLC (the licensee), for operation of the Oyster Creek Nuclear Generating Station (Oyster Creek), located in Ocean County, New Jersey. Therefore, as required by 10 CFR Section 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

ENVIRONMENTAL ASSESSMENT

Identification of the Proposed Action

The proposed action would grant exemptions to 10 CFR Part 50, Appendix R, Section III.G.2 based on 20 operator manual actions contained in the licensee's Fire Protection Program (FPP). The licensee's FPP requires that the identified operator manual actions be performed outside of the control room to achieve shutdown following fires in certain fire areas. The licensee states that each of the manual actions were subjected to a manual action feasibility review for Oyster Creek that determined that the manual actions are feasible and can be reliably performed.

The proposed action is in accordance with the licensee's application dated March 3, 2009 (available in the Agencywide Documents Access and Management System (ADAMS) Accession No. ML090630132).

The Need for the Proposed Action:

The proposed exemption from 10 CFR Part 50, Appendix R, was submitted in response to the need for an exemption as identified by NRC Regulatory Information Summary (RIS) 2006-10, "Regulatory Expectations with Appendix R Paragraph III.G.2 Operator Manual Actions." The RIS noted that NRC inspections identified that some licensees had relied upon operator manual actions, instead of the options specified in Paragraph III.G.2 of 10 CFR Part 50, Appendix R, as a permanent solution to resolve issues related to Thermo-Lag 330-1 fire barriers. The licensee indicates that some of the operator manual actions referenced in the March 3, 2009, application were previously included in correspondence with the NRC and found acceptable in a fire protection-related Safety Evaluation (SE) dated March 24, 1986 (ADAMS Accession No. 8604070468). The remaining operator manual actions referenced were explicitly considered in an SE dated June 25, 1990 (ADAMS Accession No. 9006280092), supporting a separate Appendix R exemption. RIS 2006-10, however, identifies that an exemption under 10 CFR Section 50.12 is necessary for use of the manual actions in lieu of the requirements of 10 CFR Part 50, Appendix R, III.G.2, even if the NRC previously issued an SE that found the manual actions acceptable. RIS 2006-10 and Enforcement Guidance Memorandum 07-004 (ADAMS Accession No. ML071830345) provided that exemption requests must be submitted by March 6, 2009. The licensee's proposed exemption provides the formal vehicle for NRC approval for the use of the specified operator manual actions instead of the options specified in 10 CFR Part 50, Appendix R, III.G.2.

Environmental Impacts of the Proposed Action:

The NRC staff evaluated the manual operator actions presented in the proposed exemption in NRC SEs dated March 24, 1986, and June 25, 1990, and found that they maintained a safe shutdown capability that satisfies the requirements of 10 CFR Part 50, Appendix R, III.G. Therefore, the proposed action will not significantly increase the probability or consequences of accidents, nor does the proposed action introduce a new or different kind of accident. No changes are being made in the types of effluents that may be released off site. There is no significant increase in the amount of any effluent released off site. None of the manual actions to be performed are in areas that have radiation levels that would preclude entry. Further, the licensee stated that the highest expected dose during performance of the manual actions is 100 millirem (2 percent of the annual occupational limit) and the majority of manual actions are not in radiological controlled areas. Based on this consideration, the NRC staff finds that there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological impacts associated with the proposed action. The NRC staff, thus concludes that granting the proposed exemption would result in no significant radiological environmental impact.

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action:

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no

change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources:

The action does not involve the use of any different resources than those previously considered in the 1974 Final Environmental Statement for Oyster Creek and NUREG-1437, Vol. 1, Supplement 28, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Oyster Creek Nuclear Generating Station, Final Report - Main Report."

Agencies and Persons Consulted:

In accordance with its stated policy, on May 4, 2009, the NRC staff consulted with the New Jersey State official, Ron Zak of the Department of Environmental Protection, regarding the environmental impact of the proposed action. The State official had no comments.

FINDING OF NO SIGNIFICANT IMPACT

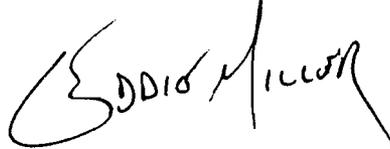
On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated March 3, 2009, (ADAMS Accession No. ML090630132). Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents

located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or send an e-mail to pdrc@nrc.gov.

Dated at Rockville, Maryland, this 14th day of July 2009.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink that reads "G. Edward Miller". The signature is stylized with a large, looping initial "G" and a long, sweeping underline.

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

Mr. Charles G. Pardee
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