

January 28, 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: INCORPORATE REVISIONS TO 10 CFR 50.59  
(TAC NO. MB2431)

Dear Mr. Kingsley:

The Commission has issued the enclosed Amendment No. 224 to Facility Operating License No. DPR-16 for the Oyster Creek Nuclear Generating Station, in response to your application dated July 9, 2001.

The amendment incorporates changes to the Technical Specifications (TSs) that are being made to provide consistency with the changes to 10 CFR 50.59, "Changes tests, and experiments," as published in the *Federal Register* (FR) (64 FR 53582), dated October 4, 1999. Specifically, the changes replace the term "safety evaluation" with "10 CFR 50.59 evaluation" and "unreviewed safety question" with "requires NRC approval pursuant to 10 CFR 50.59."

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/

Helen N. Pastis, 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. 224 to DPR-16  
2. Safety Evaluation

cc w/encls: See next page

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\*SE input dated 9/25/01 was provided and no major changes were made

ACCESSION NO.: ML013120858

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OFFICIAL RECORD COPY

## Oyster Creek Nuclear Generating Station

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AMERGEN ENERGY COMPANY, LLC

DOCKET NO. 50-219

OYSTER CREEK NUCLEAR GENERATING STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 224  
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 July 9, 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. 224, 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 60 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

Joel T. 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: January 28, 2002

ATTACHMENT TO LICENSE AMENDMENT NO. 224

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.

Remove

6-4  
6-6

Insert

6-4  
6-6

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 224

TO FACILITY OPERATING LICENSE NO. DPR-16

AMERGEN ENERGY COMPANY, LLC

OYSTER CREEK NUCLEAR GENERATING STATION

DOCKET NO. 50-219

1.0 INTRODUCTION

By letter dated July 9, 2001, the AmerGen Energy Company, LLC, (AmerGen or the licensee) submitted a request for changes to the Oyster Creek Nuclear Generating Station Technical Specifications (TSs). The proposed amendment would incorporate changes to the TSs that are being made to provide consistency with the changes to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.59, "Changes tests, and experiments," as published in the Federal Register (64 FR 53582), dated October 4, 1999. Specifically, the changes replace the term "safety evaluation" with "10 CFR 50.59 evaluation" and "unreviewed safety question" with "requires NRC approval pursuant to 10 CFR 50.59."

2.0 EVALUATION

The Commission's regulations in 10 CFR 50.59 establish the conditions which are described in the Updated Final Safety Analysis Report (UFSAR), for the licensee to implement changes to its facility or procedures prior to NRC approval. These regulations further establish conditions for the licensee to conduct tests or experiments, which are not described in the UFSAR, prior to NRC approval.

The revisions in 10 CFR 50.59, which were published in the Federal Register, clarified the specific type of change, test or experiment that may be implemented prior to NRC approval. The revisions in 10 CFR 50.59 also clarified the specific types of change, test and experiment that require evaluation by the licensee. Additionally, the revisions to 10 CFR 50.59 added definitions for terms that have been subject to differing interpretations and reorganized 10 CFR 50.59 for greater clarity.

The current TSs contain requirements for various plant committees, whose duties involve reviewing changes that might result in unresolved safety questions (USQs). The TSs use the term USQ as previously defined in 10 CFR 50.59. The revisions to 10 CFR 50.59 replaced the use of the expression "unreviewed safety question" with the term "requires NRC approval pursuant to 10 CFR 50.59". By submitting this amendment, AmerGen is requesting NRC

authorization to revise the Oyster Creek's TSs to be consistent with the revision to 10 CFR 50.59.

To make the wording of the TSs consistent with the revisions to 10 CFR 50.59, AmerGen proposed changes similar to the wording recommended in Technical Specification Task Force (TSTF) 364, which provides consistency between the Bases Control Program language and the revised 10 CFR 50.59. Even though AmerGen does not have a Bases Control Program in its Oyster Creek TSs, TSTF 364 still serves as an appropriate model to make other references consistent with the 10 CFR 50.59 revision.

The proposed amendment replaces the term "involves an unreviewed safety question" with the term "requires NRC approval," while retaining the reference to Section 50.59 in the TSs. The amended Administrative Control Section TS would continue to incorporate the criteria of Section 50.59 by reference, and these criteria provide appropriate and adequate control of changes to the TSs. The NRC staff has reviewed the licensee's proposed amendment for Oyster Creek and concludes that this portion of the amendment request is acceptable.

### 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. 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 44162). 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.

Principal Contributor: P. Hearn

Date: January 28, 2002