

10 CFR 50.90

TMI-09-029
RA-09-016
February 18, 2009

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
11555 Rockville Pike
Rockville, MD 20852

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

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

Subject: Supplement to License Amendment Request for:
Oyster Creek Technical Specification Change Request No. 336
Three Mile Island Unit 1 Technical Specification Change Request No. 330
Deletion of Technical Specification Requirements for Review and Audit, and
Additional Administrative Changes

- References:
- 1) Letter from Pamela B. Cowan to U. S. NRC, "Oyster Creek Technical Specification Change Request No. 336, TMI Unit 1 Technical Specification Change Request No. 330, Deletion of Technical Specification Requirements for Review and Audit, and Additional Administrative Changes," dated November 13, 2007
 - 2) Letter from Pamela B. Cowan to U. S. NRC, "Supplement to License Amendment Request for TMI Unit 1 Technical Specification Change Request No. 330, Deletion of Technical Specification Requirements for Review and Audit, and Additional Administrative Changes," dated September 29, 2008

In Reference 1, AmerGen Energy Company, LLC (AmerGen) (now Exelon Generation Company, LLC) requested NRC approval for the deletion of Oyster Creek Nuclear Generating Station (OCNGS) and Three Mile Island Unit 1 (TMI-1) Technical Specification (TS) 6.5, "Review and Audit," requirements and additional administrative changes.

In Reference 2, AmerGen provided additional, minor changes affecting TMI-1 TS 6.6.1.b and TS 6.17.1.2.

Subsequently, per teleconference on February 2, 2009 with Exelon Generation Company, LLC (Exelon), the NRC indicated that Administrative Letter (AL) 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance," dated December 12, 1995, guidelines require TSs to be relocated verbatim to the Exelon Quality Assurance Topical Report (QATR) as an acceptable method for removing the applicable administrative controls from the OCNGS and TMI-1 TSs. Accordingly, Exelon will relocate verbatim the OCNGS and TMI-1 TS 6.5, "Review and Audit," requirements to the Exelon QATR within 60 days from the issuance of the approved amendments and prior to the implementation of the deletion of the TS 6.5 requirements from the OCNGS and TMI-1 TSs.

Exelon has concluded that the supplemental proposed changes do require a change to the original no significant hazards consideration (NSHC) evaluation submitted in the Reference 1 license amendment request. A revised NSHC evaluation is provided in the Attachment to this letter.


Pursuant to 10 CFR 50.91(b)(1), a copy of this supplement is being provided to the designated officials of the State of New Jersey and the Commonwealth of Pennsylvania, as well as the chief executives of the township and county in which the facilities are located.

No new regulatory commitments are established by this submittal.

If any additional information is needed, please contact Frank Mascitelli at (610) 765-5512.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 18th day of February, 2009.

Respectfully,

P.B.C.


Pamela B. Cowan
Director - Licensing & Regulatory Affairs
Exelon Generation Company, LLC

Attachment: Revised No Significant Hazards Consideration Evaluation for Technical Specification Change Requests 330 and 336, dated February 18, 2009

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cc: S. J. Collins, Administrator, USNRC Region I
D. M. Kern, USNRC Senior Resident Inspector, TMI Unit 1
M. S. Ferdas, USNRC Senior Resident Inspector, Oyster Creek
P. J. Bamford, USNRC Project Manager, TMI Unit 1
G. E. Miller, USNRC Project Manager, Oyster Creek
D. Allard, Director, Bureau of Radiation Protection-PA Department of Environmental
Resources
Chairman, Board of County Commissioners of Dauphin County
Chairman, Board of Supervisors of Londonderry Township
Mayor of Lacey Township
P. Baldauf, Assistant Director, Bureau of Nuclear Engineering, New Jersey Department of
Environmental Protection

Attachment

**Revised No Significant Hazards Consideration for
Technical Specification Change Requests
330 and 336**

February 18, 2009

5.0 REGULATORY ANALYSIS

5.1 No Significant Hazards Consideration

Exelon Generation Company, LLC (Exelon) has evaluated whether or not a significant hazards consideration is involved with the proposed amendments by focusing on the three standards set forth in 10 CFR 50.92, "Issuance of Amendment," as discussed below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

No physical changes to the facilities, Oyster Creek Nuclear Generating Station (OCNGS) and Three Mile Island Nuclear Station, Unit 1 (TMI-1), will occur as a result of the proposed amendment. The proposed changes will not alter the physical design or operational procedures associated with any plant structure, system, or component.

The proposed changes include the relocation of several administrative requirements from the Technical Specifications (TSs) to the Exelon Quality Assurance Topical Report (QATR) and are administrative in nature. The TS requirements involve Technical Review and Control and Audits. In accordance with the guidance provided in NRC Administrative Letter 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance," the proposed changes are an acceptable method for removing TS quality assurance requirements.

The additional proposed changes (OCNGS: correcting typographical errors and removing a surveillance requirement for the condenser vacuum pump isolation trip system; TMI: correcting typographical errors, providing improved TS Figure legibility, updating the description of the installed spent fuel pool storage locations and correcting an error in the labeling of outfalls on the TMI site drawing) are administrative in nature and have no affect on plant operation. The changes do not reduce the duties and responsibilities of the organizations performing the technical review, independent safety review and audit functions essential to ensuring the safe operation of the plant.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes are administrative in nature. The proposed changes do not alter the physical design, safety limits, or safety analysis assumptions associated with the operation of the plant. Accordingly, the changes do not introduce any new accident initiators, nor do they reduce or adversely affect the capabilities of any plant structure, system, or component to perform their safety function.

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Revised No Significant Hazards Consideration for TSCR 330 & 336
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Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes to relocate TS 6.5 requirements to the QATR conform to NRC regulatory guidance regarding the content of plant TSs. The guidance is presented in Administrative Letter 95-06, NUREG-1430 and NUREG-1433. The relocation of these administrative requirements will not reduce the quality assurance commitments as accepted by the NRC, nor reduce administrative controls essential to the safe operation of the plant. Future changes to these administrative requirements will be performed in accordance with NRC regulation 10 CFR 50.54(a), consistent with the guidance identified above. Accordingly, the relocation of the TS requirements to the QATR results in an equivalent level of regulatory control.

The additional proposed changes are administrative changes that do not involve a margin of safety.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Based on the above, Exelon concludes that the proposed amendment presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of "no significant hazards consideration" is justified.