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10 CFR 50.90

March 16, 2009  
TMI-09-037

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

Three Mile Island Nuclear Station, Unit 2 (TMI-2)  
Possession Only License No. DPR 73  
NRC Docket No. 50-320  
Subject: Supplement: Technical Specification Change Request for TMI Unit 2  
Technical Specification Change Request (TSCR) No. 86  
Deletion of Technical Specification Sections 6.5, Review and Audit

- References:
- 1) Letter from U.S NRC to Joseph J. Hagan, "Request for Additional Information (RAI) on Technical Specification Change Request No. 86 for the Three Mile Island Nuclear Station, Unit 2," dated November 12, 2008
  - 2) Letter from Joseph J. Hagan to U. S. NRC, "Response to Request for Additional Information (RAI) on Technical Specification Change Request No. 86, "Deletion of Technical Specification 6.5, Review and Audit," dated December 10, 2008.

Our letter dated June 11, 2008, as supplemented by letter dated September 15, 2008, forwarded the Technical 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. In Reference 1, NRC stated that TSCR 86 was accepted for review on July 11, 2008 and has determined that additional information is required to complete the review. In Reference 2, we provided a response to the RAI.

Subsequently, per teleconference on February 23, 2009, the NRC indicated that the response provided in Reference 2 did not fully address several items with respect to their impact on the PDMS Quality Assurance (QA) Plan. In order to address this issue, we will relocate verbatim the TMI-2 TS 6.5, "Review and Audit," requirements to the PDMS QA Plan within 60 days from the issuance of the approved amendment and prior to implementation of the deletion of the TS 6.5 requirements from the TMI-2 Technical Specifications.

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We have concluded that the supplemental proposed changes do require a change to the original no significant hazards consideration (NSHC) evaluation submitted in the June 11, 2008 TSCR. A revised NSHC evaluation is provided in the Attachment to this letter.

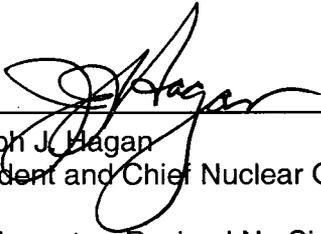
Pursuant to 10 CFR 50.91 (b)(1), a copy of this supplement is being provided to the designated official of the Commonwealth of Pennsylvania, Bureau of Radiation Protection, as well as the chief executives of the township and county in which the facility is located.

No new regulatory commitments are established by this submittal.

Please contact Adam Miller of TMI-1 Regulatory Assurance at (717) 948-8128 if you have any questions.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 16 day of March, 2009.

Respectfully,



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Joseph J. Hagan  
President and Chief Nuclear Officer

Attachment: Revised No Significant Hazards Consideration Evaluation for Technical Specification Change Request No. 86

cc: USNRC Region I Administrator  
USNRC TMI-2 Senior Project Manager  
USNRC TMI-2 Inspector  
USNRC TMI-1 Senior Resident Inspector  
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  
File No. 08020

**Attachment**

**Revised No Significant Hazards Consideration for Technical Specification Change  
Request No. 86**

5.0 Regulatory Analysis

5.1 No Significant Hazard Consideration

GPU Nuclear has evaluated whether or not a significant hazards consideration is involved with the proposed amendment 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 TMI-2 Facility, will occur as a result of this proposed amendment. The proposed changes will not alter the physical design or operational procedures associated with any plant structure, system, or component. As such, the change is administrative in nature and does not affect initiators of analyzed events or assumed mitigation of accidents.

The proposed changes include the relocation of several administrative requirements from the Technical Specifications (TS) to the Post Defueling Monitored Storage Quality Assurance Plan (PDMS QAP). 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 technical specification quality assurance requirements.

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.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

**Attachment**  
**Revised No Significant Hazards Consideration for TSCR No. 86**  
**Page 2 of 2**

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 PDMS QAP conform to NRC regulatory guidance regarding the content of plant Technical Specifications. The guidance is presented in Administrative Letter 95-06 and NUREG-1430. The relocation of these administrative requirements to the PDMS QAP 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 replacement of TS requirements by existing proposed TMI-2 PDMS QAP requirements results in an equivalent level of regulatory control.

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

Based on the above, GPU Nuclear 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.