

July 13, 2004

Mr. Christopher M. Crane, President  
and Chief Nuclear Officer  
AmerGen Energy Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION, AND THREE MILE  
ISLAND NUCLEAR STATION, UNIT 1 RE: AMENDMENTS TO DELETE A  
LICENSE CONDITION REGARDING THE LONG RANGE PLANNING  
PROGRAM (TAC NOS. MC2311 AND MC2336)

Dear Mr. Crane:

The Commission has issued the enclosed Amendment Nos. 244 and 250 to Facility Operating License Nos. DPR-16 and DPR-50 for Oyster Creek Nuclear Generating Station (OCNGS), and Three Mile Island Nuclear Station, Unit 1 (TMI-1), in response to your application dated March 8, 2004.

The amendments delete the License Condition entitled "Long Range Planning Program" from the OCNGS and TMI-1 Operating Licenses. In addition, for TMI-1, the amendment relocates a requirement (regarding surveillance of the depth of water in the spent fuel pool) from the Long Range Planning Program to the Technical Specifications.

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 Nos. 50-219 and 50-289

Enclosures: 1. Amendment No. 244 to DPR-16  
2. Amendment No. 250 to DPR-50  
3. Safety Evaluation

cc w/encls: See next page

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ACCESSION NO.: **ML041560041**

OFFICE	PDI-1\PM	PDI-1\LA	PDI-1\PM	OGC	PDI-1\SC
NAME	PTam	SLittle	DSkay	SLewis	RLaufer
DATE	6/29/04	6/28/04	7/6/04	7/2/04	7/6/04

No technical branch is known to have an interest in the subject license condition. The original amendments which imposed the subject license condition on the plants listed only the project managers as reviewers. Hence, no technical branch was requested to concur on this package.

**OFFICIAL RECORD COPY**

AMERGEN ENERGY COMPANY, LLC

DOCKET NO. 50-219

OYSTER CREEK NUCLEAR GENERATING STATION

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 244  
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 March 8, 2004, 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 deleting license conditions 2.C.(6), "Long Range Planning Program."
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\**

Richard J. Laufer, Chief, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment: Changes to the Operating License

Date of Issuance: July 13, 2004

ATTACHMENT TO LICENSE AMENDMENT NO. 244

FACILITY OPERATING LICENSE NO. DPR-16

DOCKET NO. 50-219

Replace the following page of the Operating License with the attached revised page. The revised page is identified by amendment number and contains a marginal line indicating the area of change.

Remove

4

Insert

4

The licensee may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

- (4) The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, guard training and qualification, and safeguards contingency plans, including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Oyster Creek Nuclear Generating Station Physical Security Plan," with revisions submitted through July 6, 1988; "Oyster Creek Nuclear Generating Station Training and Qualification Plan," with revisions submitted through June 24, 1986; and "Oyster Creek Nuclear Generating Station Safeguards Contingency Plan," with revisions submitted through June 24, 1986. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.
- (5) Inspections of core spray spargers, piping and associated components will be performed in accordance with BWRVIP-18, "BWR Core Spray Internals Inspection and Flaw Evaluation Guidelines," as approved by NRC staff's Final Safety Evaluation Report date December 2, 1999.
- (6) Long Range Planning Program - Deleted
- (7) Reactor Vessel Integrated Surveillance Program  

AmerGen Energy Company, LLC, is authorized to revise the Updated Final Safety Analysis Report (UFSAR) to allow implementation of the Boiling Water Reactor Vessel and Internals Project reactor pressure vessel Integrated Surveillance Program as the basis for demonstrating compliance with the requirements of Appendix H to Title 10 of the *Code of Federal Regulations* Part 50, "Reactor Vessel Material Surveillance Program Requirements," as set forth in the licensee's application dated December 20, 2002, and as supplemented on May 30, September 10, and November 3, 2003.

AMERGEN ENERGY COMPANY, LLC

DOCKET NO. 50-289

THREE MILE ISLAND NUCLEAR STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 250  
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 March 8, 2004, 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 deleting License Conditions 2.c.(9), "Long Range Planning Program," and 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. 250, 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 30 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

\RA\

Richard J. Laufer, Chief, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment: Changes to the Operating License and Technical Specifications

Date of Issuance: July 13, 2004

ATTACHMENT TO LICENSE AMENDMENT NO. 250

FACILITY OPERATING LICENSE NO. DPR-50

DOCKET NO. 50-289

Replace the following page of the Operating License with the attached revised page. The revised page is identified by amendment number and contains a marginal line indicating the area of change.

Remove

Insert

7

7

Replace the following page of Appendix A, Technical Specifications, with the attached revised page. The revised page is identified by amendment number and contains a marginal line indicating the area of change.

Remove

Insert

3-45

3-45

5. The licensee shall provide routine reporting of the long-term corrosion “lead tests” test results on a quarterly basis as well as more timely notification if adverse corrosion test results are discovered.

(9) Long Range Planning Program - Deleted

Sale and License Transfer Conditions

(10) Deleted

(11) Deleted

(12) Deleted

(13) Deleted

- 3.8.8 If any of the above specified limiting conditions for fuel loading and refueling are not met, movement of fuel into the reactor core shall cease; action shall be initiated to correct the conditions so that the specified limits are met, and no operations which may increase the reactivity of the core shall be made.
- 3.8.9 The reactor building purge isolation valves, and associated radiation monitors which initiate purge isolation, shall be tested and verified to be operable no more than 7 days prior to initial fuel movement in the reactor building.
- 3.8.10 Irradiated fuel shall not be removed from the reactor until the unit has been subcritical for at least 72 hours.
- 3.8.11 During the handling of irradiated fuel in the Reactor Building at least 23 feet of water shall be maintained above the level of the reactor pressure vessel flange, as determined by a shiftly check and a daily verification. If the water level is less than 23 feet above the reactor pressure vessel flange, place the fuel assembly(s) being handled into a safe position, then cease fuel handling until the water level has been restored to 23 feet or greater above the reactor pressure vessel flange.

### Bases

Detailed written procedures will be available for use by refueling personnel. These procedures, the above specifications, and the design of the fuel handling equipment as described in Section 9.7 of the UFSAR incorporating built-in interlocks and safety features, provide assurance that no incident could occur during the refueling operations that would result in a hazard to public health and safety. If no change is being made in core geometry, one flux monitor is sufficient. This permits maintenance on the instrumentation. Continuous monitoring of radiation levels and neutron flux provides immediate indication of an unsafe condition. The decay heat removal pump is used to maintain a uniform boron concentration. The shutdown margin indicated in Specification 3.8.4 will keep the core subcritical, even with all control rods withdrawn from the core (Reference 1). The boron concentration will be sufficient to maintain the core  $k_{\text{eff}} \leq 0.99$  if all the control rods were removed from the core, however only a few control rods will be removed at any one time during fuel shuffling and replacement. The  $k_{\text{eff}}$  with all rods in the core and with refueling boron concentration is approximately 0.9. Specification 3.8.5 allows the control room operator to inform the reactor building personnel of any impending unsafe condition detected from the main control board indicators during fuel movement.

Per Specification 3.8.6 and 3.8.7, the personnel and emergency air lock doors, and penetrations may be open during movement of irradiated fuel in the containment provided a minimum of one door in each of the air locks, and penetrations are capable of being closed in the event of a fuel handling accident, and the plant is in REFUELING SHUTDOWN or REFUELING OPERATION with at least 23 feet of water above the fuel seated within the reactor pressure vessel. The minimum water level specified is the basis for the accident analysis assumption of a decontamination factor of 200 for the release to the containment atmosphere from the postulated damaged fuel rods located on top of the fuel core seated in the reactor vessel. Should a fuel handling accident occur inside containment, a minimum of one door in each personnel and emergency air lock, and the open penetrations will be closed following an evacuation of containment. Administrative controls will be in place to assure closure of at least one door in each air lock, as well as other open containment penetrations, following a containment evacuation.

Provisions for equivalent isolation methods in Technical Specification 3.8.7 include use of a material (e.g. temporary sealant) that can provide a temporary, atmospheric pressure ventilation barrier for other containment penetrations during fuel movements.

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMERGEN ENERGY COMPANY, LLC

AMENDMENT NO. 244 TO FACILITY OPERATING LICENSE NO. DPR-16

OYSTER CREEK NUCLEAR GENERATING STATION, DOCKET NO. 50-219

AMENDMENT NO. 250 TO FACILITY OPERATING LICENSE NO. DPR-50

THREE MILE ISLAND NUCLEAR STATION, UNIT 1, DOCKET NO. 50-289

1.0 INTRODUCTION

By application dated March 8, 2004 (Accession No. ML040780583), AmerGen Energy Company, LLC (the licensee), applied to the Nuclear Regulatory Commission (NRC) for amendments to the operating licenses of Oyster Creek Nuclear Generating Station (OCNGS), and Three Mile Island Nuclear Station, Unit No. 1 (TMI-1). The proposed amendments would delete the License Condition entitled "Long Range Planning Program" from the OCNGS and TMI-1 operating licenses. In addition, for TMI-1, the amendment would relocate a requirement (regarding surveillance of the depth of water in the spent fuel pool) from the Long Range Planning Program to the Technical Specifications (TSs).

The NRC staff published its No Significant Hazards Consideration analysis on April 13, 2004 (69 FR 19564).

2.0 REGULATORY EVALUATION

The "Plan for the Long Range Planning Program for the Oyster Creek Nuclear Generating Station" and the "Plan for the Long Range Planning Program for the Three Mile Island Nuclear Station – Unit 1" were added as a condition of the license via Facility Operating License Amendment Nos. 122 (Accession No. ML011160514) and 140 (Accession No. ML0037672840) for OCNGS and TMI-1, respectively. The plans were developed to enable the licensee to effectively manage implementation of significant changes to the plant which were required or proposed by the NRC, as well as other measures to enhance plant safety and reliability, which had been identified by the licensee or other agencies. The original plan for OCNGS contained a list of over 50 major projects, and that for TMI-1, 300 major projects. The licensee stated that these major projects have been completed or resolved.

As stated in the safety evaluations (SEs) associated with Amendment Nos. 122 (for OCNGS) and 140 (for TMI-1), the original objectives of the plans were (1) to optimize the allocation of licensee and NRC resources to those projects necessary to assure safe, reliable, and economic plant operation, and (2) to achieve appropriate balance and prioritization among all proposed projects based on their relative value and effect regardless of source. The plans characterize individual projects as Category "A", "B", or "C." Category "A" projects reflect regulatory

requirements with implementation dates mandated by rule, order, or license condition; they may not be changed without prior approval of the NRC. Category "B" projects address other regulatory requirements; they require notification of the NRC with time for NRC review prior to the scheduled implementation date. Category "C" projects are non-regulatory and do not require prior NRC approval or notification. The plans describe how the program functions, mechanisms for changing the program and updating it, the interactions and responsibilities of the NRC and licensee under the program, and its resultant assessments and schedules. Reports of updates to the plans are required to be submitted to the NRC on an annual basis.

### 3.0 TECHNICAL EVALUATION

#### 3.1 Licensee's Proposed Changes

AmerGen requested the following specific changes:

For OCNCS, delete the contents, but not the title, of License Condition 2.C.(6), "Long Range Planning Program," in its entirety, and insert the word "Deleted."

For TMI-1, delete the contents, but not the title, of License Condition 2.c.(9), "Long Range Planning Program," in its entirety, and insert the word "Deleted." Also, revise TSs Section 3.8.11 to incorporate the last existing Category "A" commitment to verify the minimum water level of 23 feet above the top of the reactor vessel flange when handling irradiated fuel in the reactor building.

#### 3.2 Evaluation of the Proposed Changes to the Operating Licenses

Since inception of the plans, the number of major projects has decreased significantly as projects were being completed. Over time, many of the items in the plans were addressed by separate correspondence to the NRC, such as correspondence associated with Orders, Bulletins, etc.

Meanwhile, the licensee's methods of managing these projects have changed. As a result, there is now redundancy in the tracking of these items between the AmerGen commitment control system and the plans. Specifically, AmerGen has implemented a formal commitment management process (Procedure LS-AA-110 and associated Training & Reference Material) based on the guidance contained in Nuclear Energy Institute (NEI) 99-04, Revision 0, "Guidelines for Managing NRC Commitment Changes," dated July 1999. The NEI 99-04 guidelines have been endorsed by NRC in Regulatory Issue Summary 2000-17, "Managing Regulatory Commitments Made By Power Reactor Licensee to the NRC Staff," dated September 21, 2000. The AmerGen commitment management process provides the administrative controls to ensure that regulatory commitments are implemented and that changes to the regulatory commitments are evaluated and, when appropriate, reported to the NRC. The Plan for OCNCS currently contains no unresolved Category "A" items (see letter, E. J. Harkness to NRC, dated March 25, 2003, Accession No. ML030920070). For TMI-1, only one Category "A" item in the Plan remains (see letter, G. H. Gellrich to NRC, dated February 6, 2004, Accession No. ML040500673), which is discussed below. The remaining Category "B" and "C" items for OCNCS and TMI-1 are appropriately identified and tracked by existing AmerGen commitment or work management tracking mechanisms.

The licensee stated that OCNCS and TMI-1 organizational changes have resulted in site work management groups that are responsible for work planning and prioritization during plant operation, as well as during refueling outages. The licensee stated that these internal processes will continue to be effectively employed to control and manage work activities at these plants.

As a result of all these developments, the licensee considers that the plans are no longer needed to achieve their original objectives. The licensee's proposal to delete the subject license conditions and revise the TMI-1 TSs does not lead to changes to the physical design or operation of OCNCS and TMI-1. The licensee asserted that the additional tracking and reporting of work items via the plans represent an unnecessary administrative burden that is no longer needed and is redundant to existing procedures and practices.

### 3.3 Evaluation of the Proposed Changes to the TMI-1 TSs

Amendment No. 236, dated October 2, 2001, revised the TS requirements for containment integrity associated with the personnel and emergency air locks during fuel movement and refueling operations. When this amendment was being processed, the licensee agreed to place the requirement to verify the minimum water level of 23 feet above the top of the reactor vessel flange in the Long Range Planning Program as a Category "A" item. The SE supporting this amendment states that "[t]he licensee may choose to relocate that surveillance requirement to the TSs during the next operating cycle." Accordingly, in conjunction with deletion of the plan from the TMI-1 operating license, the licensee proposed to relocate this requirement to the TMI-1 TSs, Section 3.8.11 as follows (wording in *italics* is the proposed revision):

During the handling of irradiated fuel in the Reactor Building at least 23 feet of water shall be maintained above the level of the reactor pressure vessel flange, *as determined by a shiftly check and a daily verification*. If the water level is less than 23 feet above the reactor pressure vessel flange, place the fuel assembly(s) being handled into a safe position, then cease fuel handling until the water level has been restored to 23 feet or greater above the reactor pressure vessel flange.

The NRC staff determines that the proposed change (i.e., addition of the *italicized* phrase) is purely administrative, in that the requirement had been previously imposed, and that it is being relocated from the plan, which is to be deleted as a requirement in the TMI-1 license. This administrative change is, therefore, acceptable.

### 3.4 Precedent Review

The licensee's proposed deletion of the license condition endorsing the Long Term Planning Program from the OCNCS and TMI-1 operating licenses follows a precedence set by Amendment No. 208, dated April 3, 1995 (Accession No. ML021920035) for the Duane Arnold Energy Center, which deleted an essentially identical license condition involving the "Plan for the Integrated Scheduling of Plant Modifications for the Duane Arnold Energy Center."

### 3.5 Summary of Review

Based on the NRC staff's review of the licensee's application, the NRC staff finds that proposed amendments for OCNCS and TMI-1 acceptable as set forth above.

### 4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New Jersey and Pennsylvania State officials were notified of the proposed issuance of the amendments. The State officials had no comments.

### 5.0 ENVIRONMENTAL CONSIDERATION

The 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 the 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 amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: P. S. Tam

Date: July 13, 2004

Oyster Creek Nuclear Generating Station

cc:

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