



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

July 9, 2020

Ms. Pamela B. Cowan
Senior Vice President
and Chief Operating Officer
Holtec Decommissioning International, LLC
Krishna P. Singh Technology Campus
1 Holtec Blvd.
Camden NJ 08104

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - ISSUANCE OF
AMENDMENT NO. 298 TO RENEWED FACILITY LICENSE RE: REMOVE
CYBER SECURITY PLAN LICENSE CONDITION - CORRECTION OF
TYPOGRAPHICAL ERROR

Dear Ms. Cowan:

On September 18, 2019, the U.S. Nuclear Regulatory Commission (NRC, Commission) issued Amendment No. 298 to Renewed Facility License No. DPR-16 for the Oyster Creek Nuclear Generating Station (Oyster Creek), in response to Exelon Generation Company, LLC (Exelon), licensee at the time, application dated November 12, 2018 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML18317A022) and as supplemented by letter dated March 7, 2019 (ADAMS Accession No. ML19066A317).

The amendment removes the Cyber Security Plan (CSP) requirements contained in license condition 2.C.(4), from the Oyster Creek Renewed Facility Operating License. The amendment was provided as enclosure 1 to the September 18, 2019, letter (ADAMS Accession No. ML19179A203). Item 3 of the cover page in the license amendment states that: "the license amendment is effective as of the date the licensee notifies the Commission in writing that all spent nuclear fuel assemblies have been transferred out of the spent fuel pool and have been placed in dry storage within the independent spent fuel storage installation. This license amendment shall be implemented within 60 days of the effective date." However, a typographical error was identified with this item.

The staff based its approval of license amendment No. 298 (ADAMS Accession No. ML19179A205) on NRC's staff previous reviews and approvals of Exelon's associated analyses and the results included in letters to Exelon dated October 16, 2018 (ADAMS Accession No. ML18220A980), and June 11, 2019 (ADAMS Accession No. ML19098A258). The NRC staff verified Exelon's analyses and its calculations and concluded that by June 29, 2019, the spent fuel (placed in the spent fuel pool) has decayed well beyond the minimum cooling time of 9.38 months (after permanent cessation of operations) that would allow sufficient time (10 hours) to mitigate a spent fuel pool drain down in the adiabatic case. The NRC's staff did not base its approval of license amendment No. 298 on spent nuclear fuel assemblies been transferred out of the spent fuel pool and have been placed in dry storage within the independent spent fuel storage installation.

The License was changed as follows:

3. This license amendment is effective June 29, 2019 and shall be implemented within 30 days of the effective date.

It can be demonstrated that the error was introduced inadvertently in license amendment No. 298 and that the erroneous change was not addressed in the notice to the public nor reviewed by the staff. Under these circumstances, the change that introduced the typographical error was not a proper amendment to the license because it was neither addressed in the notice nor reviewed, and correction of the typographical error is not a "change" to the Technical Specifications. The change introduced by the error was in fact improperly made. Accordingly, consistent with guidance (ADAMS Accession No. ML103260096) and Staff Requirements Memorandum dated December 17, 1996 (ADAMS Accession No. ML003754054), the typographical error is corrected by this letter, instead of an amendment to the license.

A copy of the enclosure 1 of the September 18, 2019, letter with the corrected attachment is enclosed.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Zahira L. Cruz". The signature is fluid and cursive, with the first name being the most prominent.

Zahira L. Cruz, Project Manager
Reactor Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety and Safeguards

Docket No. 50-219

Enclosure:
As Stated

cc: Listserv

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - ISSUANCE OF AMENDMENT NO. 298 TO RENEWED FACILITY LICENSE RE: REMOVE CYBER SECURITY PLAN LICENSE CONDITION - CORRECTION OF TYPOGRAPHICAL ERROR **DATE July 9, 2020**

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ADAMS Accession No.: ML20190A161

* via email

OFFICE	DUWP	DUWP	DUWP
NAME	ZCruz*	BWatson*	ZCruz*
DATE	7/8/20	7/8/20	7/9/20

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

HOLTEC DECOMMISSIONING INTERNATIONAL, LLC

OYSTER CREEK ENVIRONMENTAL PROTECTION, LLC

DOCKET NO. 50-219

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 298
License No. DPR-16

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for license amendment filed by Exelon Generating Company, LLC,¹ dated November 12, 2018, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in Title 10 of the *Code of Federal Regulations* (10 CFR) Chapter I, and all required notifications to other agencies or bodies have been duly made;
 - B. The facility will operate in conformity with the application, as supplemented, 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, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," of the Commission's regulations, and all applicable requirements have been satisfied.

¹ Effective July 1, 2019, Oyster Creek Renewed Facility Operating License No. DPR-16, and the general license for the Oyster Creek Independent Spent Fuel Storage Installation was transferred from Exelon Generation Company, LLC (Exelon) to Oyster Creek Environmental Protection, LLC (OCEP) as the licensed owner and to Holtec Decommissioning International, LLC (HDI) as the licensed operator for decommissioning. In a letter dated September 12, 2019, HDI requested the NRC to continue all ongoing regulatory actions and reviews currently underway for Oyster Creek. HDI and OCEP have assumed responsibility for the continuation of these regulatory actions and reviews (Agencywide Documents Access and Management System Accession No. ML19256B999).

2. Accordingly, Renewed Facility Operating License No. DPR-16 is amended by removing requirements for a cyber security plan by changing 2.C(4) to remove the second paragraph that reads:

Holtec Decommissioning International shall fully implement and maintain in effect all provisions of the Commission-approved Exelon Generation Company cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The Exelon Generation Company CSP was approved by License Amendment No. 280 and modified by License Amendment Nos. 288 and 292.

3. This license amendment is effective June 29, 2019 and shall be implemented within 30 days of the effective date. ~~This license amendment is effective as of the date the licensee notifies the Commission in writing that all spent nuclear fuel assemblies have been transferred out of the spent fuel pool and have been placed in dry storage within the independent spent fuel storage installation. This license amendment shall be implemented within 60 days of the effective date.~~

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Bruce A. Watson, CHP, Chief
Reactor Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Attachment:
Change to Renewed Facility
Operating License No. DPR-16

Date of Issuance: September 18, 2019

ATTACHMENT TO LICENSE AMENDMENT NO. 298
TO RENEWED FACILITY OPERATING LICENSE NO. DPR-16
DOCKET NO. 50-219

Replace the following pages of Renewed Facility Operating License No. DPR-16 and Appendices A and D, Technical Specifications, with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Renewed Facility Operating License No DPR-16

REMOVE

first page

- 2 -

- 3 -

- 4 -

- 5 -

- 6 -

INSERT

revised first page

- 2 -

- 3 -

- 4 -

- 5 -

- 6 -

OYSTER CREEK ENVIRONMENTAL PROTECTION, LLC

AND

HOLTEC DECOMMISSIONING INTERNATIONAL, LLC

DOCKET NO. 50-219

OYSTER CREEK NUCLEAR GENERATING STATION

RENEWED FACILITY OPERATING LICENSE

Renewed License No. DPR-16

1. The Nuclear Regulatory Commission (the Commission) having previously made the findings set forth in License No. DPR-16, has now found that:
 - A. The application for a Renewed Facility Operating License No. DPR-16 filed by the applicant 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 and all required notifications to other agencies or bodies have been duly made;
 - B. DELETED
 - C. Actions have been identified and have been or will be taken with respect to (1) managing the effects of aging during the term of this Renewed Facility Operating License No. DPR-16 on the functionality of structures and components that have been identified to require review under 10 CFR 54.21(a)(1); and (2) time-limited aging analyses that have been identified to require review under 10 CFR 54.21(c), such that there is reasonable assurance that the activities authorized by the renewed operating license will continue to be conducted in accordance with the current licensing basis, as defined in 10 CFR 54.3, for the facility, and that any changes made to the facility's current licensing basis in order to comply with 10 CFR 54.29(a) are in accordance with the Act and the Commission's regulations;
 - D. The facility will be maintained in conformity with the application, as amended; the provisions of the Act; and the rules and regulations of the Commission;
 - E. There is reasonable assurance (i) that the activities authorized by this license 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 rules and regulations set forth in 10 CFR Chapter I;
 - F. Oyster Creek Environmental Protection, LLC (Oyster Creek Environmental Protection) is financially qualified and Holtec Decommissioning International, LLC (Holtec Decommissioning International) is financially and technically qualified to engage in the activities authorized by this license in accordance with the rules and regulations of the Commission;

Renewed License No. DPR-16
Amendment No. 298

- G. Oyster Creek Environmental Protection and Holtec Decommissioning International have satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;
 - H. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;
 - I. The receipt, possession and use of source, byproduct, and special nuclear materials as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40, and 70; and
 - J. The issuance of this license is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Facility Operating License No. DPR-16, dated July 2, 1991, as amended, is superseded in its entirety by Renewed Facility Operating License No. DPR-16, hereby issued to Oyster Creek Environmental Protection and Holtec Decommissioning International, to read as follows:
- A. This renewed license applies to the Oyster Creek Nuclear Generating Station, a boiling-water reactor and associated equipment (the facility), owned by Oyster Creek Environmental Protection and maintained and operated for decommissioning by Holtec Decommissioning International. The facility is located in Ocean County, New Jersey, and is described in the licensee's Updated Final Safety Analysis Report, as supplemented and amended, and in the licensee's Environmental Report, as supplemented and amended.
 - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses:
 - (1) Holtec Decommissioning International pursuant to Section 104b of the Act and 10 CFR Part 50, to possess, maintain, and decommission Oyster Creek Nuclear Generating Station at the designated location on the Oyster Creek site in Ocean County, New Jersey, in accordance with the procedures and limitations set forth in this renewed license;
 - (2) Oyster Creek Environmental Protection pursuant to Section 104b of the Act and 10 CFR Part 50, to possess Oyster Creek Nuclear Generating Station at the designated location on the Oyster Creek site in Ocean County, New Jersey, in accordance with the procedures and limitations set forth in this renewed license;
 - (3) Holtec Decommissioning International pursuant to the Act and 10 CFR Part 70, to possess at any time special nuclear material that was used as reactor fuel, in accordance with the limitations for storage, as described in the Updated Final Safety Analysis Report, as supplemented and amended;

- (4) Holtec Decommissioning International 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 materials as sealed neutron sources that were used for reactor startup, sealed sources that were used for calibration of reactor instrumentation and are used in radiation monitoring equipment, and as fission detectors in amounts as required;
 - (5) Holtec Decommissioning International 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
 - (6) Holtec Decommissioning International pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate such byproduct, source, or special nuclear materials that were 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) DELETED
 - (2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 295, are hereby incorporated in the license. Holtec Decommissioning International shall possess, maintain, and decommission the facility in accordance with the Permanently Defueled Technical Specifications (PDTS).
 - (3) DELETED
 - (4) Holtec Decommissioning International shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822), and the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans¹, submitted by letter dated May 17, 2006, is entitled: "Oyster Creek Nuclear Generating Station Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan, Revision 5." The set contains Safeguards Information protected under 10 CFR 73.21.

¹ The Training and Qualification Plan and Safeguards Contingency Plan are Appendices to the Security Plan.

DELETED

~~Holtec Decommissioning International shall fully implement and maintain in effect all provisions of the Commission approved Exelon Generation Company cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The Exelon Generation Company CSP was approved by License Amendment No. 280 and modified by License Amendment Nos. 288 and 292.~~

(5) DELETED

(6) DELETED

(7) DELETED

(8) Mitigation Strategy License Condition

Develop and maintain strategies for addressing large fires and explosions and that include the following key areas:

- (a) Firefighting response strategy with the following elements:
 - 1. Pre-defined coordinated fire response strategy and guidance
 - 2. Assessment of mutual aid firefighting assets
 - 3. Designated staging areas for equipment and materials
 - 4. Command and control
 - 5. Training of response personnel
- (b) Operations to mitigate fuel damage considering the following:
 - 1. Protection and use of personnel assets
 - 2. Communications
 - 3. Minimizing fire spread
 - 4. Procedures for implementing integrated fire response strategy
 - 5. Identification of readily-available pre-staged equipment
 - 6. Training on integrated fire response strategy
 - 7. Spent fuel pool mitigation measures
- (c) Actions to minimize release to include consideration of:
 - 1. Water spray scrubbing
 - 2. Dose to onsite responders

(9) The licensee shall implement and maintain all Actions required by Attachment 2 to NRC Order EA-06-137, issued June 20, 2006, except the last action that requires incorporation of the strategies into the site security plan, contingency plan, emergency plan and/or guard training and qualification plan, as appropriate.

(10) DELETED

(11) DELETED

(12) DELETED

(13) DELETED

(14) DELETED

(15) DELETED

(16) License Renewal Commitments

The UFSAR supplement, as revised, describes certain future activities to be completed prior to April 9, 2009, and during the term of this renewed operating license No. DPR-16. Holtec Decommissioning International shall complete these activities in accordance with Appendix A of NUREG-1875, "Safety Evaluation Report Related to the License Renewal of Oyster Creek Generating Station," dated March 2007, as supplemented on September 19, 2008, and shall notify the NRC in writing when implementation of those activities required prior to April 9, 2009 are complete and can be verified by NRC inspection.

(17) Biological Opinion

Within 30 days from the issuance date of the renewed license, Holtec Decommissioning International shall comply with the terms and conditions of the Incidental Take Statement associated with certain sea turtles in the Biological Opinion in effect or as subsequently issued by the National Marine Fisheries Service regarding operation of the facility.

D. DELETED

E. DELETED

F. The licensee shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.

3. Sale and License Transfer Conditions:

A. DELETED

B. DELETED

C. DELETED

D. DELETED

E. DELETED

F. DELETED

G. DELETED

H. DELETED

I. DELETED

J. DELETED

K. DELETED

L. DELETED

M. DELETED

N. At the time of the closing of the transfer of Oyster Creek, and the respective license from Exelon Generation Company to Oyster Creek Environmental Protection and Holtec Decommissioning International, Exelon Generation Company shall transfer ownership and control of assets from the Oyster Creek Nuclear Generating Station Qualified Fund to the Oyster Creek Environmental Protection Qualified Nuclear Decommissioning Trust. Also, at the time of closing, decommissioning funding assurance provided by Oyster Creek Environmental Protection, using a method allowed under 10 CFR 50.75, must be equal to or greater than the minimum amount calculated on that date pursuant to, and required by 10 CFR 50.75 for Oyster Creek. Furthermore, funds dedicated for Oyster Creek prior to closing shall remain dedicated to Oyster Creek following the closing.

4. This license is effective as of the date of issuance and is effective until the Commission notifies the licensee in writing that the license is terminated.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Bruce S. Mallett
Deputy Executive Director for Reactor
and Preparedness Programs
Office of the Executive Director for Operations

Attachment:
Appendices A and B -
Technical Specifications

Date of Issuance: April 8, 2009

Docket No. 50-219

October 1, 1986

APPENDIX A
TO PROVISIONAL OPERATING LICENSE DPR-16*
TECHNICAL SPECIFICATIONS

AND BASES

FOR

OYSTER CREEK NUCLEAR POWER PLANT

UNIT NO. 1

OCEAN COUNTY, NEW JERSEY

OYSTER CREEK ENVIRONMENTAL PROTECTION, LLC
AND
HOLTEC DECOMMISSIONING INTERNATIONAL, LLC

*Per Errata Sheet dated 4-6-69

Amendment No. ~~194, 210, 213, 296, 297~~, 298

Renewed License No. DPR-16
Amendment No. 298

APPENDIX B
TO OPERATING LICENSE NO. DPR- 16
ENVIRONMENTAL TECHNICAL SPECIFICATIONS

FOR

OYSTER CREEK NUCLEAR GENERATING STATION

DOCKET NO. 50-219

OCEAN COUNTY, NEW JERSEY

OYSTER CREEK ENVIRONMENTAL PROTECTION, LLC
AND
HOLTEC DECOMMISSIONING INTERNATIONAL, LLC

NOVEMBER 1978*

*Issued to the ASLB on this date; issued by License Amendment No. 37, June 6, 1979.

Amendment No. ~~59, 66, 107, 194, 207, 210, 213, 271, 296, 297, 298~~

Renewed License No. DPR-16
Amendment No. 298