

SAFETY EVALUATION
BY THE OFFICE OF FEDERAL AND STATE MATERIALS
AND ENVIRONMENTAL MANAGEMENT PROGRAMS
RELATED TO AMENDMENT NO. 63
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 June 11, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML081760279), as supplemented by letters dated September 15, 2008 (ADAMS Accession No. ML082740296), December 10, 2008 (ADAMS Accession No. ML083500377), and March 16, 2009 (ADAMS Accession No. ML090960226), GPU Nuclear, Inc. (GPU, or the licensee) requested changes to the Technical Specifications (TS) for Three Mile Island Nuclear Station, Unit 2 (TMI-2). Specifically, the licensee requested deletion of TS Section 6.5, which provides the requirements for Review and Audit.

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) staff's proposed no significant hazards consideration determination, which was noticed in the *Federal Register* on August 26, 2008 (73 FR 50356). In its supplement dated March 16, 2009, the licensee provided an update to its original no significant hazards consideration evaluation. NRC staff has reviewed this updated evaluation and has determined that the original evaluation remains bounding. Therefore, the staff's conclusions presented in the August 26, 2008, no significant hazards consideration determination are unchanged, and a revised notice is not required.

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 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 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.

Section 182a of the Atomic Energy Act of 1954, as amended, requires applicants for nuclear power plant operating licenses to include TS as part of the license. NRC's regulatory requirements related to the content of TS are set forth in 10 CFR 50.36. That regulation requires that the TS include items in five specific categories: (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. The regulation, however, does not specify particular items to be included in TS. With relation to decommissioning facilities, 10 CFR 50.36(c)(6) states that TS will be developed on a case-by-case basis. Accordingly, the staff may determine that specific requirements, such as those associated with this proposed amendment, may be removed from the TS.

Addressing 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 particular administrative controls to be included in the TS, therefore, are the provisions that NRC deems essential for the safe operation of the facility that are not already covered by regulations or other regulatory requirements. Accordingly, the staff has determined that administrative control requirements that are not specifically required under 10 CFR 50.36(c)(5), and that are not otherwise necessary to obviate the possibility of abnormal situation or event giving rise to an immediate threat to the public health and safety, may be relocated to more appropriate licensee controlled documents (e.g., Quality Assurance Plan (QAP), Security Plan, or Emergency Plan), where other regulations provide adequate regulatory control.

The QAP is a logical candidate for relocations of administrative controls, due to the requirements imposed by regulations such as Appendix B to 10 CFR Part 50, the existing NRC-approved QAPs and commitments to industry QA standards, and the established quality assurance program change control process of 10 CFR 50.54(a). The 10 CFR 50.54(a) change control process requires prior NRC approval of reductions in commitments contained in the quality assurance program description as accepted by the NRC.

NRC's Administrative Letter (AL) 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance," provides guidance to licensees requesting amendments that relocate administrative controls to NRC-approved quality assurance documents, where subsequent changes are controlled pursuant to 10 CFR 50.54(a). TS administrative controls requirements addressed in AL 95-06 include the independent safety engineering group, reviews and audits, and procedure review process. These requirements correlate to Section 6.5, "Review and Audit," of the TMI-2 TS.

3.0 TECHNICAL EVALUATION

Section 6.5, "Review and Audit," of the TMI-2 TS contains administrative control requirements related to review and audit functions. TS Section 6.5 contains three subsections: TS 6.5.1, "Technical Review and Control"; TS 6.5.2, "Independent Safety Review"; and TS 6.5.3, "Audits."

The licensee's original June 11, 2008, submittal proposed deletion of TS in Section 6.5.1 and 6.5.3 of the TS, with no relocation to the GPU Nuclear Post-Defueling Monitored Storage Quality Assurance Plan for TMI-2 (PDMS QAP). The licensee noted that relocation of these proposed deleted TS requirements to the PDMS QAP was not necessary, as equivalent requirements were contained in the existing PDMS QAP and proposed changes to the PDMS QAP (as included as an attachment to the licensee's June 11, 2008 submittal). The licensee also proposed to delete Section 6.5.2 of the TS with no replacement, noting that the requirements in this section were no longer applicable at TMI-2.

During the NRC staff's review of this license amendment request, the staff identified that certain TS requirements that the licensee claimed were already included in the PDMS QAP (or in proposed changes to the PDMS QAP, as noted in the June 11, 2008 submittal) were actually not included in the PDMS QAP. The staff also determined that the proposed deletion of TS 6.5.2 (without replacement) was not adequately justified by the licensee. By letter dated November 12, 2008 (ADAMS Accession No. ML083010219), NRC sent a request for additional information (RAI) to the licensee to obtain the necessary information to complete the review of the amendment request.

The licensee responded to the RAI, by letter dated December 10, 2008, which included further proposed revisions to the PDMS QAP to incorporate the proposed deleted TS requirements. The staff reviewed the response to the RAI and determined that the licensee had not adequately addressed all of the items in the RAI. NRC staff held a call with the licensee on February 23, 2009 to communicate to the licensee that it did not fully address or answer all areas of the RAI. During the call, the licensee noted that it would submit a supplement to its license amendment request. On March 16, 2009, the licensee submitted a letter, committing to relocate verbatim all of the proposed deleted TS in Section 6.5 of the TS to the PDMS QAP, within 60 days from the issuance of the approved amendment and prior to implementation of the deletion of TS Section 6.5 from the TMI-2 TS.

Section 6.5.1 of the TS, "Technical Review and Control," currently provides requirements for ensuring adequate preparation, review, and approval of documents related to activities outlined in TS 6.5.1.1 through TS 6.5.1.7. TS 6.5.1 also contains requirements for records and for qualification of the technical reviewers. In its letter dated March 16, 2009, the licensee committed to relocate verbatim the requirements in TS 6.5.1 to the PDMS QAP, prior to implementation of the deletion of the TS 6.5 requirements. Since these administrative requirements will be maintained in the PDMS QAP, the proposed relocation of the requirements is consistent with AL 95-06. Any subsequent changes to these provisions would be controlled in accordance with 10 CFR 50.54(a). The staff agrees the proposed deletion of Section 6.5.1 from the TS and relocation to the PDMS QAP is acceptable.

TS 6.5.2, "Independent Safety Review," provides requirements for ensuring the independent safety review of various subjects described in TS 6.5.2.5.a through TS 6.5.2.5.f. It also provides the requirements for records and for independent safety reviewer qualifications. In its letter dated March 16, 2009, the licensee committed to relocate verbatim the requirements in TS 6.5.2 to the PDMS QAP, prior to implementation of the deletion of the TS 6.5 requirements. Since these administrative requirements will be maintained in the PDMS QAP, the proposed relocation of the requirements is consistent with AL 95-06. Any subsequent changes to these provisions would be controlled in accordance with 10 CFR 50.54(a). The staff finds it acceptable to delete Section 6.5.2 from the TS and relocate these requirements to the PDMS QAP.

TS 6.5.3, "Audits," provides requirements for audits and audit reports encompassing activities or areas outlined in TS 6.5.3.1.a through TS 6.5.3.1.h. In its letter dated March 16, 2009, the licensee committed to relocate verbatim the requirements in TS 6.5.3 to the PDMS QAP, prior to implementation of the deletion of the TS 6.5 requirements. Since these administrative requirements will be maintained in the PDMS QAP, the proposed relocation of the requirements is consistent with AL 95-06. Any subsequent changes to these provisions would be controlled in accordance with 10 CFR 50.54(a). The staff agrees with this proposed deletion and relocation to the PDMS QAP.

The NRC staff concludes that the proposed changes to relocate administrative controls TS requirements to the PDMS QAP are consistent with the guidance 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 PDMS QAP will be adequately controlled by NRC regulations in accordance with 10 CFR 50.54(a). Therefore, the NRC staff concludes that the proposed changes to TS Section 6.5 are acceptable. This determination is based upon the verbatim relocation of the proposed deleted TS requirements to the PDMS QAP. Therefore, implementation of this amendment requires the verbatim relocation of these requirements to the PDMS QAP prior to implementation of the deletion of TS Section 6.5 from the TMI-2 TS.

As presented in the licensee's September 15, 2008, supplement, the licensee requested five additional administrative changes, to be consistent with the proposed deletion of TS Section 6.5. The first requested change is to delete TS 6.6.1.b, as it is redundant to TS 6.5.2.5.d. The second requested change is an editorial change to 6.6.1.a, to reflect deletion of TS 6.6.1.b. The remaining requested changes are to remove references to the proposed deleted TS 6.5.1 and TS 6.5.1.9, in TS 6.7.2, TS 6.7.3.b, and TS 6.7.3.c. These changes are administrative in nature, follow from the previously discussed deletion of TS Section 6.5, and are bounded by the staff's evaluation of the deletion of TS Section 6.5, as discussed above. Therefore, the staff agrees with these changes.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the official from the State of Pennsylvania Department of Environmental Protection 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 (73 FR 50356; August 26, 2008), 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.

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