



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 24, 2009

Mr. Charles G. Pardee
President and Chief Nuclear Officer
Exelon Generation Company
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: THREE MILE ISLAND NUCLEAR STATION, UNIT 1 - ISSUANCE OF
AMENDMENT RE: DELETION OF TECHNICAL SPECIFICATIONS FOR
REVIEW AND AUDIT, AND ADDITIONAL ADMINISTRATIVE CHANGES (TAC
NO. MD7320)

Dear Mr. Pardee:

The Commission has issued the enclosed Amendment No. 269 to Facility Operating License No. DPR-50 for the Three Mile Island Nuclear Station, Unit 1 (TMI-1), in response to your application dated November 13, 2007 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML073240040), as supplemented by letters dated September 29, 2008 (ADAMS Accession No. ML082730520), and February 18, 2009 (ADAMS Accession No. ML090500853).

The amendment deletes Technical Specification (TS) Section 6.5 and its associated subsections relating to the Review and Audit function, as well as correcting several administrative items. The administrative items involve: correcting typographical errors, providing improved TS figure legibility, updating the description of the installed spent fuel pool storage locations, removing references to deleted TS sections, and correcting an error in the labeling of outfalls on the TMI site drawing. The Nuclear Regulatory Commission staff understands that you are planning a future TS amendment that will eliminate the need to update the installed number of spent fuel pool storage locations, up to the previously licensed maximum allowable, for each rack installation campaign.

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,

A handwritten signature in black ink that reads "Peter Bamford".

Peter J. Bamford, Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-289

Enclosures: 1. Amendment No.269 to DPR-50
2. Safety Evaluation

cc: Distribution via ListServ



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

EXELON GENERATION COMPANY, LLC

DOCKET NO. 50-289

THREE MILE ISLAND NUCLEAR STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 269
License No. DPR-50

1. The Nuclear Regulatory Commission (the Commission or NRC) has found that:
 - A. The application for amendment by Exelon Generation Company, LLC (the licensee, formerly AmerGen Energy Company, LLC), dated November 13, 2007, supplemented by letters dated September 29, 2008, and February 18, 2009, 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. 269, are hereby incorporated in the license. The Exelon Generation Company shall operate the facility in accordance with the Technical Specifications.

3. Further, the final sentence of Facility Operating License No. DPR-50, formerly listed as paragraph 6, is hereby amended to read as follows:

d. This license is effective as of the date of issuance and shall expire at midnight, April 19, 2014.

4. This license amendment is effective as of its date of issuance and shall be implemented within 60 days of issuance. Implementation of the amendment shall include updating the Exelon Quality Assurance Topical Report (QATR) as it applies to TMI-1. This update shall include the verbatim transfer of the Review and Audit requirements formerly contained in TMI-1 Technical Specifications 6.5.1 through 6.5.3 to the QATR.

FOR THE NUCLEAR REGULATORY COMMISSION



Harold K. Chernoff, Chief
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the License and
Technical Specifications

Date of Issuance: February 24, 2009

ATTACHMENT TO LICENSE AMENDMENT NO.269

FACILITY OPERATING LICENSE NO. DPR-50

DOCKET NO. 50-289

Replace the following pages of the Facility Operating License with the revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

<u>Remove</u>	<u>Insert</u>
Page 3	Page 3
Page 9	Page 9

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.

<u>Remove</u>	<u>Insert</u>
ii	ii
v	v
3-9b	3-9b
3-39a	3-39a
3-39b	3-39b
3-39c	3-39c
5-7	5-7
Fig 5.3	Fig 5.3
6-3	6-3
6-4	--
6-5	--
6-6	--
6-7	--
6-8	--
6-10	6-10
6-11	6-11
6-25	6-25

- (2) Exelon Generation Company, pursuant to the Act and 10 CFR Parts 30, 40 and 70 to receive, possess and use at any time any byproduct, source and special nuclear material as reactor fuel, sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required for reactor operation;
- (3) Exelon Generation Company, pursuant to the Act and 10 CFR Parts 30, 40 and 70 to receive, possess at either TMI-1 or TMI-2, and use in amounts as required for TMI-1 any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis, testing, instrument calibration, or associated with radioactive apparatus or components. Other than radioactive apparatus and components to be used at TMI Unit 2 in accordance with the TMI-2 License, the radioactive apparatus and components that may be moved from TMI Unit 1 to TMI Unit 2 under this provision shall be limited to: (1) outage-related items (such as contaminated scaffolding, tools, protective clothing, portable shielding and decontamination equipment); and (2) other equipment belonging to TMI Unit 1 when storage of such equipment at TMI-2 is deemed necessary for load handling or contamination control considerations;
- (4) Exelon Generation Company, pursuant to the Act and 10 CFR Parts 30 and 70, to possess at the TMI Unit 1 or Unit 2 site, but not separate, such byproduct and special nuclear materials as may be produced by the operation of either unit. Radioactive waste may be moved from TMI Unit 2 to TMI Unit 1 under this provision for collection, processing (including decontamination), packaging, and temporary storage prior to disposal. Radioactive waste that may be moved from TMI Unit 1 to TMI Unit 2 under this provision shall be limited to: (1) dry active waste (DAW) temporarily moved to TMI Unit 2 during waste collection activities, and (2) contaminated liquid contained in shared system piping and tanks. Radioactive waste that may be moved from TMI Unit 1 to TMI Unit 2 under this provision shall not include spent fuel, spent resins, filter sludge, evaporator bottoms, contaminated oil, or contaminated liquid filters.

The storage of radioactive materials or radwaste generated at TMI Unit 2 and stored at TMI Unit 1 shall not result in a source term that, if released, would exceed that previously analyzed in the UFSAR in terms of offsite dose consequences.

The storage of radioactive materials or radwaste generated at TMI Unit 1 and stored at TMI Unit 2 shall not result in a source term that, if released, would exceed that previously analyzed in the PDMS SAR for TMI Unit 2 in terms of off-site dose consequences.

c. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Section 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

Exelon Generation Company is authorized to operate the facility at steady state reactor core power levels not in excess of 2568 megawatts thermal.

(2) Technical Specifications

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

- (18) Upon implementation of Amendment No. 264 adopting TSTF-448, Revision 3, the determination of control room envelope (CRE) unfiltered air inleakage as required by Specification 4.12.1.5, in accordance with TS 6.20.c.(i), the assessment of CRE habitability as required by Specification 6.20.c.(ii), and the measurement of CRE pressure as required by Specification 6.20.d, shall be considered met. Following implementation:
- (a) The first performance of Specification 4.12.1.5, in accordance with Specification 6.20.c.(i), shall be within the specified Frequency of 6 years, plus the 18-month allowance of Specification 1.25, as measured from August 21, 2000, the date of the most recent successful tracer gas test, as stated in the December 9, 2003, letter response to Generic Letter 2003-01, or within the next 18 months if the time period since the most recent successful tracer gas test is greater than 6 years.
 - (b) The first performance of the periodic assessment of CRE habitability, Specification 6.20.c.(ii), shall be within 3 years, plus the 9-month allowance of Specification 1.25, as measured from August 21, 2000, the date of the most recent successful tracer gas test, as stated in the December 9, 2003, letter response to Generic Letter 2003-01, or within the next 9 months if the time period since the most recent successful tracer gas test is greater than 3 years.
 - (c) The first performance of the periodic measurement of CRE pressure, Specification 6.20.d, shall be within 24 months, plus the 180 days allowed by Specification 1.25, as measured from December 9, 2006, the date of the most recent successful pressure measurement test, or within 180 days if not performed previously.
- (19) At the time of the closing of the transfer of TMI-1, and the respective license from AmerGen Energy Company, LLC (AmerGen) to Exelon Generation Company, AmerGen shall transfer to Exelon Generation Company ownership and control of AmerGen TMI NQF, LLC, and AmerGen Consolidation, LLC shall be merged into Exelon Generation Consolidation, LLC. Also at the time of the closing, decommissioning funding assurance provided by Exelon Generation Company, using an additional method allowed under 10 CFR 50.75 if necessary, must be equal to or greater than the minimum amount calculated on that date pursuant to, and required by 10 CFR 50.75 for TMI-1. Furthermore, funds dedicated for TMI-1 prior to closing shall remain dedicated to TMI-1 following the closing. The name of AmerGen TMI NQF, LLC shall be changed to Exelon Generation TMI NQF, LLC at the time of the closing.
- d. This license is effective as of the date of issuance and shall expire at midnight, April 19, 2014.

FOR THE ATOMIC ENERGY COMMISSION

Original Signed by A. Giambusso

A. Giambusso, Deputy Director
for Reactor Projects
Director of Licensing

Attachment: Appendix A Technical
Specifications

Date of Issuance: April 19, 1974

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
2	<u>SAFETY LIMITS AND LIMITING SAFETY SYSTEM SETTINGS</u>	2-1
2.1	<u>Safety Limits, Reactor Core</u>	2-1
2.2	<u>Safety Limits, Reactor System Pressure</u>	2-4
2.3	<u>Limiting Safety System Settings, Protection Instrumentation</u>	2-5
3	<u>LIMITING CONDITIONS FOR OPERATION</u>	3-1
3.0	<u>General Action Requirements</u>	3-1
3.1	<u>Reactor Coolant System</u>	3-1a
3.1.1	Operational Components	3-1a
3.1.2	Pressurization, Heatup and Cooldown Limitations	3-3
3.1.3	Minimum Conditions for Criticality	3-6
3.1.4	Reactor Coolant System Activity	3-8
3.1.5	Chemistry	3-10
3.1.6	Leakage	3-12
3.1.7	Moderator Temperature Coefficient of Reactivity	3-16
3.1.8	Single Loop Restrictions	3-17
3.1.9	Low Power Physics Testing Restrictions	3-18
3.1.10	Control Rod Operation (Deleted)	3-18a
3.1.11	Reactor Internal Vent Valves	3-18c
3.1.12	Pressurizer Power Operated Relief Valve (PORV), Block Valve, and Low Temperature Overpressure Protection (LTOP)	3-18d
3.1.13	Reactor Coolant System Vents	3-18g
3.2	<u>Deleted</u>	3-19
3.3	<u>Emergency Core Cooling, Reactor Building Emergency Cooling and Reactor Building Spray Systems</u>	3-21
3.4	<u>Decay Heat Removal (DHR) Capability</u>	3-25
3.4.1	Reactor Coolant System (RCS) Temperature Greater than 250 Degrees F	3-25
3.4.2	RCS Temperature Less Than or Equal to 250 Degrees F	3-26a
3.5	<u>Instrumentation Systems</u>	3-27
3.5.1	Operational Safety Instrumentation	3-27
3.5.2	Control Rod Group and Power Distribution Limits	3-33
3.5.3	Engineered Safeguards Protection System Actuation Setpoints	3-37
3.5.4	Incore Instrumentation (Deleted)	3-38
3.5.5	Accident Monitoring Instrumentation	3-40a
3.5.6	Deleted	3-40f
3.5.7	Remote Shutdown System	3-40g
3.6	<u>Reactor Building</u>	3-41
3.7	<u>Unit Electrical Power System</u>	3-42
3.8	<u>Fuel Loading and Refueling</u>	3-44
3.9	<u>Deleted</u>	3-46
3.10	<u>Miscellaneous Radioactive Materials Sources</u>	3-46
3.11	<u>Handling of Irradiated Fuel</u>	3-55
3.12	<u>Reactor Building Polar Crane</u>	3-57
3.13	<u>Secondary System Activity</u>	3-58
3.14	<u>Flood</u>	3-59
3.14.1	Periodic Inspection of the Dikes Around TMI	3-59
3.14.2	Flood Condition for Placing the Unit in Hot Standby	3-60
3.15	<u>Air Treatment Systems</u>	3-61
3.15.1	Emergency Control Room Air Treatment System	3-61
3.15.2	Reactor Building Purge Air Treatment System (Deleted)	3-62c
3.15.3	Auxiliary and Fuel Handling Building Air Treatment System (Deleted)	3-62d
3.15.4	Fuel Handling Building ESF Air Treatment System	3-62e

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
5	<u>DESIGN FEATURES</u>	5-1
5.1	<u>SITE</u>	5-1
5.2	<u>CONTAINMENT</u>	5-2
5.2.1	REACTOR BUILDING	5-2
5.2.2	REACTOR BUILDING ISOLATION SYSTEM	5-3
5.3	<u>REACTOR</u>	5-4
5.3.1	REACTOR CORE	5-4
5.3.2	REACTOR COOLANT SYSTEM	5-4
5.4	<u>NEW AND SPENT FUEL STORAGE FACILITIES</u>	5-6
5.4.1	NEW FUEL STORAGE	5-6
5.4.2	SPENT FUEL STORAGE	5-6
5.5	<u>AIR INTAKE TUNNEL FIRE PROTECTION SYSTEMS</u>	5-8
6	<u>ADMINISTRATIVE CONTROLS</u>	6-1
6.1	<u>RESPONSIBILITY</u>	6-1
6.2	<u>ORGANIZATION</u>	6-1
6.2.1	CORPORATE	6-1
6.2.2	UNIT STAFF	6-1
6.3	<u>UNIT STAFF QUALIFICATIONS</u>	6-3
6.4	<u>TRAINING</u>	6-3
6.5	<u>DELETED</u>	6-3
6.5.1	DELETED	6-4
6.5.2	DELETED	6-5
6.5.3	DELETED	6-7
6.5.4	DELETED	6-8
6.6	<u>REPORTABLE EVENT ACTION</u>	6-10
6.7	<u>SAFETY LIMIT VIOLATION</u>	6-10
6.8	<u>PROCEDURES AND PROGRAMS</u>	6-11
6.9	<u>REPORTING REQUIREMENTS</u>	6-12
6.9.1	ROUTINE REPORTS	6-12
6.9.2	DELETED	6-14
6.9.3	ANNUAL RADIOLOGICAL ENVIRONMENTAL OPERATING REPORT	6-17
6.9.4	ANNUAL RADIOACTIVE EFFLUENT RELEASE REPORT	6-18
6.9.5	CORE OPERATING LIMITS REPORT	6-19
6.9.6	STEAM GENERATOR TUBE INSPECTION REPORT	6-19
6.10	<u>RECORD RETENTION</u>	6-20
6.11	<u>RADIATION PROTECTION PROGRAM</u>	6-22
6.12	<u>HIGH RADIATION AREA</u>	6-22
6.13	<u>PROCESS CONTROL PROGRAM</u>	6-23
6.14	<u>OFFSITE DOSE CALCULATION MANUAL (ODCM)</u>	6-24
6.15	<u>DELETED</u>	6-24
6.16	<u>DELETED</u>	6-24
6.17	<u>MAJOR CHANGES TO RADIOACTIVE WASTE TREATMENT SYSTEMS</u>	6-25
6.18	<u>TECHNICAL SPECIFICATION (TS) BASES CONTROL PROGRAM</u>	6-25
6.19	<u>STEAM GENERATOR (SG) PROGRAM</u>	6-26
6-20	<u>CONTROL ROOM ENVELOPE HABITABILITY PROGRAM</u>	6-29

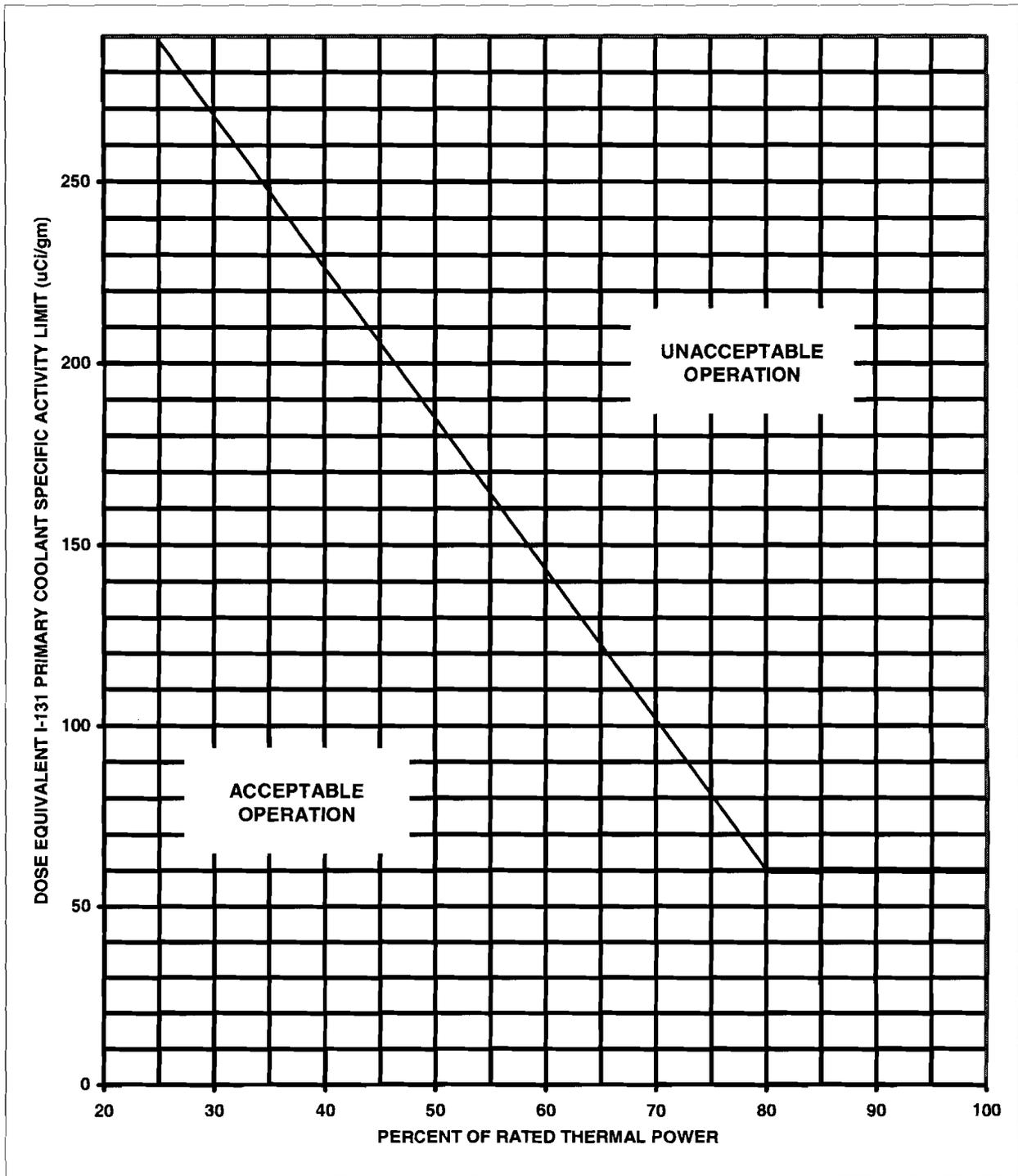
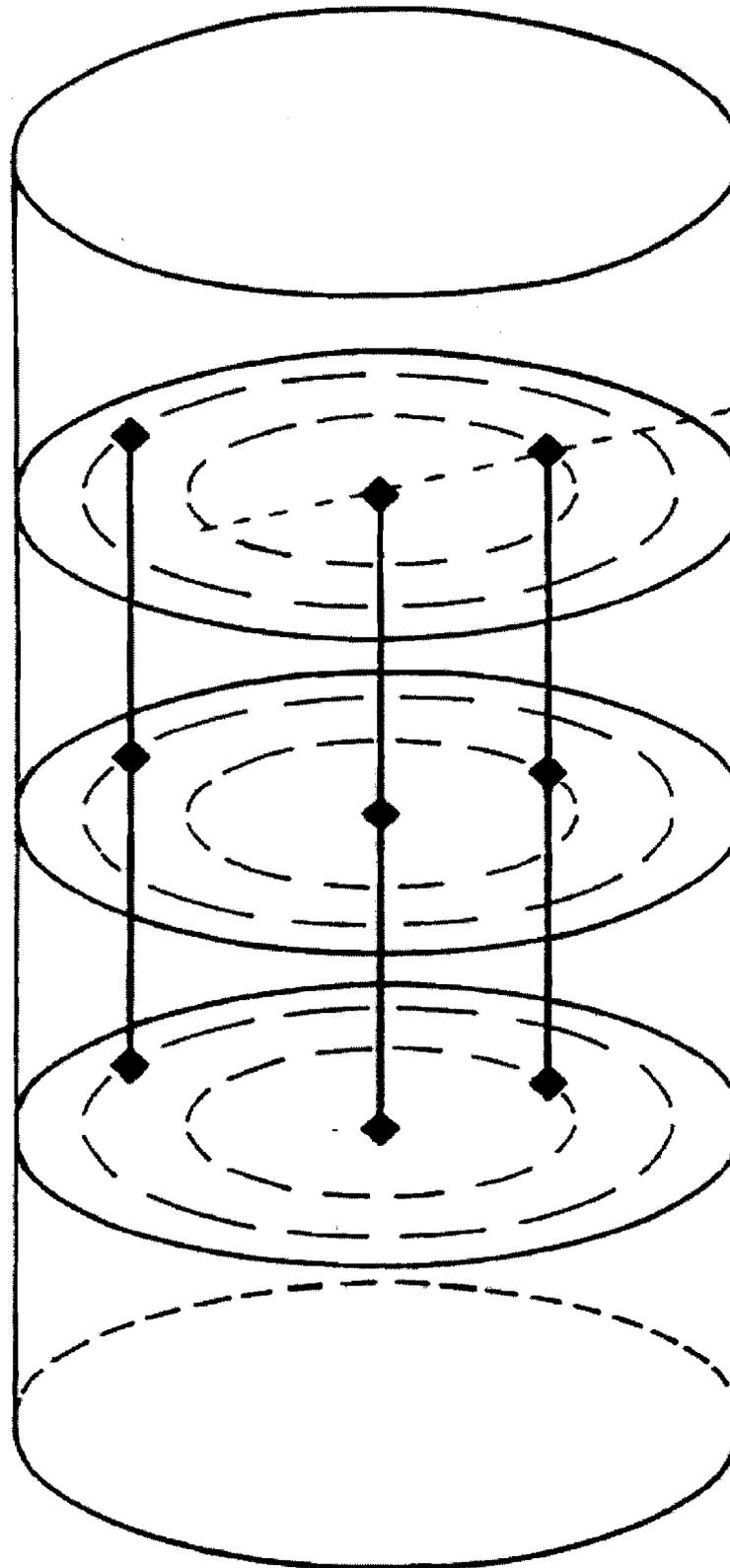


Figure 3.1-2a

Dose equivalent I-131 Primary Coolant Specific Activity Limit Versus Percent of RATED THERMAL POWER (with the Primary Coolant Specific Activity $>0.35 \mu\text{Ci/gram}$ Dose Equivalent I-131).

3-9b

INCORE INSTRUMENTATION PLANES



LACK RADIAL SYMMETRY

TOP AXIAL CORE HALF

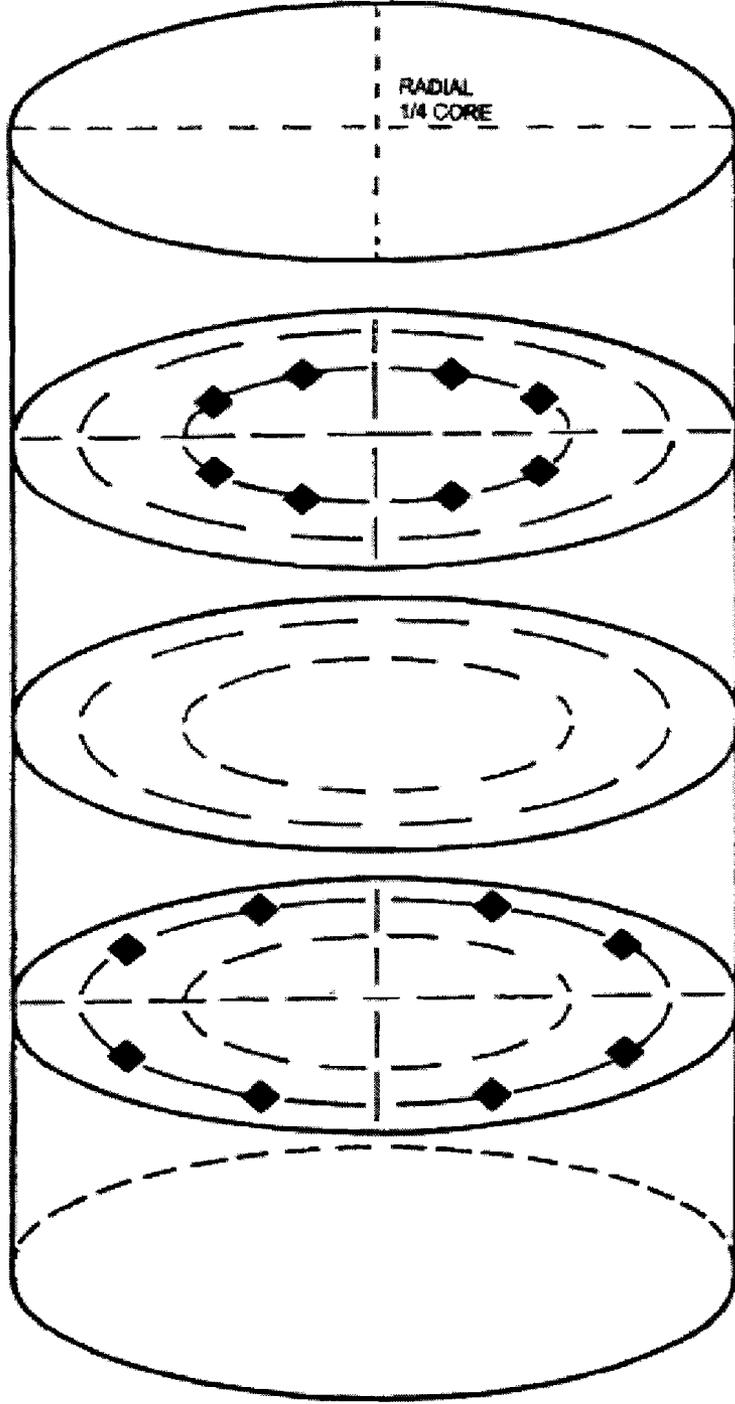
AXIAL PLANE

BOTTOM AXIAL CORE HALF

INCORE INSTRUMENTATION SPECIFICATION
AXIAL IMBALANCE INDICATION
THREE MILE ISLAND NUCLEAR STATION UNIT 1

FIGURE 3.5-1

INCORE INSTRUMENTATION PLANES



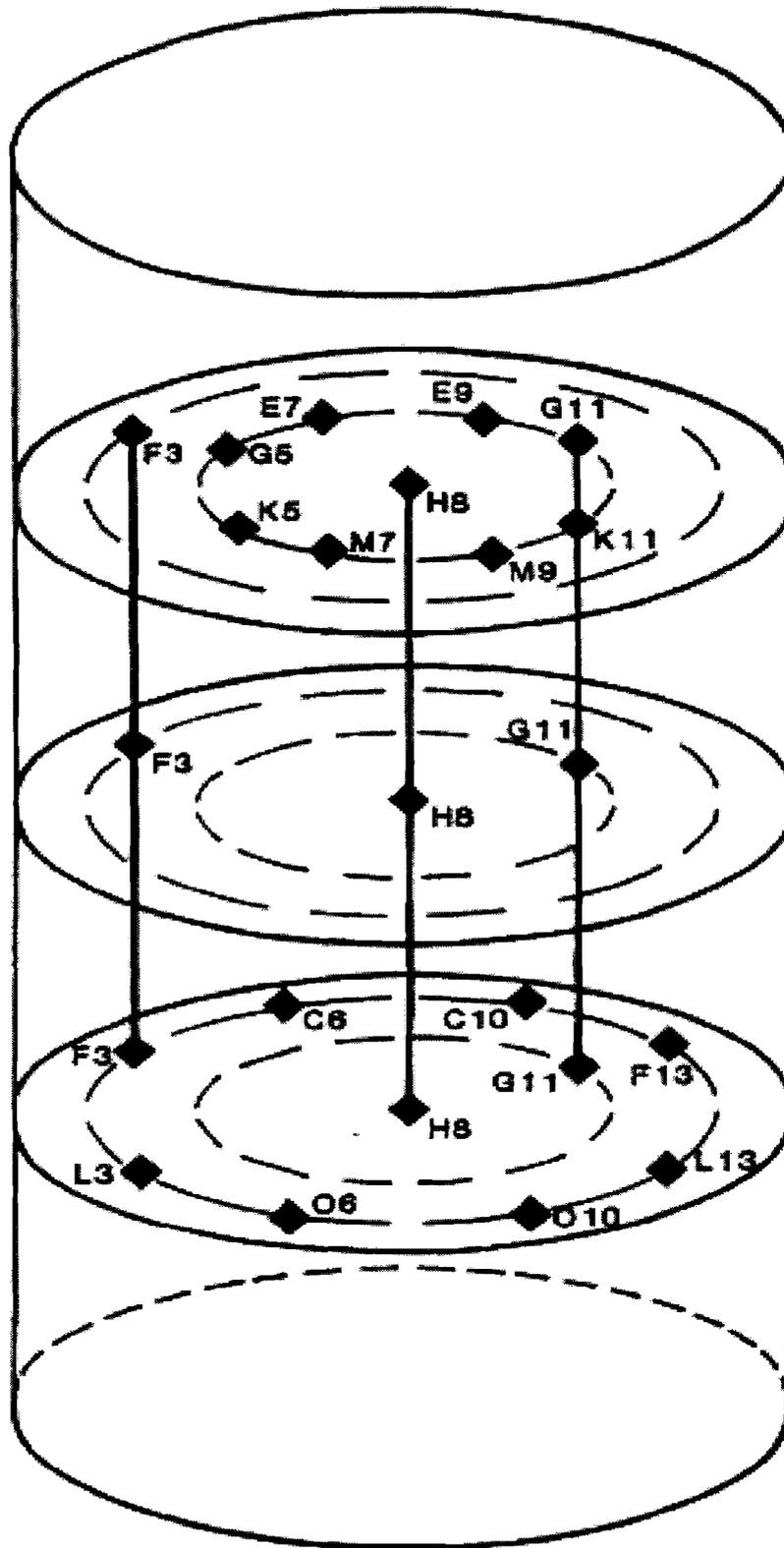
RADIAL SYMMETRY
IN THIS PLANE

RADIAL SYMMETRY
IN THIS PLANE

INCORE INSTRUMENTATION SPECIFICATION
RADIAL FLUX INDICATION
THREE MILE ISLAND NUCLEAR STATION UNIT 1

FIGURE 3.5-2

INCORE INSTRUMENTATION PLANES



INCORE INSTRUMENTATION SPECIFICATION
THREE MILE ISLAND NUCLEAR STATION UNIT 1

FIGURE 3.5-3

5.4.2 SPENT FUEL STORAGE (Reference 1)

- a. Irradiated fuel assemblies will be stored, prior to offsite shipment, in the stainless steel lined spent fuel pools, which are located in the fuel handling building.
- b. Whenever there is fuel in the pool except for initial fuel loading, the spent fuel pool is filled with water borated to the concentration used in the reactor cavity and fuel transfer canal.
- c. Deleted.
- d. The fuel assembly storage racks provided and the number of fuel elements each will store are listed by location below:

	Spent Fuel Pool A North End of Fuel Handling Building	Spent Fuel Pool B South End of Fuel Handling Building	Dry New Fuel Storage Area Fuel Handling Building
Fuel Assys.	1062 *	496	54
Cores	6.0	2.8	0.37

NOTE: * Includes three spaces for accommodating failed fuel containers. An additional 432 storage locations can be installed to provide a total of 1494 locations or 8.44 cores.

- e. All of the fuel assembly storage racks provided are designed to Seismic Class 1 criteria to the accelerations indicated below:

	Fuel Handling Building Dry New Fuel Storage Area And Spent Fuel Pool A	Fuel Handling Building Spent Fuel Pool B
Horiz.	0.38 g	**
Vertical	0.25 g	**

NOTE: ** The "B" pool fuel storage racks are designed using the floor response spectra of the Fuel Handling Building.

- f. DELETED
- g. When spent fuel assemblies are stored in the Spent Fuel Pool "A", Region II storage locations, the combination of initial enrichment and cumulative burnup for spent fuel assemblies shall be within the acceptable area of Figure 5-4.
- h. When spent fuel assemblies are stored in the Spent Fuel Pool "B", storage locations, the combination of initial enrichment and cumulative burnup for spent fuel assemblies shall be within the acceptable area of Figure 5-5.

REFERENCES

- (1) UFSAR, Section 9.7 - "Fuel Handling System"

6.3 UNIT STAFF QUALIFICATIONS

- 6.3.1 Each member of the unit staff shall meet or exceed the minimum qualifications of ANSI/ANS 3.1 of 1978 for comparable positions unless otherwise noted in the Technical Specifications, with the following exceptions: 1) the education and experience eligibility requirements for operator license applicants (described in Exelon letter RS-07-078, dated July 19, 2007), and changes thereto, shall be approved by the NRC and described in an applicable station training procedure, and 2) individuals who do not meet ANSI/ANS 3.1 of 1978, Section 4.5, are not considered technicians or maintenance personnel for purposes of determining qualifications but are permitted to perform work for which qualification has been demonstrated.
- 6.3.2 The management position responsible for radiological controls shall meet or exceed the qualifications of Regulatory Guide 1.8 of 1977. Each radiological controls technician/supervisor shall meet or exceed the qualifications of ANSI-N 18.1-1971, paragraph 4.5.2/4.3.2, or be formally qualified through an NRC approved TMI-I Radiation Controls training program. All radiological controls technicians will be qualified through training and examination in each area or specific task related to their radiological controls functions prior to their performance of those tasks.
- 6.3.3 The Shift Technical Advisors shall have a bachelor's degree or equivalent in a scientific or engineering discipline with specific training in unit design, response and analysis of transients and accidents.

6.4 TRAINING

- 6.4.1 A training program for the Fire Brigade shall be maintained and shall meet or exceed the requirements of Section 600 of the NFPA Code.

6.5 DELETED

6.6 REPORTABLE EVENT ACTION

6.6.1 The following actions shall be taken for REPORTABLE EVENTS:

- a. The Nuclear Regulatory Commission shall be notified and a report submitted pursuant to the requirements of Section 50.73 to 10 CFR 50.

6.7 SAFETY LIMIT VIOLATION

6.7.1 The following actions shall be taken in the event a safety limit is violated:

- a. The reactor shall be shutdown and operation shall not be resumed until authorized by the Nuclear Regulatory Commission.
- b. An immediate report shall be made to the Plant Manager, and Vice President-TMI Unit 1, and the event shall be reported to NRC in accordance with 10 CFR 50.72.
- c. A complete analysis of the circumstances leading up to and resulting from the occurrence shall be prepared by the unit staff. This report shall include analysis of the effects of the occurrence and recommendations concerning operation of the unit and prevention of recurrence. This report shall be submitted to the Plant Manager and the Vice President-TMI Unit 1. The safety limit violation report shall be submitted to NRC in accordance with 10 CFR 50.73.

6.8 PROCEDURES AND PROGRAMS

6.8.1 Written procedures shall be established, implemented and maintained covering the items referenced below:

- a. The applicable procedures recommended in Appendix "A" of Regulatory Guide 1.33, Revision 2, February 1978.
- b. Surveillance and test activities of equipment that affects nuclear safety and radioactive waste management equipment.
- c. Refueling Operations.
- d. Security Plan Implementation.
- e. Fire Protection Program Implementation.
- f. Emergency Plan Implementation.
- g. Process Control Program Implementation.
- h. Offsite Dose Calculation Manual Implementation.
- i. Quality Assurance Program for effluent and environmental monitoring using the guidance in Regulatory Guide 4.15, Revision 1.
- j. Plant Staff Overtime, to limit the amount worked by staff performing safety-related functions in accordance with NRC Policy Statement on working hours (Generic Letter No. 82-12).

6.8.2 Further, each procedure required by 6.8.1 above, and substantive changes thereto, shall be reviewed and approved prior to implementation and shall be reviewed periodically as set forth in administrative procedures. |

6.8.3 Temporary changes to procedures of 6.8.1 above may be made provided:

- a. The intent of the original procedure is not altered;
- b. The change is approved by two members of the licensee's management staff knowledgeable in the area affected by the procedure. For changes which may affect the operational status of unit systems or equipment, at least one of these individuals shall be a member of unit management or supervision holding a Senior Reactor Operator's License on the unit. |
- c. The change is documented, reviewed and approved within 14 days of implementation. |

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.

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.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 269 TO FACILITY OPERATING LICENSE NO. DPR-50

EXELON GENERATION COMPANY, LLC

THREE MILE ISLAND NUCLEAR STATION, UNIT 1

DOCKET NO. 50-289

1.0 INTRODUCTION

By application dated November 13, 2007 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML073240040), as supplemented by letter dated September 29, 2008 (ADAMS Accession No. ML082730520), and February 18, 2009 (ADAMS Accession No. ML090500853), Exelon Generation Company (Exelon, or the licensee)¹ requested changes to the Facility Operating License and Technical Specifications (TSs) for Three Mile Island Nuclear Station, Unit 1 (TMI-1). The supplements provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the U.S. Nuclear Regulatory Commission (NRC or Commission) staff's original proposed no significant hazards consideration determination as published in the Federal Register on April 8, 2008 (73 FR 19109). In its supplement dated February 18, 2009, Exelon provided an update to its original no significant hazards consideration evaluation. The NRC staff has reviewed this updated evaluation and has determined that the changes incorporate additional and more restrictive requirements than were reflected in the original proposed no significant hazards determination. As such, the original evaluation remains bounding, the conclusions presented in the notice published on April 8, 2008, are unchanged, and a revised notice is not required.

The proposed changes would delete TS Section 6.5 and its associated subsections relating to the Review and Audit function, as well as correct several administrative items. The administrative items involve: correcting typographical errors, providing improved TS figure legibility, updating the description of the installed spent fuel pool storage locations, removing references to deleted TS sections, and correcting an error in the labeling of outfalls on the TMI site drawing.

¹ The license application and supplement dated September 29, 2008, was submitted by AmerGen Energy Company, LLC. Effective January 8, 2009, the license for TMI-1 was transferred from AmerGen Energy Company, LLC to Exelon Generation Company, LLC. By letter dated January 9, 2009, (ADAMS Accession No. ML090120538) Exelon Generation Company adopted and endorsed docketed submittals that requested specific licensing actions that were made by AmerGen, and requested that the NRC staff continue to process those pending actions on the schedules previously agreed to by AmerGen.

2.0 REGULATORY EVALUATION

Section 182a of the Atomic Energy Act of 1954, as amended, requires all applicants for nuclear power plant licenses to include TSs as part of the license. Included in the criteria that the TS must cover are: (1) the specific characteristics of the facility; and (2) other such information deemed by the Commission necessary to ensure that the utilization of special nuclear material will be in accord with the common defense and security, and will provide adequate protection to the health and safety of the public.

Title 10 of the *Code of Federal Regulations* (10 CFR) Paragraph 50.36(c) specifies the categories and criteria for information that must be included in the TSs. These include the following: (1) safety limits, limiting safety system settings, and limiting control settings; (2) limiting conditions for operation; (3) surveillance requirements; (4) design features; and (5) administrative controls. Since the TMI-1 construction permit was issued prior to January 16, 1969, the TMI-1 TSs may conform to the requirements of 10 CFR 50.36(c) or may conform to the requirements of 10 CFR Part 50 that were in effect prior to January 16, 1969, pursuant to 10 CFR 50.36(d). The TMI-1 TSs are structured such that they substantially conform to the 10 CFR 50.36(c) categories listed above, including administrative controls.

In describing administrative controls 10 CFR 50.36(c)(5) states that they "... are the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner." The specific content of the administrative controls section of the TS is therefore that information that the NRC deems essential for the safe operation of the facility, that is not already adequately covered by other regulations. Accordingly, the NRC staff has determined that requirements that are not specifically required under 10 CFR 50.36(c)(5) and which are not otherwise necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety, can be removed from administrative controls. Existing TS requirements, therefore, may be relocated to more appropriate documents (e.g. Security Plan, Quality Assurance (QA) Plan, and Emergency Plan) and controlled by the applicable regulatory requirement when the NRC determines that the alternate regulation provides adequate regulatory control.

On December 12, 1995, the NRC issued Administrative Letter (AL) 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance," to inform licensees of experiences involving the relocation of TS administrative controls related to quality assurance. In AL 95-06, the NRC staff identified typical TS administrative controls that may be relocated to licensee quality assurance documents subject to the controls of 10 CFR 50.54(a). TS administrative controls requirements identified in AL 95-06 include the procedure review process, independent safety engineering group, and reviews and audits. These requirements correlate, respectively, to subsections 6.5.1, "Technical Review and Control," 6.5.2, "Independent Safety Review Function," and 6.5.3, "Audits," in the TMI-1 TSs.

For this license amendment request (LAR), the NRC staff reviewed the TSs proposed to be deleted, as well as the administrative changes proposed, for compliance with 10 CFR 50.36. During the NRC staff review of the LAR, it was identified that not all of the TS 6.5 requirements proposed for deletion were incorporated, or planned for incorporation, into the Exelon Quality Assurance Topical Report (QATR). For example, some requirements were identified as being

covered in station procedures. This is not in accordance with AL 95-06, which was cited by the licensee as justification for the proposed changes. The licensee subsequently agreed to perform a verbatim transfer of the requirements formerly contained in TS 6.5.1, TS 6.5.2 and TS 6.5.3 to the QATR, by letter dated February 18, 2009.

The NRC staff review also ensured that future changes to the deleted TS requirements, as controlled by the QATR, will receive appropriate regulatory control.

3.0 TECHNICAL EVALUATION

3.1 Proposed Changes to TS Section 6.5

Section 6.5, "Review and Audit," of the TMI-1 TSs contains administrative control requirements as specified by 10 CFR 50.36(c)(5). The licensee, in their LAR, proposed to delete Section 6.5 stating that these requirements were currently being implemented under the licensee's existing QATR, Revision 79. During the NRC staff review of the LAR it was identified that the requirements contained in TS section 6.5 were not completely contained in the QATR. In the supplement dated February 18, 2009, the licensee stated their intent to relocate the requirements of TS section 6.5 verbatim to the QATR. Additionally, the licensee stated that changes to the QATR, including those portions which cover the TS Section 6.5 requirements, are subject to regulatory control under 10 CFR 50.54(a).

TS Section 6.5 contains three subsections proposed for deletion. Subsection 6.5.1, "Technical Review and Control," contains requirements for ensuring adequate preparation, review, and approval of documents related to activities outlined in TS 6.5.1.1 through 6.5.1.12. It also contains requirements for records and qualification in TS 6.5.1.13 and TS 6.5.1.14. By letter dated February 18, 2009, the licensee stated their intent to relocate these requirements, in total, to the Exelon QATR, as it applies to TMI-1. This relocation will maintain the requirements formerly contained in the TS and by relocating them to the QATR, places them under a more appropriate method of control for future changes, namely 10 CFR 50.54(a). Additionally, the relocation is in accordance with the guidance of AL 95-06.

TS 6.5.2, "Independent Safety Review Function," contains requirements for ensuring an independent safety review of the subjects described in TS 6.5.2.5(a) – (f). By letter dated February 18, 2009, the licensee stated their intent to relocate these requirements, in total, to the Exelon QATR, as it applies to TMI-1. This relocation will maintain the requirements formerly contained in the TS and by relocating them to the QATR, places them under a more appropriate method of control for future changes, namely 10 CFR 50.54(a). Additionally, the relocation is in accordance with the guidance of AL 95-06.

Finally, TS subsection 6.5.3, "Audits," contains requirements for the performance of audits encompassing activities described in 6.5.3.1(a) – (k) and 6.5.3.2(a) – (b), as well as records requirements for audit reports in TS 6.5.3.3. By letter dated February 18, 2009, the licensee stated their intent to relocate these requirements, in total, to the Exelon QATR, as it applies to TMI-1. This relocation will maintain the requirements formerly contained in the TS and by relocating them to the QATR, places them under a more appropriate method of control for future changes, namely 10 CFR 50.54(a). Additionally, the relocation is in accordance with the guidance of AL 95-06.

The NRC staff concludes that the administrative controls requirements proposed for deletion will be implemented under the licensee's QATR. Further, the proposed changes are consistent with the requirements identified for relocation to the quality assurance plan in AL 95-06 and are not otherwise necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to public health and safety. The requirements implemented under the QATR will be adequately controlled by NRC regulations in accordance with 10 CFR 50.54(a) and conform to the requirements of 10 CFR 50.36. Therefore, the NRC staff concludes that the proposed changes to TS 6.5 are acceptable. This determination is based upon the relocation of the TS requirements directly and completely to the QATR. Therefore, implementing this amendment requires the verbatim relocation of these requirements to the QATR prior to, or concurrent with, implementation.

As a result of the deletion of TS Section 6.5, several administrative changes are necessary. The TS Table of Contents, page v, must be revised to show Sections 6.5, 6.5.1, 6.5.2 and 6.5.3 as DELETED. In addition, TS 6.6.1(b), TS 6.8.2 and TS 6.8.3 and TS 6.17.1(2) must be edited to remove references to the deleted TS 6.5.2.5(d), TS 6.5.1 and TS 6.5.1.14 sections. These changes are administrative in nature, follow logically from the previously discussed deletion of TS Section 6.5, have no impact on safety and are therefore acceptable to the NRC staff.

3.2 Other Administrative Changes

3.2.1 Facility Operating License, page 8

The TMI-1 Facility Operating License No. DPR-50, page 8, paragraph section (14), formerly contained a typographical error in that the word "alter" should read "after." During the processing of this amendment, this section of the TMI-1 operating license was deleted by license Amendment No. 267 (ADAMS Accession No. ML082770568), and hence the change is no longer necessary.

3.2.2 Facility Operating License, page 9

The TMI-1 Facility Operating License No. DPR-50, page 9, contains a typographical error in the alphanumeric sequence for the final sentence which states, "This license is effective as of the date of issuance and shall expire at midnight, April 19, 2014." The paragraph designator is currently "6" and will be changed to a "d." This change reflects a proper alphanumeric ladder sequence and is consistent with the original version of the license issued on April 19, 1974 (ADAMS Accession No. ML003762989). It has no impact on plant safety and is therefore acceptable.

3.2.3 TS Table of Contents

The TS Table of Contents, page ii is being revised to correct the page location for TS Section 3.1.13. TS Section 3.1.13 was relocated via license Amendment No. 186 (ADAMS Accession No. ML003766414), and the corresponding table of contents change was not made at that time. The change to the table of contents page described in this LAR should have been made along with license Amendment No. 186. This change provides consistency between the

table of contents and the TS pages, corrects an oversight from a previous amendment, is administrative in nature with no impact on plant safety, and is, therefore, acceptable.

3.2.4 TS Figures 3.1-2a, 3.5-1, 3.5-2, and 3.5-3

TS Figures 3.1-2a, 3.5-1, 3.5-2, and 3.5-3 are being reprinted to improve legibility. These substitutions only impact the page readability, contain no technical changes, have no impact on plant safety and are, therefore, acceptable.

3.2.5 TS 5.4.2.d

TS 5.5.4.2.d indicates the number of spent fuel pool (SFP) storage locations available as well as the corresponding equivalent number of cores. A note to this TS gives the total number of licensed locations as well as an allowance for staged rack installations in SFP "A". This TS originated from Amendment No. 164 to Facility Operating License DPR-50 (ADAMS Accession No. ML003766347), dated April 27, 1992, which authorizes a total number of locations (1494) in SFP "A". The approval granted by Amendment No. 164 recognizes that the complete re-rack of SFP "A" would not happen all at once, however, the licensed number of storage locations was fixed. Thus, the amendment allowed interim configurations of rack installation over the lifetime of the plant, up to a total of 1494. The proposed change to TS 5.4.2.d incorporates the current number of installed rack locations. Since the change reflects a configuration and specification allowed by, and analyzed for, in the previous amendment, this change is considered to be administrative in nature. The change reflects a condition considered in the original approval of the SFP re-racking, is bounded by the analysis submitted in support of that amendment, reflects an update within the bounds of the previous approval and therefore continues to provide adequate assurance of SFP fuel storage safety. Based on these considerations the NRC staff finds this change to be acceptable.

3.2.6 TS Figure 5-3, "Gaseous Effluent Release Point and Liquid Effluent Outlet Locations"

The river outfall location labels DSNO01 and DSNO03 in TS Figure 5-3 are being switched to indicate the correct locations. The correct designations were verified in the 2007 Radiological Environmental Monitoring Program Report (ADAMS Accession No. ML081300255) and the most recently submitted TMI-1 Offsite Dose Calculation Manual (ADAMS Accession No. ML041180066). The outfall locations in the TS figure are informational only and do not impact release data or calculations. Therefore, this change is administrative in nature, has no impact on plant safety or environmental considerations and is therefore 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 involves changes to administrative and recordkeeping requirements. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is

no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (73 FR 19109). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10)(ii). 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 amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributors: B. Miller
 P. Bamford

Date: February 24, 2009

February 24, 2009

Mr. Charles G. Pardee
President and Chief Nuclear Officer
Exelon Generation Company
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: THREE MILE ISLAND NUCLEAR STATION, UNIT 1 - ISSUANCE OF
AMENDMENT RE: DELETION OF TECHNICAL SPECIFICATIONS FOR
REVIEW AND AUDIT, AND ADDITIONAL ADMINISTRATIVE CHANGES (TAC
NO. MD7320)

Dear Mr. Pardee:

The Commission has issued the enclosed Amendment No. 269 to Facility Operating License No. DPR-50 for the Three Mile Island Nuclear Station, Unit 1 (TMI-1), in response to your application dated November 13, 2007 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML073240040), as supplemented by letters dated September 29, 2008 (ADAMS Accession No. ML082730520), and February 18, 2009 (ADAMS Accession No. ML090500853).

The amendment deletes Technical Specification (TS) Section 6.5 and its associated subsections relating to the Review and Audit function, as well as correcting several administrative items. The administrative items involve: correcting typographical errors, providing improved TS figure legibility, updating the description of the installed spent fuel pool storage locations, removing references to deleted TS sections, and correcting an error in the labeling of outfalls on the TMI site drawing. The Nuclear Regulatory Commission staff understands that you are planning a future TS amendment that will eliminate the need to update the installed number of spent fuel pool storage locations, up to the previously licensed maximum allowable, for each rack installation campaign.

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 J. Bamford, Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-289

Enclosures: 1. Amendment No. 269 to DPR-50
2. Safety Evaluation

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