

December 15, 1998

Mr. James W. Langenbach, Vice President
and Director - TMI
GPU Nuclear, Inc.
P.O. Box 480
Middletown, PA 17057

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF FACILITY
OPERATING LICENSE AND ISSUANCE OF CONFORMING AMENDMENT,
AND OPPORTUNITY FOR A HEARING - THREE MILE ISLAND NUCLEAR
STATION, UNIT 1 (TMI-1) (TAC NO. MA3307)

Dear Mr. Langenbach:

Enclosed is a copy of a "Notice of Consideration of Approval of Transfer of Facility Operating License and Issuance of Conforming Amendment, and Opportunity for a Hearing" related to the application dated December 3, 1998, filed by GPU Nuclear, Inc., and AmerGen Energy Company, LLC. The application (pursuant to 10 CFR 50.80) seeks approval of the proposed transfer of the TMI-1 Facility Operating License No. DPR-50 to AmerGen Energy Company, LLC, from the current holders of the license, Metropolitan Edison Company, Jersey Central Power & Light Company, and Pennsylvania Electric Company as owners of TMI-1, and GPU Nuclear, Inc., as the licensed operator of TMI-1. The application also seeks (pursuant to 10 CFR 50.90) the issuance of a conforming amendment to the license to reflect the transfer.

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

Sincerely,
/s/

Timothy Colburn, Senior Project Manager
Project Directorate I-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-289

Enclosure: Notice

cc w/encl: See next page
DISTRIBUTION w/encl:

Docket File
PUBLIC
PDI-3 R/F

JZwolinski
TColburn
OGC

TClark
ACRS
CCowgill, R1

DFD 11

DOCUMENT NAME: G:\COLBURN\BWNA3307.WPD

*See previous concurrence

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	LA:PDI-3	<input checked="" type="checkbox"/>	PM:PDI-3	<input checked="" type="checkbox"/>	D:PDI-3	<input checked="" type="checkbox"/>	*OGC	<input type="checkbox"/>		
NAME	TClark		TColburn		CThomas		SHom			
DATE	12/15/98		12/15/98		12/15/98		12/11/98			

10138

OFFICIAL RECORD COPY

9812220172 981215
PDR ADOCK 05000289
P PDR

NOV 16 1998



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

December 15, 1998

Mr. James W. Langenbach, Vice President
and Director - TMI
GPU Nuclear, Inc.
P.O. Box 480
Middletown, PA 17057

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF FACILITY
OPERATING LICENSE AND ISSUANCE OF CONFORMING AMENDMENT,
AND OPPORTUNITY FOR A HEARING - THREE MILE ISLAND NUCLEAR
STATION, UNIT 1 (TMI-1) (TAC NO. MA3307)

Dear Mr. Langenbach:

Enclosed is a copy of a "Notice of Consideration of Approval of Transfer of Facility Operating License and Issuance of Conforming Amendment, and Opportunity for a Hearing" related to the application dated December 3, 1998, filed by GPU Nuclear, Inc., and AmerGen Energy Company, LLC. The application (pursuant to 10 CFR 50.80) seeks approval of the proposed transfer of the TMI-1 Facility Operating License No. DPR-50 to AmerGen Energy Company, LLC, from the current holders of the license, Metropolitan Edison Company, Jersey Central Power & Light Company, and Pennsylvania Electric Company as owners of TMI-1, and GPU Nuclear, Inc., as the licensed operator of TMI-1. The application also seeks (pursuant to 10 CFR 50.90) the issuance of a conforming amendment to the license to reflect the transfer.

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

Sincerely,

A handwritten signature in cursive script, reading "Timothy M. Colburn", is positioned above the typed name and title.

Timothy Colburn, Senior Project Manager
Project Directorate I-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-289

Enclosure: Notice

cc w/encl: See next page

J. Langenbach
Three Mile Island Nuclear Station, Unit No. 1

cc:

Michael Ross
Director, O&M, TMI
GPU Nuclear, Inc.
P.O. Box 480
Middletown, PA 17057

John C. Fornicola
Director, Planning and
Regulatory Affairs
GPU Nuclear, Inc.
100 Interpace Parkway
Parsippany, NJ 07054

Jack S. Wetmore
Manager, TMI Regulatory Affairs
GPU Nuclear, Inc.
P.O. Box 480
Middletown, PA 17057

Ernest L. Blake, Jr., Esquire
Shaw, Pittman, Potts & Trowbridge
2300 N Street, NW.
Washington, DC 20037

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

William Dornsife, Acting 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

Peter W. Eselgroth, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

UNITED STATES NUCLEAR REGULATORY COMMISSION

METROPOLITAN EDISON COMPANY

JERSEY CENTRAL POWER AND LIGHT COMPANY AND

PENNSYLVANIA ELECTRIC COMPANY d/b/a

GPU ENERGY; and

GPU NUCLEAR, INC.

THREE MILE ISLAND NUCLEAR STATION, UNIT 1

DOCKET NO. 50-289

NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER

OF FACILITY OPERATING LICENSE AND ISSUANCE OF CONFORMING

AMENDMENT, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. DPR-50 for the Three Mile Island Nuclear Station, Unit 1 (TMI-1) currently held by Metropolitan Edison Company (Met-Ed), Jersey Central Power & Light Company (JCP&L), and Pennsylvania Electric Company (Penelec), as owners of TMI-1, and GPU Nuclear, Inc., (GPUN), as the licensed operator of TMI-1. The transfer would be to AmerGen Energy Company, LLC (AmerGen). The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

Under the proposed transfer, AmerGen would be authorized to possess, use, and operate TMI-1 under essentially the same conditions and authorizations included in the existing license.

In addition, no physical changes will be made to the TMI-1 facility as a result of the proposed transfer, and there will be no significant changes in the day-to-day operations of TMI-1.

Pursuant to 10 CFR 50.80, no License, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming 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.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By January 11, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests

for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon David R. Lewis, counsel for GPUN, at Shaw Pittman Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037-1128 (tel: 202-663-8474; fax: 202-663-8007; e-mail: david_lewis@shawpittman.com) and Kevin P. Gallen, counsel for AmerGen, at Morgan, Lewis & Bockius LLP, 1800 M Street, NW., Washington, DC 20036-5869 (tel: 202-467-7462; fax: 202-467-7176; e-mail: gall7462@mlb.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the Federal Register and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by

January 20, 1999

, persons may submit written comments regarding the license

transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this Federal Register notice.

For further details with respect to this action, see the application dated December 3, 1998, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Law/Government Publications Section, State Library of Pennsylvania (REGIONAL DEPOSITORY), Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

Dated at Rockville, Maryland this 15th day of December 1998.

FOR THE NUCLEAR REGULATORY COMMISSION



Cecil O. Thomas, Director
Project Directorate I-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation