



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

June 28, 2011

Mr. Michael J. Pacilio
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - ISSUANCE OF
AMENDMENT RE: CHANGES TO APPENDIX B, ENVIRONMENTAL
TECHNICAL SPECIFICATIONS (TAC NO. ME4072)

Dear Mr. Pacilio:

The Nuclear Regulatory Commission has issued the enclosed Amendment No.279 to Renewed Facility Operating License No. DPR-16 for the Oyster Creek Nuclear Generating Station (Oyster Creek), in response to your application dated June 11, 2010, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML101650087), as supplemented by letter dated May 6, 2011 (ADAMS Accession No. 111260627). The amendment revises the administrative requirements for the Responsibility and Review and Audit sections of the Environmental Technical Specifications for consistency with the fleet Quality Assurance Topical Report. The NRC staff notes that the original amendment request proposed to correct a reference to the former licensee, AmerGen. During the NRC staff's review, it was identified that correct pages were actually issued by the conforming amendment for the license transfer. Following identification of this discrepancy, the issue was entered into your corrective action program and the subject part of the amendment request was withdrawn by the May 6, 2011, supplement.

A copy of our Safety Evaluation is enclosed and a Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

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

Enclosures:

1. Amendment No.279 to Renewed DPR-16
2. Safety Evaluation

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

EXELON GENERATION COMPANY, LLC

DOCKET NO. 50-219

OYSTER CREEK NUCLEAR GENERATING STATION

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 279
Renewed License No. DPR-16

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Exelon Generation Company, LLC, dated June 11, 2010, as supplemented by letter dated May 6, 2011, 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 Renewed 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. 279, are hereby incorporated in the license. Exelon Generation Company shall operate the facility in accordance with the Technical Specifications.

3. Implementation Requirements:

This license amendment is effective as of the date of issuance, and shall be implemented within 60 days of issuance. Implementation of this amendment shall include relocation, to the Quality Assurance Topical Report, of the Review and Audit scope items A through H contained in Section 3.3 of the Appendix B Technical Specifications.

FOR THE NUCLEAR REGULATORY COMMISSION



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: June 28, 2011

ATTACHMENT TO LICENSE AMENDMENT NO. 279

RENEWED FACILITY OPERATING LICENSE NO. DPR-16

DOCKET NO. 50-219

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

Remove

Insert

Page 3

Page 3

Replace the following pages of the Appendix B, Environmental Technical Specifications, with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove

Insert

3-1

3-1

3-2

3-2

- (3) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use at any time any byproduct, source, or special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (4) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess and use in amounts as required any byproduct source, or special nuclear materials without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
- (5) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate such byproduct, source, or special nuclear materials as may be produced by the operation of the facility.

C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

Exelon Generation Company is authorized to operate the facility at steady-state power levels not in excess of 1930 megawatts (thermal) (100 percent rated power) in accordance with the conditions specified herein.

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 279 are hereby incorporated in the license. Exelon Generation Company shall operate the facility in accordance with the Technical Specifications.

(3) Fire Protection

Exelon Generation Company shall implement and maintain in effect all provisions of the approved fire protection program as described in the Updated Final Safety Analysis Report for the facility and as approved in the Safety Evaluation Report dated March 3, 1978, and supplements thereto, subject to the following provision:

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

Renewed License No. DPR-16

Amendment No. 279

3.0 ADMINISTRATIVE CONTROL

This section describes administrative and management controls established by the Applicant to provide continuing protection to the environment and to implement the environmental technical specifications.

3.1 Responsibility

Corporate responsibility for implementation of the Oyster Creek Environmental Technical Specifications and for assuring that plant operations are controlled in such a manner as to provide continuing protection of the environment has been assigned by the Chief Nuclear Officer to the Vice President - Oyster Creek.

The responsibility for conducting the studies as set forth in Section 1.1 (Non-Radiological Monitoring) and all of Section 2.0 (Special Monitoring and Study Activities) rests with the management position responsible for environmental programs, who reports to the Vice President - Oyster Creek.

Administrative measures are defined in Section 3.3 which provide that the individual or group responsible for auditing or otherwise verifying that an activity has been correctly performed is independent of the individual or group responsible for performing the activity.

3.2 Organization

Lines of authority, responsibility and communication shall be established and defined from the highest management levels through intermediate levels to and including operating organization positions. Organizational charts will be documented in the Updated FSAR and updated in accordance with 10 CFR 50.71e.

3.3 Review and Audit

The licensee shall provide for review and audit of compliance with the Environmental Technical Specifications. The audits shall be conducted independently of the individual or groups responsible for performing the specific activity. A description of the organization structure utilized to achieve the independent review and audit function and results of the audit activities shall be maintained and made available for inspection.

3.4 Procedures

- 3.4.1 Detailed written procedures, including applicable check lists and instructions, will be prepared and adhered to for all activities involved in carrying out OCETS.



UNITED STATES
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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 279 TO RENEWED FACILITY

OPERATING LICENSE NO. DPR-16

EXELON GENERATION COMPANY, LLC

OYSTER CREEK NUCLEAR GENERATING STATION

DOCKET NO. 50-219

1.0 INTRODUCTION

By letter dated June 11, 2010 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML101650087), Exelon Generation Company, LLC (Exelon or the licensee) requested a revision to the Oyster Creek Nuclear Generating Station (Oyster Creek) Technical Specifications (TSs). The proposed change would revise the administrative requirements for the Responsibility and Review and Audit sections of the Environmental TSs. Additionally, the proposed change would update the position title of environmental affairs to environmental programs.

2.0 REGULATORY EVALUATION

Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.36b(b) states that the license may include conditions to protect the environment during operation and decommissioning. These conditions are to be set out in an attachment to the license which is incorporated in and made a part of the license. These conditions will be derived from information contained in the environmental report or any supplements to the environmental report and will identify the obligations of the licensee in the environmental area, including, as appropriate, requirements for reporting and keeping records of environmental data, and any conditions and monitoring requirement for the protection of the nonaquatic environment.

On December 12, 1995, the Nuclear Regulatory Commission (NRC) issued Administrative Letter (AL) 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance," to inform licensees of experiences involving the relocation of TS administrative controls related to quality assurance. In AL 95-06, the NRC staff identified typical TS administrative controls that may be relocated to a licensee's quality assurance documents, subject to the controls of 10 CFR 50.54(a). TS administrative controls requirements identified in AL 95-06 included reviews and audits.

3.0 TECHNICAL EVALUATION

3.1 Proposed Changes

Appendix B, Section 3.1, of Oyster Creek's Environmental TS is being revised to reference "environmental programs," instead of "environmental affairs." Appendix B, Section 3.3, is being revised to state that the audit function will be conducted independently of the individuals or groups responsible for performing each activity. This revision also removes details regarding the scope of the independent audits and reviews.

3.2 Evaluation

3.2.1 Position Title

The licensee proposed to revise Section 3.1 to change the responsible organization for conducting studies set forth in TS Appendix B, Section 1.1 and 2.0 from the position responsible for "environmental affairs" to the position responsible for "environmental programs." The requested change would align the language of the TSs with language utilized in other Exelon procedures. The NRC staff finds that the change will not have any impact on the performance of the studies set forth in the two TS sections and is, therefore, acceptable.

3.2.2 Responsibility and Scope of TS Appendix B, Section 3.3

The licensee proposed to revise Section 3.3 to change the responsibility for Review and Audit of environmental matters from the manager of environmental affairs to the Nuclear Oversight organization and to remove the list of topics to be covered by the audit. The designation of the Nuclear Oversight organization as the auditor and the description of audit scope items would be relocated to the Exelon Quality Assurance Topical Report (QATR). In support of the proposed change to Section 3.3, the licensee provided Revision 84 of the Exelon QATR. Under the Exelon QATR, the Nuclear Oversight organization performs most audit functions, including environmental programs. The independent review function is described in the Exelon QATR and is performed by Oyster Creek's Plant Operations Review Committee (PORC) and the Nuclear Safety Review Board (NSRB).

Chapter 18 of the QATR describes the audit process, including reporting and follow-up requirements, and Appendix B of the QATR lists the activities requiring audits and their frequencies. The NRC staff's review determined that auditing of the environmental monitoring activities required by the TSs was encompassed within the QATR. The PORC, as described in QATR Chapter 1, is a multi-disciplined committee responsible for review of activities that affect nuclear safety. Further, the PORC functions in accordance with written instructions which delineate committee composition, responsibility, authority, member qualifications, meeting frequency, subjects to be reviewed, reporting requirements, and administrative controls. The NRC staff further noted that any changes to the PORC's implementing procedure(s) are subject to the technical review and control requirements outlined in Chapter 5 of the QATR because changes to the procedure(s) could affect nuclear safety. Additionally, while the PORC serves as an onsite independent review, the NSRB, as described in QATR Chapter 1, serves as an offsite independent safety review that focuses in the areas of plant operations, maintenance, engineering, plant support, regulatory and nuclear oversight, and other matters relating to

safety. Between the PORC and the NSRB, the QATR describes an independent safety review function that is adequate to meet the independent review and audit requirements described in Oyster Creek's Appendix B, Environmental TS. Therefore, the NRC staff finds this change to be acceptable.

The NRC staff concurs with the licensee's assessment that the QATR is a more appropriate location for describing the scope of the audit. Further, 10 CFR 50.54(a) would require regulatory review of any changes to the scope that reduce commitments. Given that the QATR is an appropriate location for describing the scope of the audit process and an acceptable change control process governs the QATR, the NRC staff finds this change to be acceptable.

3.2.3 Licensee Name

The licensee proposed to revise Section 3.3 to remove reference to the previous licensee, AmerGen. The NRC staff reviewed the January 9, 2009 (ADAMS Accession No. ML082770568), amendment for the direct license transfer from AmerGen to Exelon and verified that the correct licensee name was included in the TS pages that were issued. After the NRC staff notified the licensee of the results of this review, the licensee withdrew this part of the amendment request and indicated that this condition would be entered into the Oyster Creek corrective action program. Therefore, the NRC staff has no further review on this portion of the amendment.

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: P. Prescott
G. E. Miller

Date: June 28, 2011

June 28, 2011

Mr. Michael J. Pacilio
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

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Sincerely,

/ra/

G. Edward Miller, Project Manager
Plant Licensing Branch I-2
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