

January 22, 2002

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

SUBJECT: TMI-1 - AMENDMENT RE: INCORPORATION OF CHANGES TO 10 CFR
50.59, "CHANGES, TESTS, AND EXPERIMENTS" (TAC NO. MB2434)

Dear Mr. Kingsley:

The Commission has issued the enclosed Amendment No. 239 to Facility Operating License No. DPR-50 for the Three Mile Island Nuclear Station, Unit 1 (TMI-1), in response to your application dated July 9, 2001.

The amendment revises the Administrative Controls Section of the Technical Specifications (TSs) to provide consistency with the changes to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.59, which were published in the *Federal Register* on October 4, 1999 (64 FR 53582). Specifically, the amendment replaces the term "safety evaluation" with "10 CFR 50.59 evaluation" and the term "unreviewed safety question" with "requires NRC [Nuclear Regulatory Commission] 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/

Timothy G. Colburn, Senior Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-289

Enclosures: 1. Amendment No. 239 to DPR-50
2. Safety Evaluation

cc w/encls: See next page

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*SE received. No substantive changes made.

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AMERGEN ENERGY COMPANY, LLC

DOCKET NO. 50-289

THREE MILE ISLAND NUCLEAR STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 239
License No. DPR-50

1. The Nuclear Regulatory Commission (the Commission or NRC) has found that:
 - A. The application for amendment by AmerGen Energy Company, LLC (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-50 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 239, are hereby incorporated in the license. The AmerGen Energy Company, LLC shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its 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 22, 2002

ATTACHMENT TO LICENSE AMENDMENT NO. 239

FACILITY OPERATING LICENSE NO. DPR-50

DOCKET NO. 50-289

Replace the following pages of the Appendix A 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

6-5

6-6

Insert

6-5

6-6

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 239 TO FACILITY OPERATING LICENSE NO. DPR-50

AMERGEN ENERGY COMPANY, LLC

THREE MILE ISLAND NUCLEAR STATION, UNIT 1

DOCKET NO. 50-289

1.0 INTRODUCTION

By letter dated July 9, 2001, AmerGen Energy Company, LLC (the licensee) with Exelon Generating Company, LLC, submitted a request for approval of changes to the Three Mile Island Nuclear Station, Unit 1 (TMI-1), Technical Specifications (TSs) as well as a request for approval of similar changes to the TSs for Braidwood Station, Units 1 and 2, Byron Station, Units 1 and 2, Limerick Generating Station, Units 1 and 2, Peach Bottom Atomic Power Station, Units 2 and 3, Zion Nuclear Power Station, Units 1 and 2, Clinton Power Station, Unit 1, and Oyster Creek Nuclear Generating Station. The requested changes revise the Administrative Controls Section of the TSs to provide consistency with the changes to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.59, which were published in the *Federal Register* on October 4, 1999 (64 FR 53582). Specifically, the amendment replaces the term "safety evaluation" with "10 CFR 50.59 evaluation" and the term "unreviewed safety question" with "requires NRC [Nuclear Regulatory Commission] approval pursuant to 10 CFR 50.59." This safety evaluation addresses the proposed changes for TMI-1. Camera-ready TS pages were provided by letter dated December 20, 2001.

2.0 BACKGROUND

The Commission's regulations, in 10 CFR 50.59, establish the conditions, that are described in the updated Final Safety Analysis Report (FSAR), for the licensee to implement changes to its facility or procedures without prior NRC approval. These regulations further establish conditions for the licensee to conduct tests or experiments, which are not described in the FSAR, without prior NRC approval.

The revisions in 10 CFR 50.59, described above, clarified the specific type of change, test or experiment that may be implemented without prior 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. The revisions to 10 CFR 50.59 further added definitions for terms that have been subject to differing interpretations and reorganized 10 CFR 50.59 for clarity.

3.0 EVALUATION

3.1 Description of Changes

The current TSs contain requirements for various plant committees, whose duties involve reviewing changes that might result in unreviewed safety questions. The current TSs use the

term unreviewed safety question 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" or "NRC approval is required pursuant to 10 CFR 50.59." By submitting this amendment request, the licensee is requesting NRC authorization to revise the TMI-1 TSs to be consistent with the revision to 10 CFR 50.59.

3.2 Justification

In order to make the wording of the current TSs consistent with the revisions to 10 CFR 50.59, the licensee 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 the licensee does not have a Bases Control Program in its TSs, TSTF 364 still serves as an appropriate model to make other references consistent with the 10 CFR 50.59 revision.

The amendment replaces the term "involves an unreviewed safety question" with the term "requires NRC approval," or "NRC approval is required," while retaining the reference to 10 CFR 50.59 in the TSs. The amended Administrative Controls Section of the TSs would continue to incorporate the criteria of 10 CFR 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 TMI-1 and has determined that the amendment request is acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Pennsylvania State official was notified of the proposed issuance of the amendment. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

This amendment changes 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 this 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. Hearn

Date: January 22, 2002

Three Mile Island Nuclear Station, Unit No. 1

cc:

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Three Mile Island Nuclear Station, Unit No. 1

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