

March 27, 2002

Mr. Oliver D. Kingsley, President
and Chief Nuclear Officer
Exelon Nuclear
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION - ISSUANCE OF
AMENDMENT RE: REVISION OF SURVEILLANCE FOR THE DIESEL
GENERATOR STARTING BATTERY (TAC NO. MB1749)

Dear Mr. Kingsley:

The Commission has issued the enclosed Amendment No. 227 to Facility Operating License No. DPR-16 for the Oyster Creek Nuclear Generating Station, in response to your application dated April 6, 2001.

The amendment allows the 24-month capacity test for the Diesel Generator Starting Batteries to be performed during plant shutdowns or during the 24-month on-line Diesel Generator inspection.

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/

Peter S. Tam, Senior Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-219

Enclosures: 1. Amendment No. 227 to DPR-16
2. Safety Evaluation

cc w/encls: See next page

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AMERGEN ENERGY COMPANY, LLC

DOCKET NO. 50-219

OYSTER CREEK NUCLEAR GENERATING STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 227
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 6, 2001, 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. 227, 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 issuance and shall be implemented within 30 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA PTam for/

Joel Munday, Acting Chief, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical
Specifications

Date of Issuance: March 27, 2002

ATTACHMENT TO LICENSE AMENDMENT NO. 227

FACILITY OPERATING LICENSE NO. DPR-16

DOCKET NO. 50-219

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.

<u>Remove</u>	<u>Insert</u>
4.7-1	4.7-1
4.7-2	4.7-2
4.7-3	4.7-3
4.7-4	4.7-4
--	4.7-5

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 227

TO FACILITY OPERATING LICENSE NO. DPR-16

AMERGEN ENERGY COMPANY, LCC

OYSTER CREEK NUCLEAR GENERATING STATION

DOCKET NO. 50-219

1.0 INTRODUCTION

By letter dated April 6, 2001, the AmerGen Energy Company, LLC, (the licensee) submitted a request for changes to the Oyster Creek Nuclear Generating Station (Oyster Creek) Technical Specifications (TSs). The requested changes would allow the 24-month capacity test for the Diesel Generator (DG) Starting Batteries to be performed during plant shutdowns or during the 24-month on-line DG inspection.

2.0 EVALUATION

2.1 Background

As part of the DG Starting System, a separate 120-VDC battery and battery charger is supplied with each Emergency Diesel Generator unit. Each battery consists of 56 cells and is rated at 420 ampere hours. The batteries are located at each unit on either side of the engine under the engine floor ramps. The batteries and other equipment associated with the Starting System are easily accessible for inspection and testing. Service and testing is accomplished on a routine basis in accordance with the TSs. The Starting System is further described in Section 9.5.6 of the Oyster Creek Updated Final Safety Analysis Report (UFSAR).

The Oyster Creek TSs require capacity testing of the DG Starting Batteries at least once per 24 months during plant shutdown. The TSs also require a thorough inspection of each DG at least once per 24 months either during power operation or during shutdown. The thorough inspection necessitates that the DG be taken out of service. The proposed change would allow battery capacity testing during power operation when the DG is out of service for its thorough inspection.

The DG's thorough inspection was originally allowed only during plant shutdown. However, the only-during-plant-shutdown restriction was removed such that the TSs currently allow inspection either during power operation or shutdown. Inspection during power operation (as an alternative to inspection during shutdown) was approved in 1998 by Amendment No. 197 (Reference 2) based on there being a small risk increase. A risk increase is considered acceptable if it is within the numerical guidelines and criteria used in the risk-informed licensing applications, and contained in the approved Regulatory Guide (RG) 1.177, "An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions Making: Technical

Specifications.” The Oyster Creek On-Line Maintenance (OLM) procedure provides a methodology for ensuring that the risk increase remains small (within the numerical guidelines of RG 1.177) for the time the DG is out of service while at power (References 3 and 4).

The DG batteries are tested and monitored in accordance with the requirements of TSs Section 4.7.B to ensure their viability in accordance with the requirements of Criterion 1 of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Appendix A.

2.2 Battery Capacity Testing

The proposed change allows battery capacity testing, for the DG Starting Battery, to be performed during power operation (as an alternative to testing during shutdown) with the added restriction that the testing be accomplished during the thorough inspection of TSs Section 4.7.A.3.

The licensee indicated that the battery has only one function - the starting of the DG. Hence, it has no function when the DG is removed from service for its thorough inspection. Battery testing can be typically completed in 3 days. Thus, the licensee concluded that battery testing can be performed during plant operation when the DG is out of service without affecting DG availability and plant risk.

The Nuclear Regulatory Commission (NRC) staff finds that the impact on safety due to the proposed change is of little significance. Specifically, the at-power battery capacity testing would be performed while the corresponding DG is out of service. The proposed changes of the TSs do not affect the required testing and monitoring of the DG batteries. The changes pertain solely to timing of battery testing. Thus, the proposed TSs will not hamper required testing and monitoring for ensuring the viability of the DG batteries in accordance with the requirements of Criterion 1 of 10 CFR Part 50, Appendix A. In addition, the increase in plant risk (associated with DG out-of-service time during power operation) has not been affected. Testing during power operation has been restricted to when the DG is out of service for its required inspection. The proposed TS changes are, therefore, acceptable.

2.3 Clarification Changes

The licensee proposed the following additional TS clarifications:

1. Section 4.7.A.5 is revised to delete the statement “The battery capacity test need not be performed if the installed batteries were replaced during the previous biennial inspection.”
2. Section 4.7.B.5.a is revised to delete the phrase “...to be considered operable.”
3. The title of Section 4.7.B is revised to identify applicability to the DG Starting Batteries.
4. The Bases section of TSs Section 4.7 is revised to reflect the corresponding TSs changes.
5. The Bases section starting on Page 4.7-3 is relocated to page 4.7-4.

These proposed changes are editorial in nature and are, therefore, acceptable.

2.4 Conclusion

Based on the above evaluation, the NRC staff finds the proposed TSs changes acceptable. The proposed changes only affect the timing of DG battery testing, and do not change the

required testing and monitoring (i.e., the existing testing and monitoring requirements will ensure that the DG batteries continue to meet the requirements of 10 CFR Part 50, Appendix A).

3.0 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.

4.0 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 surveillance requirements. 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 (66 FR 31702). 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.

5.0 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.

6.0 REFERENCES

1. AmerGen Energy Company, LLC transmittal of an Application for Amendment to Oyster Creek Generating Station, Operating License No. DPR-16 to NRC from Ron J. DeGregorio, Vice President - Oyster Creek, April 6, 2001, 2130-01-20060 (NRC Docket Number 50-219, TAC Number MB1749, ADAMS Accession Number ML011020099).
2. Amendment No. 197 regarding modification of Emergency Diesel Generator Inspection Requirements, from NRC to Michael B. Roche, Vice President and Director, Oyster Creek, September 8, 1998.
3. GPU Nuclear Corporation, transmittal of responses to a March 21, 1996, NRC request for additional information related to proposed changes for Emergency Diesel Generator allowed outage time Oyster Creek Nuclear Generating Station, to the NRC from Michael B. Roche, Vice President and Director, Oyster Creek, June 13, 1996, 6730-96-2138 (NRC Docket Number 50-219).

4. GPU Nuclear, Inc., transmittal of responses to a January 7, 1997, NRC request for additional information regarding emergency diesel generator allowed outage extension request Oyster Creek Nuclear Generating Station, to the NRC from Michael B. Roche, Vice President and Director, Oyster Creek, September 25, 1997, 6730-97-2192 (NRC Docket Number 50-219, NDOK 9710010062).

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Date: March 27, 2002

Oyster Creek Nuclear Generating Station

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