UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 52 TO POSSESSION ONLY

LICENSE NO. DPR-73

GPU NUCLEAR, INC

THREE MILE ISLAND, UNIT 2

DOCKET NO. 50-320

1.0 INTRODUCTION

By letter dated December 2, 1996, GPU Nuclear, Inc (GPUN, or licensee) submitted a request for changes to the Technical Specifications (TS) for Three Mile Island, Unit 2 (TMI-2). The proposed changes would extend the maximum allowed interval between audits of unit operations and of the Radiation Protection Plan from 12 months to 24 months. The change would also relocate the implementation of these audits from the TS to the Post Defueling Monitored Storage (PDMS) Quality Assurance (QA) Plan. These propcsed changes would make the TMI-2 TSs consistent with TMI-1 TSs.

2.0 BACKGROUND

TMI-2 is in a permanently shutdown and defueled state of post-defueling monitored storage (PDMS), which is similar to SAFSTOR. The remaining TMI-2 staff conducts periodic monitoring and surveillance and limited dismantlement activities. Since the TMI-2 accident on March 28, 1979, the licensee has conducted a comprehensive cleanup program to ensure that the facility is safe and stable. Following mitigation of the accident and stabilization of the facility, the major efforts of the licensee during the past 19 years have included partial facility decontamination; removal of fuel from the reactor vessel and other facilities; offsite shipment of substantial quantities of both high-level and low-level radioactive wastes; and the removal, treatment, and disposal of the accident-generated water. The NRC staff issued a license amendment with attached safety evaluation on December 28,1993, which allowed the facility to enter this long term storage mode. The licensee is maintaining the facility in long-term storage until TMI-1, located on the same site as Three Mile Island (TMI-2), permanently ceases operation, at which time both facilities will be decommissioned. The licensee has an integrated organization for TMI-1 and TMI-2 with common radiation protection and quality assurance departments.

Section 182a of the Atomic Energy Act of 1954, as amended (the Act) requires applicants for nuclear power plant operating licenses to include TS as a part of the license. The Commission'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, including (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 does not specify the particular requirements to be included in a plant's TS.

Section 50.36(c)(2) identified four criteria to be used in determining whether particular limiting conditions for operation are required to be included in the TS as follows: (1) installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary; (2) a process variable, design feature, or operating restriction that is an initial condition of a design basis accident or transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier, (3) a structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a design basis accident or transient that either assumes the failure or presents a challenge to the integrity of a fission product barrier; (4) a structure, system, or component which has been shown to be significant to public health and safety.

Other requirements may be relocated to more appropriate documents (e.g. Security Plan, QA Plan, and Emergency Plan) and controlled by the applicable regulatory requirement. While the content of the TS administrative controls is specified in 10 CFR 50.36(c) (5), particular details of the administrative controls may be relocated to licensee-controlled documents where appropriate regulatory controls exist. Administrative controls in existing TS related to the review and audit functions, including specified frequency provisions, may be relocated to a licensee-controlled document that provides adequate control over changes to these provisions through appropriate change control mechanism.

3.0 EVALUATION

The proposed amendment would revise the TS to relocate the audit frequency requirements of TS section 6.5.3.1 to the TMI-2 PDMS QA Plan such that future changes could be made pursuant to 10 CFR 50.54(a). In addition staff approval was requested to extend the audit frequency from 12 to 24 months in two cases. The change will make the TMI-2 TS consistent with the TMI-1 TS.

Specifying audit frequencies in the TS is not necessary to assure safe operation of the facility, given that the requirements in the QA program implement the Commission's regulations pertaining to these review and audit functions as set forth below. The review and audit functions define an administrative framework to confirm that plant activities have been properly conducted in a safe manner. The reviews and audits serve also to provide a cohesive program that provides senior level utility management with assessments of facility operation and recommends actions to improve nuclear safety and reliability. As such the review and audit program does not include any elements that are delineated in the 10 CFR 50.36 criteria, discussed above, for which limiting conditions are required to be included in

the TS. As documented in the Commission's Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors, published in the Federal Register on July 22, 1993, (58 FR 39132), the review and audit functions constitute requirements that can be relocated in the QA Plan and controlled by the applicable regulatory requirement. Control of changes to the QA program description are governed by the provisions of 10 CFR 50.54(a). Such an approach results in an equivalent level of regulatory authority while providing for a more appropriate change control process and flexibility in scheduling audits.

Audit requirements, including frequencies, will be specified in the QA program to satisfy 10 CFR Part 50, Appendix B, Criterion XVIII. The licensee has committed to and relies on the guidance in American National Standards Institute (ANSI) N18.7 and ANSI N45.2 to meet the requirements of Appendix B to 10 CFR Part 50. Audits are also governed by 10 CFR 50.54(t), 10 CFR 50.54(p), and 10 CFR Part 73. Therefore , duplication of these requirements in the TS does not enhance the level of plant safety. Control of changes to the QA program description are governed by the provisions of 10 CFR 50.54(a). The licensee will continue to implement a QA program in accordance with the requirements of 10 CFR Part 50, Appendix B, and commitments to ANSI N18.7. Future changes to the QA Plan, including departures from the referenced ANSI standards, that constitute a reduction in commitment, require NRC approval pursuant to 10 CFR 50.54(a). The staff concludes that this regulatory requirement provides sufficient control for the audit frequencies, so that removing these requirements from the TS is acceptable. The staff has also concluded that, even with the minor reduction in commitment by reducing the frequency of audits, other features of the QA Plan will result in an overall enhancement to the TMI audit program. For example the licensee performs an annual review in all areas for both TMI-1 and TMI-2, using performance trend indicators including Licensee Event Reports, Notices of Violation, and other independent observations to determine if audit frequencies should be increased.

On the above basis, the staff concludes that the audit frequency requirements are not required to be in the TS by 10 CFR 50.36 or Section 182a of the Act, and are not required to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety. In addition the staff finds that sufficient regulatory control exists under 10 CFR 50.54 to adequately control future modifications to these provisions. Accordingly, the staff has concluded that these requirements may be relocated from the TMI-2 TS to the PDMS QA Plan. In addition, with regard to the licensee's request for staff approval for reduced frequencies for two of the audits, the staff concludes that sufficient guidance will exist in the QA plan to ensure audits are conducted on a performance basis and audits are performed more frequently that the minimum specified in functional areas demonstrating poor or questionable performance. The staff finds these changes acceptable.

4.0 STATE CONSULTATION

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

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes record keeping or reporting requirements, or administrative procedures or requirements. 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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Date: November 12, 1998