

November 21, 2003

Dr. Jill Lipoti, Assistant Director
Radiation Protection Program
Department of Environmental Protection
State of New Jersey
P.O. Box 415
Trenton, NJ 08625-0415

SUBJECT: NEW JERSEY STATE COMMENTS ON THE PROPOSED AMENDMENT
REGARDING ALLOWED OUTAGE DURATIONS FOR THE OYSTER CREEK
NUCLEAR GENERATING STATION (OCNGS) STARTUP TRANSFORMERS
AND DIESEL GENERATORS

Dear Dr. Lipoti:

By letter dated September 2, 2003, you provided a number of comments on the subject proposed amendment, requested by an AmerGen (the licensee) letter dated June 2, 2003. You stated that:

....A relaxation of allowed outage times for diesel generators and startup transformers is ill-advised. It would be more appropriate for the NRC [Nuclear Regulatory Commission] to utilize its probabilistic risk assessment (PRA) techniques to re-examine loss of offsite power and to establish allowed outage times for diesel generators and startup transformers based on industry experience and existing infrastructure issues. The nuclear industry and the NRC are quick to delete or reduce requirements based on PRA, this is one time that safety requirements may need to be strengthened based on PRA.

..... It would not be prudent to proceed with any change to onsite or offsite electrical power technical specifications for Oyster Creek until this effort [two reports being prepared by a U.S. and Canadian Joint Power System Outage Task Force Nuclear Working Group, addressing the August 14, 2003, outage] is completed.

The NRC staff reviewed your comments and notes that PRA techniques were not used by the licensee to apply for this amendment, nor would we use PRA techniques to review and approve this amendment. However, using a PRA perspective and assuming both OCNGS EDGs experience significant increases in maintenance outage times over current experience (i.e., more than doubles), the resulting increase calculated by the NRC staff using the OCNGS Standardized Plant Analysis Risk model is small and within the acceptance guidelines presented in Regulatory Guide 1.174, "An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis." This calculational result supports the NRC staff's conclusion that the licensee's proposed revision to its TS is acceptable and that public health and safety is maintained.

Reliability performance goals for risk-significant structures, systems, and components (SSCs) (which includes the emergency diesel generators (EDGs) and the startup transformer at

OCNGS) are not controlled by the Technical Specifications (TSs), but rather, are tracked by each licensee in accordance with the requirements of the Maintenance Rule (10 CFR 50.65). In addition, the Maintenance Rule requires licensees to monitor the unavailability of the risk-significant SSCs due to maintenance against established goals to ensure that acceptable SSC unavailability is maintained. If the risk-significant SSC does not meet its pre-established reliability and/or unavailability performance goal (e.g., by undergoing consecutive outages in short periods of time), the licensee must take the appropriate actions specified by 10 CFR 50.65(a)(1), including increased management attention and goal setting, to restore performance to an acceptable level. The Maintenance Rule requires licensees to evaluate these goals at least once per refueling cycle. Thus, existing requirements provided by regulations, not plant TSs, ensure that the risk-significant SSC reliability and availability are maintained. Therefore, even though the cumulative 30-day restriction is being removed, the present Maintenance Rule limitation imposes an appropriate and more effective control for maintaining high EDG availability.

The 30-day limitation in the Oyster Creek TSs is atypical and, as such, not consistent with the Standard TSs (e.g., NUREG-1433 and NUREG-1434, "Standard Technical Specifications for General Electric Plants, BWR/4 and BWR/6"). Further, this limitation does little to limit the actual overall plant risk, which is better controlled by the Maintenance Rule. As such, there is no reason not to bring the OCNGS TS in line with the Standard TSs.

In your letter, you noted that a U.S. and Canadian Joint Power System Outage Task Force Nuclear Working Group is preparing two reports. The NRC staff will review the findings of the task force investigating the August 14, 2003, power outage and will follow our regulatory process. We will take the appropriate action necessary to ensure public health and safety is maintained.

Finally, your letter requested that "prior to approving any relaxation of a technical specification requirement, the basis for the change should be fully explained and added to the bases section of the technical specification." In the safety evaluation (SE) supporting the amendment, the NRC staff will fully document the licensee's proposed change and the basis for NRC acceptance. The SE, as well as the licensee's application for the amendment, will be docketed in the NRC's permanent record system, and will be easily accessible by members of the public. NRC's regulatory requirement regarding TS bases, as stated in 10 CFR 50.36(a), does not require a basis for a requirement which has been removed (i.e., the "30 day" phrase).

I trust that this letter is responsive to your concerns. Please feel free to contact me (301-415-1453) if you have any additional questions or need further information.

Sincerely,

\RA by E. Leeds

Ledyard B. Marsh, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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 Office of Nuclear Reactor Regulation

cc: See next page

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*Text of this letter extracted from section of SE prepared by SPSB to support the referenced amendment package.

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