

10 CFR 50.90

5928-04-20132
June 24, 2004

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

Three Mile Island Unit 1
Facility Operating License No. DPR-50
NRC Docket No. 50-289

Subject: Technical Specification Change Request No. 325 – Missed surveillance criteria and inclusion of a Bases Control Program based on TSTF-358.

Reference: Federal Register 66 FR 49714 dated September 28, 2001
Technical Specification Task Force (TSTF)-358, Revision 6

Pursuant to 10 CFR 50.90, AmerGen Energy Company, LLC hereby requests changes to the Technical Specifications (TS) included in Three Mile Island Unit 1 Operating License No. DPR-50. These proposed changes revise the required actions and time restraints regarding missed surveillances as stated in Surveillance Requirement 4.0.2. Additionally, a new section 6.18 is added to provide for a Technical Specification Bases Control Program. These proposed changes are consistent with the NRC approved Industry/Technical Specification Task Force (TSTF) Standard Technical Specification (STS) change TSTF-358, Revision 6.

The availability of this TS improvement was published in the Federal Register on September 28, 2001, as part of the Consolidated Line Item Improvement Process (CLIP). AmerGen Energy Company, LLC requests approval of the proposed amendment by February 1, 2005. Once approved, the amendment will be implemented within 60 days.

These proposed changes to the Technical Specifications have undergone a review in accordance with Section 6.5 of the TMI-1 Technical Specifications.

We are notifying the State of Pennsylvania of this application for changes to the Technical Specifications by transmitting a copy of this letter and its attachments to the designated State Official.

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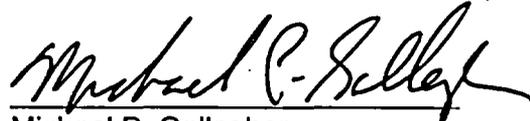
If any additional information is needed, please contact Dave Robillard at (610) 765-5952.

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

Sincerely,

06-24-04

Executed On



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

- Enclosures:
- (1) Three Mile Island Unit 1 Technical Specification Change Request No. 325, Evaluation of Proposed Changes
 - (2) Three Mile Island Unit 1 Technical Specification Change Request No. 325, Proposed Technical Specification Page Changes (Mark-up)
 - (3) Three Mile Island Unit 1 Technical Specification Change Request No. 325, Proposed Technical Specification Pages
 - (4) Three Mile Island Unit 1 Technical Specification Change Request No. 325, List of Regulatory Commitments

cc: H. J. Miller, Administrator, USNRC Region 1
D. M. Skay, USNRC Senior Project Manager, Three Mile Island Unit 1
D. M. Kern, USNRC Senior Resident Inspector, Three Mile Island Unit 1
File No. 04088

ENCLOSURE 1

Three Mile Island Unit 1 Technical Specification Change Request No. 325

Evaluation of Proposed Changes

1.0 INTRODUCTION

In accordance with 10 CFR 50.90, "Application for amendment of license or construction permit," AmerGen Energy Company, LLC (AmerGen) proposes changes to the Technical Specifications (TS), included in Three Mile Island Unit 1 (TMI-1) Generating Station Operating License DPR-50.

The current Technical Specifications allow a maximum of 24 hours to conduct a missed surveillance; otherwise, the equipment to be tested is to be considered inoperable. The revised specification allows 24 hours or a time period of up to the required surveillance interval, whichever is longer, to conduct the missed surveillance provided that, for intervals greater than 24 hours, a risk assessment is conducted in accordance with 10CFR50.65(a)(4).

The proposed amendment also includes the addition of a Technical Specification Bases Control Program consistent with the TS Bases Control Program described in NUREG-1430.

2.0 DESCRIPTION

The proposed amendment would modify the TMI-1 Technical Specifications (TS) requirements for missed surveillances in Surveillance Standard 4.0.2 and adds a new specification 6.18 to include administrative controls for the TS Bases Control Program.

The changes are consistent with the Nuclear Regulatory Commission (NRC) approved Industry/Technical Specification Task Force (TSTF) Standard Technical Specifications (STS) change TSTF-358, Revision 6. The availability of TSTF-358, Revision 5 was published in the Federal Register (66 FR 49714) on September 28, 2001, as part of the Consolidated Line Item Improvement Process (CLIIP). Revision 6 of TSTF-358 incorporates changes made in response to a notice published in the Federal Register (66 FR 32400) on June 14, 2001 seeking public comment.

3.0 ASSESSMENT

3.1 Applicability of Published Safety Evaluation

AmerGen has reviewed the safety evaluation dated September 28, 2001, as part of the CLIIP. This review included a review of the NRC staff's evaluation, as well as the supporting information provided to support TSTF-358. AmerGen has concluded that the justifications presented in the TSTF proposal and the safety evaluation prepared by the NRC staff are applicable to the TMI-1 Generating Station and justify this amendment for the incorporation of the changes to the TMI-1 Generating Station TS.

The TMI-1 TS are in a custom format that does not coincide with the industry STS. The STS include surveillance requirements with the Limiting Conditions for Operation while a separate section is provided in the TMI-1 TS. Additionally, the Bases of the specifications are provided in a separate document in the STS but are included with the

specification in the TMI-1 TS. The results of the published safety evaluation are dependent on the requirements and Bases of the STS in sections 3.0.1 and 3.0.3. While the format and placement of the requirements in the TMI-1 TS differ from the STS, the requirements are equivalent and the Bases are consistent with the STS. Therefore, the published safety evaluation is applicable to TMI-1.

3.2 Optional Changes and Variations

AmerGen is not proposing any variations or deviations from the intent of the TS changes described in the fully modified TSTF-358, Revision 5, (TSTF-358, Revision 6) or the NRC staff's model safety evaluation dated September 28, 2001, other than format and wording changes needed to reflect the existing format and wording in the TMI-1 TS. TMI-1 TS Surveillance Standard 4.0.2 is comparable to the revised portion of the STS SR 3.0.3 that is impacted by the change. The proposed new section 6.18 incorporates a TS Bases Control Program using the same wording as presented in NUREG-1430, Revision 2, "Standard Technical Specifications Babcock and Wilcox Plants," Section 5.5.14.

4.0 REGULATORY ANALYSIS

4.1 No Significant Hazards Consideration Determination

AmerGen has reviewed the proposed no significant hazards consideration determination (NSHCD) published in the Federal Register as part of the CLIIP. AmerGen has concluded that the proposed NSHCD presented in the Federal Register notice (66 FR 32400) is applicable to the TMI-1 Generating Station and is hereby incorporated by reference to satisfy the requirements of 10 CFR 50.91(a).

4.2 Verification and Commitments

As discussed in the notice of availability published in the Federal Register on September 28, 2001, for this TS improvement, plant specific verifications were performed as follows:

AmerGen has established TS Bases for TS Surveillance Standard 4.0.2 which state that the use of the delay period established by TS Surveillance Standard 4.0.2 is a flexibility which is not intended to be used as an operational convenience to extend surveillance intervals, but only for the performance of missed surveillances.

The modification will also include changes to the Bases for TS Surveillance Standard 4.0.2 that provide details on how to implement the new requirements. The Bases changes provide guidance for surveillance frequencies that are not based on time intervals but are based on specified unit conditions, operating situations, or requirements of regulations. In addition, the Bases changes state that AmerGen is expected to perform a missed surveillance test at the first reasonable opportunity, taking into account appropriate considerations, such as the impact on plant risk and accident analysis assumptions, consideration of unit conditions, planning, availability of personnel, and the

time required to perform the surveillance. The Bases also state that the risk impact should be managed through the program in place to implement 10 CFR 50.65 (a)(4) and its implementation guidance, NRC Regulatory Guide 1.182, "Assessing and Managing Risks Before Maintenance Activities at Nuclear Power Plants," and that the missed surveillance should be treated as an emergent condition, as discussed in Regulatory Guide 1.182. In addition, the Bases state that the degree of depth and rigor of the evaluation should be commensurate with the importance of the component and that missed surveillances for important components should be analyzed quantitatively. The Bases also state that the results of the risk evaluation should determine the safest course of action. In addition, the Bases state that all missed surveillances will be placed in the licensee's Corrective Action Program. Finally, AmerGen is incorporating a Bases Control Program into the Technical Specifications consistent with section 5.5.14 of NUREG-1430.

5.0 ENVIRONMENTAL EVALUATION

AmerGen has reviewed the environmental evaluation included in the model safety evaluation dated September 28, 2001, as part of the CLIP. AmerGen has concluded that the staff's findings presented in that evaluation are applicable to TMI-1 Generating Station and the evaluation is hereby incorporated by reference for this application.

6.0 REFERENCES

1. Industry/Technical Specifications Task Force Standard Technical Specification Change Traveler-358, "Missed Surveillance Requirements", Revision 6.
2. Federal Register Volume 66, Number 189, Pages 49714-49717, "Notice of Availability of Model Application Concerning Technical Specification Improvement To Modify Requirements Regarding Missed Surveillances Using the Consolidated Line Item Improvement Process," dated September 28, 2001.
3. NUREG-1430, "Standard Technical Specifications, Babcock and Wilcox Plants", Revision 2, dated June 2001.

ENCLOSURE 2

Three Mile Island Unit 1 Technical Specification Change Request No. 325

Proposed Technical Specification Changes (Mark-up)

This enclosure consists of the current Three Mile Island Unit 1 Technical Specification pages marked up to show the proposed changes. The pages included in this enclosure are:

PAGES

v

4-1

6-25

INSERTS

INSERT 1

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.

INSERT 2

When a surveillance with a frequency based not on time intervals, but upon specified unit conditions, operating situations, or requirements of regulations (e.g., prior to entering power operation after each fuel loading, or in accordance with 10 CFR 50, Appendix J, as modified by approved exemptions, etc.) is discovered to not have been performed when specified, Surveillance Standard 4.0.2 allows for the full delay period of up to the specified frequency to perform the surveillance. However, since there is not a time interval specified, the missed surveillance should be performed at the first reasonable opportunity.

Surveillance Standard 4.0.2 provides a time limit for, and allowances for the performance of, surveillances that become applicable as a consequence of operating condition changes imposed by required LCO actions.

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Failure to comply with specified surveillance frequencies is expected to be an infrequent occurrence. Use of the delay period established by Surveillance Standard 4.0.2 is a flexibility which is not intended to be used as an operational convenience to extend surveillance intervals. While up to 24 hours or the limit of the specified frequency is provided to perform the missed surveillance, it is expected that the missed surveillance will be performed at the first reasonable opportunity. The determination of the first reasonable opportunity should include consideration of the impact on plant risk (from delaying the surveillance as well as any plant configuration changes required or shutting the plant down to perform the surveillance) and impact on any analysis assumptions, in addition to unit conditions, planning, availability of personnel, and the time required to perform the surveillance. This risk impact should be managed through the program in place to implement 10 CFR 50.65 (a)(4) and its implementation guidance, NRC Regulatory Guide 1.182, 'Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants'. This Regulatory Guide addresses consideration of temporary and aggregate risk impacts, determination of risk management action thresholds, and risk management action up to and including plant shutdown. The missed surveillance should be treated as an emergent condition as discussed in the Regulatory Guide. The risk evaluation may use quantitative, qualitative, or blended methods. The degree of depth and rigor of the evaluation should be commensurate with the importance of the component. Missed surveillances for important components should be analyzed

quantitatively. If the results of the risk evaluation determine the risk increase is significant, this evaluation should be used to determine the safest course of action. All missed surveillances will be placed in the licensee's Corrective Action Program.

INSERT 4

6.18 TECHNICAL SPECIFICATIONS (TS) BASES CONTROL PROGRAM

This program provides a means for processing changes to the Bases of these Technical Specifications.

- a. Changes to the Bases of the TS shall be made under appropriate administrative controls and reviews.
- b. Licensees may make changes to Bases without prior NRC approval provided the changes do not require either of the following:
 1. A change in the TS incorporated in the license or
 2. A change to the updated FSAR (UFSAR) or Bases that requires NRC approval pursuant to 10 CFR 50.59.
- c. The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the UFSAR.
- d. Proposed changes that meet the criteria of Specification 6.18.b.1 or 6.18.b.2 above shall be reviewed and approved by the NRC prior to implementation. Changes to the Bases implemented without prior NRC approval shall be provided to the NRC on a frequency consistent with 10 CFR 50.71 (e).

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4. SURVEILLANCE STANDARDS

4.0.1 During Reactor Operational Conditions for which a Limiting Condition for Operation (LCO) does not require a system/component to be operable, the associated surveillance requirements do not have to be performed. Prior to declaring a system/component operable, the associated surveillance requirement must be current. Failure to perform a surveillance within the specified Frequency shall be failure to meet the LCO except as provided in 4.0.2.

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 ~~less~~. This delay period is permitted to allow performance of the Surveillance.

greater

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Bases

This specification establishes the flexibility to defer declaring affected equipment inoperable or an affected variable outside the specified limits when a surveillance has not been completed within the specified frequency. A delay period of up to 24 hours applies from the point in time that it is discovered that the required surveillance has not been performed, and not at the time that the specified frequency was not met.

in accordance with Surveillance Standard 4.0.2

or up to the limit of the specified frequency, whichever is greater

The delay period provides an adequate time to complete surveillances that have been missed. This delay period permits the completion of a surveillance before complying with required actions or other remedial measures that might preclude completion of the surveillance.

The basis for this delay period includes consideration of unit conditions, adequate planning, availability of personnel, the time required to perform the surveillance, the safety significance of the delay in completing the required surveillance, and the recognition that the most probable result of any particular surveillance being performed is the verification of conformance with the requirements.

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~~When a surveillance with a frequency based not on time intervals, but upon specified unit conditions or operational situations, is discovered not to have been performed when specified, this provision allows the full delay period of 24 hours to perform the surveillance.~~

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~~Failure to comply with specified surveillance frequencies is expected to be an infrequent occurrence. Use of the delay period is not intended to be used as an operational convenience to extend surveillance intervals.~~

INSERT 3

If a surveillance is not completed within the allowed delay period, then the equipment is considered inoperable or the variable is considered outside the specified limits and the completion times of the required actions for the applicable LCO conditions begin

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6.17 MAJOR CHANGES TO RADIOACTIVE WASTE TREATMENT SYSTEMS

6.17.1 Licensee initiated safety related changes to the radioactive waste system (liquid, gaseous and solid):

1. Shall be reported to the Commission in the Annual Report (Specification 6.9.1B) for the period in which the evaluation was reviewed. The discussion of each change shall contain:
 - a. A summary of the evaluation that led to the determination that the change could be made in accordance with 10 CFR 50.59;
 - b. Sufficient detailed information to totally support the reason for the change without benefit of additional or supplemental information;
 - c. A detailed description of the equipment, components and processes involved and the interfaces with other plant systems;
 - d. An evaluation of the change which shows the predicted releases of radioactive materials in liquid and gaseous effluents and/or quantity of solid waste that differ from those previously predicted in the license application and amendments thereto;
 - e. An evaluation of the change which shows the expected maximum exposures to individuals in the unrestricted area and to the general population that differ from those previously estimated in the license application and amendments thereto;
 - f. A comparison of the predicted releases of radioactive materials, in liquid and gaseous effluents and in solid waste, to the actual releases for the period prior to when the changes are to be made;
 - g. An estimate of the exposure to plant operating personnel as a result of the change; and
 - h. Documentation of the fact that the change was reviewed and approved.
2. Shall become effective upon review and approval in accordance with Section 6.5.1.

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ENCLOSURE 3

Three Mile Island Unit 1 Technical Specification Change Request No. 325

Proposed Technical Specification Pages

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6.26 (new)

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4. SURVEILLANCE STANDARDS

- 4.0.1 During Reactor Operational Conditions for which a Limiting Condition for Operation (LCO) does not require a system/component to be operable, the associated surveillance requirements do not have to be performed. Prior to declaring a system/component operable, the associated surveillance requirement must be current. Failure to perform a surveillance within the specified Frequency shall be failure to meet the LCO except as provided in 4.0.2.
- 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.

Bases

This specification establishes the flexibility to defer declaring affected equipment inoperable or an affected variable outside the specified limits when a surveillance has not been completed within the specified frequency. A delay period of up to 24 hours or up to the limit of the specified frequency, whichever is greater, applies from the point in time that it is discovered that the required surveillance has not been performed in accordance with Surveillance Standard 4.0.2 and not at the time that the specified frequency was not met.

The delay period provides an adequate time to complete surveillances that have been missed. This delay period permits the completion of a surveillance before complying with required actions or other remedial measures that might preclude completion of the surveillance.

The basis for this delay period includes consideration of unit conditions, adequate planning, availability of personnel, the time required to perform the surveillance, the safety significance of the delay in completing the required surveillance, and the recognition that the most probable result of any particular surveillance being performed is the verification of conformance with the requirements.

Bases (Contd.)

When a surveillance with a frequency based not on time intervals, but upon specified unit conditions, operating situations, or requirements of regulations (e.g., prior to entering power operation after each fuel loading, or in accordance with 10 CFR 50, Appendix J, as modified by approved exemptions, etc.) is discovered to not have been performed when specified, Surveillance Standard 4.0.2 allows for the full delay period of up to the specified frequency to perform the surveillance. However, since there is not a time interval specified, the missed surveillance should be performed at the first reasonable opportunity.

Surveillance Standard 4.0.2 provides a time limit for, and allowances for the performance of, surveillances that become applicable as a consequence of operating condition changes imposed by required LCO actions.

Failure to comply with specified surveillance frequencies is expected to be an infrequent occurrence. Use of the delay period established by Surveillance Standard 4.0.2 is a flexibility which is not intended to be used as an operational convenience to extend surveillance intervals. While up to 24 hours or the limit of the specified frequency is provided to perform the missed surveillance, it is expected that the missed surveillance will be performed at the first reasonable opportunity. The determination of the first reasonable opportunity should include consideration of the impact on plant risk (from delaying the surveillance as well as any plant configuration changes required or shutting the plant down to perform the surveillance) and impact on any analysis assumptions, in addition to unit conditions, planning, availability of personnel, and the time required to perform the surveillance. This risk impact should be managed through the program in place to implement 10 CFR 50.65 (a)(4) and its implementation guidance, NRC Regulatory Guide 1.182, 'Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants'. This Regulatory Guide addresses consideration of temporary and aggregate risk impacts, determination of risk management action thresholds, and risk management action up to and including plant shutdown. The missed surveillance should be treated as an emergent condition as discussed in the Regulatory Guide. The risk evaluation may use quantitative, qualitative, or blended methods. The degree of depth and rigor of the evaluation should be commensurate with the importance of the component. Missed surveillances for important components should be analyzed quantitatively. If the results of the risk evaluation determine the risk increase is significant, this evaluation should be used to determine the safest course of action. All missed surveillances will be placed in the licensee's Corrective Action Program.

If a surveillance is not completed within the allowed delay period, then the equipment is considered inoperable or the variable is considered outside the specified limits and the completion times of the required actions for the applicable LCO conditions begin immediately upon expiration of the delay period. If a surveillance is failed within the delay period, then the equipment is inoperable, or the variable is outside the specified limits and the completion times of the required actions for the applicable LCO conditions begin immediately upon failure of the surveillance.

Completion of the surveillance within the delay period allowed by this specification, or within the completion time of the actions, restores compliance.

6.17 MAJOR CHANGES TO RADIOACTIVE WASTE TREATMENT SYSTEMS

6.17.1 Licensee initiated safety related changes to the radioactive waste system (liquid, gaseous and solid):

1. Shall be reported to the Commission in the Annual Report (Specification 6.9.1B) for the period in which the evaluation was reviewed. The discussion of each change shall contain:
 - a. A summary of the evaluation that led to the determination that the change could be made in accordance with 10 CFR 50.59;
 - b. Sufficient detailed information to totally support the reason for the change without benefit of additional or supplemental information;
 - c. A detailed description of the equipment, components and processes involved and the interfaces with other plant systems;
 - d. An evaluation of the change which shows the predicted releases of radioactive materials in liquid and gaseous effluents and/or quantity of solid waste that differ from those previously predicted in the license application and amendments thereto;
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 - f. A comparison of the predicted releases of radioactive materials, in liquid and gaseous effluents and in solid waste, to the actual releases for the period prior to when the changes are to be made;
 - g. An estimate of the exposure to plant operating personnel as a result of the change; and
 - h. Documentation of the fact that the change was reviewed and approved.
2. Shall become effective upon review and approval in accordance with Section 6.5.1.

6.18 TECHNICAL SPECIFICATIONS (TS) BASES CONTROL PROGRAM

This program provides a means for processing changes to the Bases of these Technical Specifications.

- a. Changes to the Bases of the TS shall be made under appropriate administrative controls and reviews.

- b. Licensees may make changes to Bases without prior NRC approval provided the changes do not require either of the following:
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 - 2. A change to the updated FSAR (UFSAR) or Bases that requires NRC approval pursuant to 10 CFR 50.59.
- c. The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the UFSAR.
- d. Proposed changes that meet the criteria of Specification 6.18.b.1 or 6.18.b.2 above shall be reviewed and approved by the NRC prior to implementation. Changes to the Bases implemented without prior NRC approval shall be provided to the NRC on a frequency consistent with 10 CFR 50.71 (e).

ENCLOSURE 4

Three Mile Island Unit 1 Technical Specification Change Request No. 325

List of Regulatory Commitments

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The following table identifies those actions committed to by AmerGen Energy Company, LLC in this document. Any other statements in this submittal are provided for information purposes and are not considered to be regulatory commitments. Please direct questions regarding these commitments to Dave Robillard at (610) 765-5952.

Regulatory Commitments	Due Date / Event
AmerGen Energy Company, LLC will establish the Technical Specification Bases for TS surveillance requirement 4.0.2 as adopted with the applicable license amendment	Within 60 days of the issuance of the amendment by the NRC