

November 12, 2008

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

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION ON TECHNICAL
SPECIFICATION CHANGE REQUEST NO. 86 FOR THE THREE MILE ISLAND
NUCLEAR STATION, UNIT 2, POSSESSION ONLY LICENSE NO. DPR-73

Dear Mr. Hagan:

I am responding to your letter dated June 11, 2008, as supplemented by letter dated September 15, 2008, which forwarded the Technical Specification Change Request No. 86 (TSCR 86) for Three Mile Island Nuclear Station (TMI), Unit 2. TSCR 86 requests deletion of Technical Specification 6.5, Review and Audit. The U.S. Nuclear Regulatory Commission staff accepted your license amendment request for review on July 11, 2008, and has determined that additional information is required to complete the review. The specific information requested is addressed in the enclosure to this letter. Please note that the amount of additional information needed to complete the review may impact the NRC staff's review schedule for this proposed amendment.

During a discussion with Adam Miller of TMI-1 Regulatory Assurance, it was agreed that you would provide a response 30 days from the date of this letter.

If you have any questions, please contact me at (301) 415-5114 or Kristina.Banovac@nrc.gov.

Sincerely,

/RA/

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

Enclosure:
Request for Additional Information

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

cc: Three Mile Island - Unit 2 Service List

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Three Mile Island - Unit 2 Service List

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REQUEST FOR ADDITIONAL INFORMATION
THREE MILE ISLAND NUCLEAR STATION, UNIT 2
TECHNICAL SPECIFICATION CHANGE REQUEST 86
DOCKET NO. 50-320

By letter dated June 11, 2008, as supplemented by letter dated September 15, 2008, GPU Nuclear, Inc. submitted Technical Specification Change Request No. 86 (TSCR 86), for the Three Mile Island Nuclear Station, Unit 2 (TMI-2). TSCR 86 requests deletion of Technical Specification 6.5, Review and Audit. In reviewing GPU Nuclear's submittal, the U.S. Nuclear Regulatory Commission staff has determined that the following information is needed to complete its review.

1. Technical Specification (TS) 6.5.1 provides that the GPU Nuclear Cognizant Officer shall be responsible, through its contracted agent, the TMI, Unit 1 license holder, for ensuring the preparation, review, and approval of documents required by the activities described in TS 6.5.1.1 through 6.5.1.7, as assigned in the TMI Review and Approval Matrix. Implementing approvals shall be performed at the cognizant manager level or above.

Your June 11, 2008, submittal notes that an equivalent requirement is provided in Section 5.0 of the GPU Nuclear Post-Defueling Monitored Storage Quality Assurance Plan (QAP). However, QAP Section 5.0 does not include this requirement. Please indicate where this requirement is included in the QAP or other licensing document, and thus, why deletion of this TS is appropriate.

In addition, your proposed changes to Section 5.2 of the QAP delete reference to the TMI Review and Approval Matrix. Please indicate where the QAP addresses the information in this matrix (e.g., organizations and levels of management that are responsible for review and approval of various documents or products), provide revisions to the QAP that address this area, or describe why this deletion does not result in a reduction of quality controls previously accepted by NRC.

2. TS 6.5.1.1 provides that procedures required by TS 6.7 and other procedures, including those for tests and experiments and substantive changes thereto, shall be prepared by a designated individual(s) or group knowledgeable in the area affected by the procedure. Each such procedure, and substantive changes thereto, shall be given a technical review by an individual(s) or group other than the preparer, but who may be from the same organization as the individual who prepared the procedure or change.

Your June 11, 2008, submittal notes that an equivalent requirement is provided in Section 5.0 of the QAP. The revised Section 5.2 of the QAP that was included in your submittal does address this review process. However, QAP Sections 2.3 (which addresses the scope of the QA Program) and 5.3 do not appear to address procedures for flood protection program implementation, which is specified in TS 6.7.1. Please indicate where flood protection procedures are addressed in the QAP, provide revisions to the QAP that address this area, or provide additional justification for your request that this TS be deleted.

3. TS 6.5.1.2 provides that proposed changes to the TS shall be reviewed by a knowledgeable individual or group other than the individual or group who prepared the change.

Your June 11, 2008, submittal notes that this TS is equivalent to the proposed changes to the QAP Section 5.2, and that the Station Qualified Review (SQR) program and its implementing procedure, AD-AA-102, will be used to perform independent technical reviews for TMI-2. However, it appears that the QAP does not specifically state that proposed changes in TS will be reviewed in accordance with the SQR program. Please specify where the QAP states that proposed changes in TS will be reviewed in accordance with the SQR program, provide revisions to the QAP that address this area, or provide additional justification for your request that this TS be deleted.

4. TS 6.5.1.3 provides that proposed tests and experiments shall be reviewed by a knowledgeable individual(s) or group other than the preparer but who may be from the same division as the individual who prepared the tests and experiments.

Your June 11, 2008, submittal indicates that an equivalent requirement is located in Section 14.0 of the QAP. However, Section 14.0 of the QAP does not appear to address the review of proposed tests and experiments. Also, QAP Section 11.0 ("Test Control") also does not appear to address the review of proposed tests and experiments. Please describe where the equivalent requirement is located in the QAP, provide revisions to the QAP that address this area, or provide additional justification for your request that this TS be deleted.

5. TS 6.5.1.5 provides that investigation of all violations of the TS, including the preparation and forwarding of reports covering evaluation and recommendations to prevent recurrence, shall be reviewed by a knowledgeable individual(s)/group other than the individual/group which performed the investigation.

Your June 11, 2008, submittal notes that the this TS is equivalent to the proposed changes to the QAP Section 5.2, and that the SQR program and its implementing procedure, AD-AA-102, will be used to perform independent technical reviews for TMI-2. However, Section 5.0 of the QAP does not address review of investigation of TS violations. Also, the SQR program does not apply to review of investigation of TS violations. Please describe where the equivalent requirement is located in the QAP, provide revisions to the QAP that address this area, or provide additional justification for deletion of this TS (e.g., explain what review or corrective action programs at TMI-2 would address this area).

6. TS 6.5.1.6 provides that all reportable events shall be reviewed by an individual/group other than the individual/group which prepared the report.

Your June 11, 2008, submittal notes that the this TS is equivalent to the proposed changes to the QAP Section 5.2, and that the SQR program and its implementing procedure, AD-AA-102, will be used to perform independent technical reviews for TMI-2. However, Section 5.0 of the QAP does not address review of reportable events. Also, the SQR program does not apply to review of reportable events. Please describe where the equivalent requirement is located in the QAP, provide revisions to the QAP that address this area, or provide additional justification for deletion of this TS (e.g., describe what programs at TMI-2 would apply to this area).

7. TS 6.5.1.7 provides that individuals responsible for reviews performed in accordance with TS 6.5.1.1 through 6.5.1.6 shall include a determination of whether or not additional cross

disciplinary review is necessary. If deemed necessary, such review shall be performed by the appropriate personnel. Individuals responsible for reviews considered under TS 6.5.1.1 [procedures], 6.5.1.3 [tests and experiments], and 6.5.1.4 [modifications] shall render determinations in writing with regard to whether or not NRC approval is required pursuant to 10 CFR 50.59.

Your June 11, 2008, submittal notes that the this TS is equivalent to the proposed changes to the QAP Section 5.2, and that the SQR program and its implementing procedure, AD-AA-102, will be used to perform independent technical reviews for TMI-2. The proposed changes to Section 5.2 of the QAP address cross-disciplinary reviews for instructions, procedures, and drawings, and the SQR program addresses cross-disciplinary reviews for procedures and changes to TS. However, cross-disciplinary reviews of tests and experiments (TS 6.5.1.3), modifications (TS 6.5.1.4), investigation of TS violations (TS 6.5.1.5), and reportable events (TS 6.5.1.6) are not covered in the QAP or the SQR program procedure. Please describe where the equivalent requirement is located in the QAP, provide revisions to the QAP that address this area, or provide additional justification for deletion of this TS (e.g., explain what programs at TMI-2 would apply to this area).

Also, neither QAP Section 5.2 nor the SQR program procedure include a requirement for reviewers to render determinations in writing with regard to whether NRC approval is required, pursuant to 10 CFR 50.59, for reviews considered under TS 6.5.1.1 [procedures], 6.5.1.3 [tests and experiments], and 6.5.1.4 [modifications]. Please describe where the equivalent requirement is located in the QAP, provide revisions to the QAP that address this area, or provide additional justification for deletion of this TS (e.g., explain what programs at TMI-2 would apply to this area).

8. TS 6.5.1.9 provides that Responsible Technical Reviewers shall meet or exceed the qualifications of ANSI/ANS 3.1 of 1978, Section 4.6 or 4.4 for applicable disciplines, or have seven years of appropriate experience in the field of his or her specialty. Credit toward experience will be given for advanced degrees on a one-to-one basis up to a maximum of two years. Responsible Technical Reviewers shall be designated in writing.

Your June 11, 2008, submittal notes that this TS is equivalent to QAP Section 5.0, and that the SQRs are qualified to the education and experience requirements of ANSI/ANS 3.1 1978 to which the TMI station (Units 1 and 2) are committed. However, the SQR program does not apply to reviews of tests and experiments (TS 6.5.1.3), modifications (TS 6.5.1.4), investigation of TS violations (TS 6.5.1.5), and reportable events (TS 6.5.1.6). Please describe where equivalent requirements for reviewer qualifications are provided in the QAP or in other programs at TMI-2 that apply to reviews of the areas noted above.

9. TS 6.5.2, "Independent Safety Review," provides for an independent review of various subjects or products and provides the requirements for independent safety reviewer qualifications.

Your June 11, 2008, submittal requests deletion of TS 6.5.2. Your justification for this deletion is that since there are no structures, systems, and components (SSCs) that perform a safety function at TMI-2, then "technically, there cannot be independent safety reviews." However, TS 6.5.2 does not address safety-related SSCs. Therefore, the justification provided for the deletion of TS 6.5.2 is not applicable. Please provide justification for your proposed deletion of TS 6.5.2.

10. TS 6.5.3 provides requirements for audits.

Your June 11, 2008, submittal notes that this TS is equivalent to Section 18.0 and Appendix A of the QAP, which address audits and audit frequencies. The proposed deleted TS are encompassed within these sections of the QAP, for the most part. However, TS 6.5.3.2 notes that audit reports shall be forwarded for action to the management positions responsible for the areas audited and the GPU Nuclear Cognizant Officer within 60 days after completion of the audit. Section 18.6 of the QAP notes that audit reports shall be issued in a "timely manner." Please indicate whether Section 18.6 of the QAP will be revised to be consistent with TS 6.5.3.2 or describe how programs or procedures at TMI-2 dictate similar requirements.

11. Your September 15, 2008, supplemental submittal proposes to delete the reference to TS 6.5.1, in TS 6.7.2. Your submittal also proposes to delete references to TS 6.5.1.9 and TS 6.5.1, in TS 6.7.3. However, deletion of these TS references removes the overall technical review requirements for procedures, including requirements for qualifications for the technical reviewers. Please indicate whether your proposed changes to TS 6.7.2 and TS 6.7.3 will include a reference to the QAP, as a replacement for the deletion of the references to TS 6.5.1 and TS 6.5.1.9, and please submit any additional proposed changes to the TS.
12. Please include a revised "Technical Specification/Process Matrix" in your response to this request for additional information.
13. Please indicate whether the QAP (e.g., Sections 2.17, 18.2, and 18.9) will be updated to reflect the proposed deletion of TS 6.5 requirements.
14. Please indicate whether TSCR 86 received the reviews required by TS 6.5.1.2, 6.5.1.7, and 6.5.2.5.c.