

May 16, 2000

Mr. John B. Cotton  
Vice President - TMI Unit 1  
AmerGen Energy Company, LLC  
P.O. Box 480  
Middletown, PA 17057

SUBJECT: THREE MILE ISLAND, UNIT 1 (TMI-1) - NOTICE OF CONSIDERATION OF  
ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE,  
PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION  
DETERMINATION, AND OPPORTUNITY FOR A HEARING (TAC NO. MA8857)

Dear Mr. Cotton :

Enclosed is a copy of a "Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing." This notice relates to your application for an amendment dated May 4, 2000, as supplemented May 9, 2000, which would amend the TMI-1 license to remove the control building isolation and recirculation damper numbers from Technical Specification 4.12.1.3. The requirement to test these dampers remains the same. The Bases have been modified to indicate that the damper numbers for control building isolation and recirculation are contained in the Updated Final Safety Analysis Report.

This notice is being forwarded to the Office of the Federal Register for publication.

Sincerely,

*/RA/*

Timothy G. Colburn, Senior Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-289

Enclosure: Notice of Consideration

cc w/encl: See next page

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DATE	5/10/00		5/10/00		5/11/00	

UNITED STATES NUCLEAR REGULATORY COMMISSION

AMERGEN ENERGY COMPANY, LLC

DOCKET NO. 50-289

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-50 issued to AmerGen Energy Company, LLC, (the licensee) for operation of the Three Mile Island Nuclear Station, Unit 1 (TMI-1), located in Dauphin County, Pennsylvania.

The proposed amendment would remove the individual control building isolation and recirculation damper numbers from Technical Specification (TS) 4.12.1.3, and instead refer to the “required” dampers. The requirement to test these dampers remains the same. The Bases have been modified to indicate that the damper numbers for control building isolation and recirculation are contained in the Updated Final Safety Analysis Report (UFSAR).

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any

accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability of occurrence or the consequences of an accident previously evaluated. The proposed amendment is an administrative change which removes an unnecessary level of detail from the Technical Specifications, and is consistent with NRC Revised Standard Technical Specifications (NUREG-1430, Rev.1). The TMI Unit 1 UFSAR currently identifies and describes the control building isolation and recirculation dampers required for emergency operation and their design function. TMI Unit 1 control room habitability requirements are not affected. The proposed amendment does not affect the existing surveillance frequency or the operability requirements for the required dampers. Therefore, the proposed amendment has no affect on the probability of occurrence or the consequences of an accident previously evaluated.
2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any previously evaluated. The proposed amendment is an administrative change which removes an unnecessary level of detail from the Technical Specifications, and is consistent with NRC Revised Standard Technical Specifications (NUREG-1430, Rev. 1). TMI Unit 1 control room habitability requirements are not affected. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.
3. Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety. The proposed amendment is an administrative change which removes an unnecessary level of detail from the Technical Specifications, and is consistent with NRC Revised Standard Technical Specifications (NUREG-1430, Rev.1). The existing Technical Specification surveillance frequency and operability requirements for required isolation and recirculation dampers are maintained. Therefore, the proposed amendment does not reduce any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the FEDERAL REGISTER a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By June 21, 2000, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to

intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective,

notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Edward J. Cullen, Jr., Esquire, PECO Energy Company, 2301 Market Street (S23-1), Philadelphia, PA 19103, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated May 4, 2000, as supplemented May 9, 2000, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington,

DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 16th day of May 2000.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

Timothy G. Colburn, Senior Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Three Mile Island Nuclear Station, Unit No. 1

cc:

Robert Fraile  
Plant Manager  
AmerGen Energy Company, LLC  
P. O. Box 480  
Middletown, PA 17057

Michael Ross, Director,  
Work Management  
AmerGen Energy Company, LLC  
P.O. Box 480  
Middletown, PA 17057

James A. Hutton  
Director - Licensing  
PECO Energy Company  
Nuclear Group Headquarters  
Correspondence Control Desk  
P.O. Box 195  
Wayne, PA 19087-0195

Edwin C. Fuhrer  
Manager, TMI Regulatory Affairs  
AmerGen Energy Company, LLC  
P.O. Box 480  
Middletown, PA 17057

Edward J. Cullen, Jr., Esquire  
PECO Energy Company  
2301 Market Street (S23-1)  
Philadelphia, PA 19103

Chairman  
Board of County Commissioners  
of Dauphin County  
Dauphin County Courthouse  
Harrisburg, PA 17120

Chairman  
Board of Supervisors  
of Londonderry Township  
R.D. #1, Geyers Church Road  
Middletown, PA 17057

Wayne L. Schmidt  
Senior Resident Inspector (TMI-1)  
U.S. Nuclear Regulatory Commission  
P.O. Box 219  
Middletown, PA 17057

Regional Administrator  
Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406

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

David J. Allard, Director  
Bureau of Radiation Protection  
Pennsylvania Department of  
Environmental Resources  
P.O. Box 2063  
Harrisburg, PA 17120

Dr. Judith Johnsrud  
National Energy Committee  
Sierra Club  
433 Orlando Avenue  
State College, PA 16803

John F. Rogge, Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406

Eric Epstein  
TMI Alert  
4100 Hillsdale Road  
Harrisburg, PA 17112