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10 CFR 50.90

2130-04-20019
January 30, 2004

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

SUBJECT: Oyster Creek Generating Station
Facility Operating License No. DPR-16
NRC Docket No. 50-219

Correction to Technical Specification Change Request No. 318 – Operating Condition Mode Change Limitations Based on NRC Approved Industry/ Technical Specification Task Force STS Change (TSTF) –359 Revision 9 (TAC MC1652).

REFERENCE: AmerGen Letter No. 2130-03-20272, dated December 23, 2003, Technical Specification Change Request No. 318 – Operating Condition Mode Change Limitations Based on NRC Approved Industry/Technical Specification Task Force STS Change (TSTF) –359 Revision 9 (TAC MC1652).

On December 23, 2003, AmerGen transmitted Letter No. 2130-03-20272, Technical Specification Change Request No. 318 – Operating Condition Mode Change Limitations Based on NRC Approved Industry/Technical Specification Task Force STS Change (TSTF) –359 Revision 9, to the NRC. During the initial review of the proposed amendment, NRC identified that there were two typographical errors on Technical Specification (TS) page 4.0-1 and that an incorrect Table of Contents page had been included in the submittal. The typographical errors are:

- 1) Enclosure 3, Retyped TS page 4.0-1, Specification 4.0.3, in the first sentence, "OPERATING CONDITION" should be "OPERATIONAL CONDITION".
- 2) Enclosure 3, Retyped TS page 4.0-1, Amendment No. should be "185"

Also, Table of Contents, page iii, Amendment No. 186 was incorrectly submitted with Letter No. 2130-03-20272. The correct Table of Contents page iii should be Amendment No. 232.

Enclosure 1 to this letter contains the corrected pages affected by the typographical errors and the correct Table of Contents page iii. The correction of the typographical errors and the replacement of Table of Contents page iii are purely editorial in nature and in no way affect the evaluation of the change or the No Significant Hazards Determination provided under Letter No. 2130-03-20272.

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We are notifying the State of New Jersey of this correction to the application for changes to the Technical Specifications by transmitting a copy of this letter and its attachment to the designated State Official.

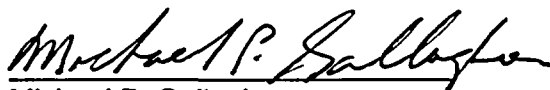
If any additional information is needed, please contact Dave Robillard at (610) 765-5952.

I declare under penalty of perjury that the foregoing is true and correct.

Sincerely,

01-30-2004

Executed On



Michael P. Gallagher
Director, Licensing & Regulatory Affairs
AmerGen Energy Company, LLC

Enclosure: (1) Oyster Creek Technical Specification Change Request No. 318, Corrected Pages

cc: H. J. Miller, Administrator, USNRC Region 1
P. S. Tam, USNRC Senior Project Manager, Oyster Creek
R. J. Summers, USNRC Senior Resident Inspector, Oyster Creek
File No. 03092

ENCLOSURE 1

**Oyster Creek Technical Specification Change Request No. 318
Corrected Pages**

This enclosure consists of the corrected pages from AmerGen Letter No. 2130-03-20272.
The pages included in this enclosure are:

PAGES

Enclosure 2, Inserts – Page 3

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TS Page 4.0-1

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Specification 3.0.C.3 allows entry into an OPERATIONAL CONDITION or other specified condition in the Applicability with the Limiting Condition for Operation not met based on a Note in the Specification which states Specification 3.0.C.3 is applicable. These specific allowances permit entry into OPERATIONAL CONDITIONS or other specified conditions in the Applicability when the associated LCO requirements do not provide for continued operation for an unlimited period of time and a risk assessment has not been performed. This allowance may apply to all the LCO conditions or to a specific requirement of a Specification. The risk assessments performed to justify the use of Specification 3.0.C.2 usually only consider systems and components. For this reason, Specification 3.0.C.3 is typically applied to Specifications which describe values and parameters, and may be applied to other Specifications based on NRC plant-specific approval.

The provisions of this Specification should not be interpreted as endorsing the failure to exercise the good practice of restoring systems or components to OPERABLE status before entering an associated OPERATIONAL CONDITION or other specified condition in the Applicability.

The provisions of Specification 3.0.C shall not prevent changes in OPERATIONAL CONDITIONS or other specified conditions in the Applicability that are required to comply with LCO requirements. In addition, the provisions of Specification 3.0.C shall not prevent changes in OPERATIONAL CONDITIONS or other specified conditions in the Applicability that result from any unit shutdown. In this context, a unit shutdown is defined as a change in OPERATIONAL CONDITION or other specified condition in the Applicability associated with transitioning from POWER OPERATION to STARTUP MODE, STARTUP MODE to SHUTDOWN CONDITION, and SHUTDOWN CONDITION to COLD SHUTDOWN CONDITION.

Upon entry into an OPERATIONAL CONDITION or other specified condition in the Applicability with the Limiting Condition for Operation not met, Specification 3.0.A requires entry into the LCO requirements until the Condition is resolved, until the Limiting Condition for Operation is met, or until the unit is not within the Applicability of the Technical Specification.

Surveillances do not have to be performed on the associated inoperable equipment (or on variables outside the specified limits), as permitted by Specification 4.0.1. Therefore, utilizing Specification 3.0.C is not a violation of Specification 4.0.1 or Specification 4.0.3 for any Surveillances that have not been performed on inoperable equipment. However, Surveillance Requirements must be met to ensure OPERABILITY prior to declaring the associated equipment OPERABLE (or variable within limits) and restoring compliance with the affected Limiting Condition for Operation.

INSERT 4

4.0.3 Entry into an OPERATIONAL CONDITION or other specified condition in the Applicability of an LCO shall only be made when the LCO's Surveillances have been met within their specified frequency, except as provided by 4.0.2. When an LCO is not met due to surveillances not having been met, entry into an OPERATIONAL CONDITION or other specified condition in the Applicability shall only be made in accordance with LCO 3.0.C.

This provision shall not prevent entry into OPERATIONAL CONDITIONS or other specified conditions in the Applicability that are required to comply with LCO requirements or that are part of a shutdown of the unit.

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*Issued by NRC Order dated 10-24-80

Section 4 Surveillance Requirements

4.0 Surveillance Requirement Applicability

4.0.1 Surveillance requirements shall be met during the modes or other specified conditions in the applicability for individual LCOs, unless otherwise stated in the surveillance requirements. Failure to meet a surveillance, whether such failure is experienced during the performance of the surveillance or between performances of the surveillance, shall be failure to meet the LCO. Failure to perform a surveillance within the specified frequency shall be failure to meet the LCO except as provided in 4.0.2. Surveillances do not have to be performed on inoperable equipment or variables outside specified limits.

4.0.2 If it is discovered that a surveillance was not performed within its specified frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified frequency, whichever is greater. This delay period is permitted to allow performance of the surveillance. A risk evaluation shall be performed for any surveillance delayed greater than 24 hours and the risk impact shall be managed.

If the surveillance is not performed within the delay period, the LCO must immediately be declared not met, and the applicable condition(s) must be entered.

When the surveillance is performed within the delay period and the surveillance is not met, the LCO must immediately be declared not met, and the applicable condition(s) must be entered.

4.0.3 Entry into an OPERATIONAL CONDITION or other specified condition in the Applicability of an LCO shall only be made when the LCO's Surveillances have been met within their specified frequency, except as provided by 4.0.2. When an LCO is not met due to surveillances not having been met, entry into an OPERATIONAL CONDITION or other specified condition in the Applicability shall only be made in accordance with LCO 3.0.C.

This provision shall not prevent entry into OPERATIONAL CONDITIONS or other specified conditions in the Applicability that are required to comply with LCO requirements or that are part of a shutdown of the unit.

BASES:

Surveillance Requirement 4.0.1 establishes the requirement that surveillance requirements must be met during the modes or other specified conditions in the applicability for which the requirements of the LCO apply, unless otherwise specified in the individual surveillance requirements. This specification is to ensure that surveillances are performed to verify the OPERABILITY of systems and components, and that variables are within specified limits. Failure to meet a surveillance within the specified frequency constitutes a failure to meet an LCO.