

May 25, 2007

Mr. Joseph J. Hagan
President & Chief Nuclear Officer
FirstEnergy Corp.
76 South Main Street
Akron, OH 44308

SUBJECT: THREE MILE ISLAND NUCLEAR STATION, UNIT 2 - ISSUANCE OF LICENSE
AMENDMENT DELETING TECHNICAL SPECIFICATION REGARDING
ANNUAL OCCUPATIONAL RADIATION EXPOSURE REPORT (TECHNICAL
SPECIFICATION CHANGE REQUEST NO. 85) (TAC NO. J00318)

Dear Mr. Hagan:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 62 to Facility Possession-Only License No. DPR-73 for the Three Mile Island Nuclear Station, Unit 2. This amendment is in response to your application dated December 13, 2006.

This amendment approves your proposed deletion of Technical Specification 6.8.1.3, which provided the requirement for submittal of the annual occupational radiation exposure report.

A copy of the Safety Evaluation Report is enclosed. The Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,

/RA/

Kristina L. Banovac, Project Manager
Reactor Decommissioning Branch
Decommissioning & Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 50-320
License No.: DPR-73

Enclosures:

1. Amendment No. 62 to DPR-73
2. Safety Evaluation Report

cc: See next page

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DURLD r/f Laurie Kauffman/RI Raymond Lorson/RI Nick Orlando Peter Bamford

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OFFICE	DWMEP:PM	DWMEP:LA	DWMEP:BC	OGC	DWMEP:DD
NAME	KBanovac	TMixon	TSmith for CCraig	FCameron	KMcConnell
DATE	4/26/07	4/26/07	4/26/07	5/7/07	5/25/07

OFFICIAL RECORD COPY

cc: Three Mile Island, Unit 2 Service List

Mr. Eric Epstein
EFMR Monitoring Group
4100 Hillsdale Road
Harrisburg, PA 17112

Mr. David J. McGoff
Office of LWR Safety and Technology
NE-23
U.S. Department of Energy
Washington, DC 20545

Mr. Wythe Keever
The Patriot
812 Market Street
Harrisburg, PA 17105

U.S. Environmental Protection Agency
Region III Office
ATTN: Mr. B. Hoffman
EIS Coordinator
3ES30
1650 Arch Street
Philadelphia, PA 17103

Ms. Jane Lee
183 Valley Road
Etters, PA 17319

Mr. Walter W. Cohen, Consumer
Advocate
Department of Justice
Strawberry Square, 14th Floor
Harrisburg, PA 17127

Mr. Donald E. Smith
AmerGen Energy Co. LLC
P.O. Box 480
Middletown, PA 17057

Mr. Robert Borsum
B&W Nuclear Technologies
Suite 525
1700 Rockville Pike
Rockville, MD 20852

Mr. Bruce Williams
AmerGen Energy Co. LLC
P.O. Box 480
Middletown, PA 17057

Mr. David W. Jenkins, Esq.
First Energy Legal Department
76 South Main St.
Akron, OH 44308

Chairperson
Dauphin County Board of Commissioners
Dauphin County Courthouse
Front and Market Streets
Harrisburg, PA 17120

Mr. Ad Crable
Lancaster New Era
8 West King Street
Lancaster, PA 17601

Director
Bureau of Radiation Protection
Department of Environmental Protection
13th Floor, Rachel Carson State Office Bldg.
P. O. Box 8469
Harrisburg, PA 17105-8469

Senior Resident Inspector (TMI-1)
U.S. Nuclear Regulatory Commission
P.O. Box 311
Middletown, PA 17057

Dr. Judith H. Johnsrud
Environmental Coalition on Nuclear Power
433 Orlando Avenue
State College, PA 16803-3477

Mr. Craig W. Smith
AmerGen Energy Co. LLC
P. O. Box 480
Middletown, PA 17057

Mr. David J. Petro
Senior Consultant
FirstEnergy Nuclear Operating Company
76 South Main Street
Akron, OH 44308

GPU NUCLEAR, INC.
THREE MILE ISLAND NUCLEAR STATION, UNIT 2
DOCKET NO. 50-320
AMENDMENT TO FACILITY POSSESSION-ONLY LICENSE

Amendment No. 62
License No. DPR-73

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by GPU Nuclear, Inc. (the licensee) dated December 13, 2006, 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.(1) of Facility Possession-Only License No. DPR-73 is hereby amended to read as follows:

C.(1) Technical Specifications

The Technical Specifications, as revised through Amendment No. 62, are hereby incorporated into this license. The licensee shall maintain the facility in accordance with the Technical Specifications and all Commission Orders issued subsequent to the date of the possession-only license.

3. The license amendment is effective as of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Keith I. McConnell, Deputy Director
Decommissioning & Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Attachment:
Changes to the Technical
Specifications

Date of Issuance: May 25, 2007

ATTACHMENT TO LICENSE AMENDMENT NO. 62

FACILITY POSSESSION-ONLY LICENSE NO. DPR-73

DOCKET NO. 50-320

Replace the following pages of Appendix A, "Technical Specifications," with the attached revised pages. The revised pages are identified by the amendment number and contain marginal lines indicating the areas of change.

Remove

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ADMINISTRATIVE CONTROLS

6.8 REPORTING REQUIREMENTS (cont'd)

BIENNIAL REPORTS

6.8.1.4 Reports required on a biennial basis shall be submitted on a frequency not to exceed once every two years (24 months). The reports shall cover the activities of the unit as described below up to a minimum of 6 months prior to the date of the filing.

Reports required on a biennial basis shall include:

- a. All changes made to the PDMS SAR during the previous update.
- b. All changes, tests, or experiments meeting the requirements of 10 CFR 50.59.

SPECIAL REPORTS

6.8.2 Special reports shall be submitted in accordance with 10 CFR 50.4 within the time period specified for each report.

NONROUTINE REPORTS

6.8.3 A report shall be submitted in the event that an Exceptional Occurrence as specified in Section 6.13 occurs. The report shall be submitted under one of the report schedules described below.

SAFETY EVALUATION
BY THE OFFICE OF FEDERAL AND STATE MATERIALS
AND ENVIRONMENTAL MANAGEMENT PROGRAMS
RELATED TO AMENDMENT NO. 62
TO FACILITY POSSESSION-ONLY LICENSE NO. DPR-73
GPU NUCLEAR, INC.
THREE MILE ISLAND NUCLEAR STATION, UNIT 2
DOCKET NO. 50-320

1.0 INTRODUCTION

By application dated December 13, 2006, GPU Nuclear, Inc. (the licensee) submitted Technical Specification (TS) Change Request No. 85, requesting deletion of TS 6.8.1.3, which provides the requirement for submittal of the annual occupational radiation exposure report (ORER) for Three Mile Island Nuclear Station, Unit 2 (TMI-2). TS 6.8.1.3 requires the annual ORER to include a tabulation of the number of station, utility and other personnel for whom radiation exposure monitoring was performed according to work and job functions. This tabulation supplements the reporting requirements of 10 CFR 20.2206, "Reports of individual monitoring."

The U.S. Nuclear Regulatory Commission (NRC) staff's proposed no significant hazards consideration determination was published in the *Federal Register* on February 13, 2007 (72 FR 6780).

2.0 BACKGROUND AND REGULATORY EVALUATION

The TMI-2 operating license was issued on February 8, 1978. On March 28, 1979, the unit experienced an accident which resulted in severe damage to the reactor core. TMI-2 has been in a non-operating status since that time. GPU Nuclear conducted a substantial program to defuel the reactor vessel and decontaminate the facility. As a result, TMI-2 has been defueled, and the core debris removed from the reactor has been shipped off-site. The site has also been decontaminated to the extent that the plant is in a safe, inherently stable condition suitable for long-term management, and any threat to public health and safety has been minimized. This long-term management condition is referred to as Post-Defueling Monitored Storage.

GPU Nuclear, Inc. is licensed pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 50 to possess, but not operate, the TMI-2 facility. NRC's regulatory requirements related to the content of TSs are set forth in 10 CFR 50.36, "Technical specifications." With relation to decommissioning facilities, 10 CFR 50.36(c)(6) states that technical specifications will be developed on a case-by-case basis. Accordingly, the staff may determine that specific requirements, such as those associated with this proposed change, may be removed from the TS.

3.0 TECHNICAL EVALUATION

10 CFR Part 20 provides the personnel radiation exposure reporting requirements for nuclear power plants and other licensees. 10 CFR 20.2206 specifically requires licensees to submit an annual report of radiation exposures and radioactive material intake for monitored personnel. NRC uses the information provided by the 10 CFR 20.2206 reporting requirement to evaluate trends regarding effectiveness of overall NRC and licensee radiation protection programs, and for comparative analyses of radiation protection performance among nuclear facilities. The data reported under 10 CFR 20.2206 is compiled by NRC and presented in NUREG-0713, "Occupational Radiation Exposure at Commercial Nuclear Power Reactors and Other Facilities," which is published annually.

There are no regulations that require the submittal of the data included in the ORER. Rather, licensees are required by individual plant TSs to submit ORERs to the NRC. The ORERs, developed in the mid-1970s, supplement the reporting requirements currently defined in 10 CFR 20.2206 by providing a tabulation of the number of personnel for whom radiation exposure monitoring was performed according to work areas and job functions. The NRC included data from the ORERs in its annual publication of NUREG-0713 through the year 1997, but no longer includes the data in that or other reports.

The information that the NRC staff needs regarding occupational doses is provided by licensees in reports required under 10 CFR Part 20. The data from the Part 20 reports are sufficient to support NRC trending programs, radiation related studies, and preparation of reports, such as NUREG-0713. Accordingly, the NRC's limited use of the ORER submitted pursuant to the existing TS requirements no longer warrants the regulatory burden imposed on licensees. Therefore, the staff concludes that the licensee's proposal to delete TS 6.8.1.3 is acceptable.

It is noted that for stations with both operating and shutdown reactors (e.g., the TMI site, which includes the operating unit, TMI-1, and the shutdown unit, TMI-2), the NRC staff uses information provided in the ORERs to apportion the doses reported under 10 CFR Part 20 to differentiate between operating and shutdown units at a single site. Therefore, licensees for facilities having both operating and shutdown units at a single site, who request deletion of TS related to submittal of the ORER, should include in their applications a regulatory commitment to provide information to the NRC annually (e.g., with their annual 10 CFR 20.2206 submittal) to support the apportionment of the station doses to differentiate between operating and shutdown units. The data will provide the summary distribution of annual whole body doses as presented in Appendix B of NUREG-0713 for operating and shutdown units.

Although GPU Nuclear, Inc. is the licensee for TMI-2, AmerGen Energy Company, LLC (licensee for TMI-1) has previously included the information related to radiation exposure received during TMI-2 activities in its annual ORER. On June 17, 2005, NRC issued an amendment to AmerGen's license for TMI-1 (DPR-50), deleting the TMI-1 TS requiring submittal of the ORER. As part of that license amendment, AmerGen made a regulatory commitment (by letter dated January 4, 2005) to provide information to the NRC annually (e.g., with its annual 10 CFR 20.2206 submittal) to support the apportionment of the station radiation doses to differentiate between TMI-1 and TMI-2. AmerGen's 10 CFR 20.2206 annual report for 2005 did not include information to apportion doses between TMI-1 and TMI-2. By letter dated April 20, 2007, AmerGen submitted the 10 CFR 20.2206 report for 2006. This report included the exposure data to apportion doses between TMI-1 and TMI-2 for years 2005 and 2006. AmerGen will include information to apportion doses between the two units in future submittals of its 10 CFR 20.2206 report.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the official from the State of Pennsylvania was notified of the proposed issuance of the amendment. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment relates to changes in recordkeeping, reporting, or administrative procedures or requirements. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration (72 FR 6780; February 13, 2007), and there has been no public comment on such finding. 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 regulations of the Commission; 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 Contributor: K. Banovac

Date: May 25, 2007