

August 14, 1995

Mr. T. Gary Broughton, Vice President
and Director, TMI
GPU Nuclear Corporation
P.O. Box 480
Middletown, PA 17057-0480

SUBJECT: THREE MILE ISLAND UNIT 1 - FEDERAL REGISTER NOTICE FOR TSCR NO. 252
(TAC NO. M92439)

Dear Mr. Broughton:

The Commission has forwarded the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing" to the Office of the Federal Register for publication.

The notice relates to your application dated August 11, 1995, to amend the Three Mile Island Nuclear Station, Unit 1 (TMI-1) Operating License to revise the Technical Specifications (TS). The proposed amendment would remove TS Section 3.2, "Makeup and Purification and Chemical Addition Systems," and its bases. The pertinent requirements and bases applicable to these systems are being incorporated in the TMI-1 Updated Final Safety Analysis Report.

Sincerely,

Original signed by:

Ronald W. Hernan, Senior Project Manager
Project Directorate I-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-289

Enclosure: As stated

cc w/encl: See next page

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

August 14, 1995

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and Director, TMI
GPU Nuclear Corporation
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Sincerely,

A handwritten signature in cursive script that reads "Ronald W. Hernan".

Ronald W. Hernan, Senior Project Manager
Project Directorate I-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket No. 50-289

Enclosure: As stated

cc w/encl: See next page

T. G. Broughton
GPU Nuclear Corporation

Three Mile Island Nuclear Station,
Unit No. 1

cc:

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National Energy Committee
Sierra Club
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State College, PA 16803

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

Michele G. Evans
Senior Resident Inspector (TMI)
U.S. Nuclear Regulatory Commission
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Middletown, PA 17057

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

UNITED STATES NUCLEAR REGULATORY COMMISSIONGPU NUCLEAR CORPORATIONDOCKET NO. 50-289NOTICE 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 GPU Nuclear Corporation (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 Technical Specification (TS) Section 3.2, "Makeup and Purification and Chemical Addition Systems," and its bases. The pertinent requirements and bases applicable to these systems are being incorporated in the TMI-1 Updated Final Safety Analysis Report (UFSAR). This proposed change is consistent with the Standard Technical Specifications for Babcock and Wilcox Plants (NUREG-1430, September 1992), which do not include requirements for these systems. The proposed change is also consistent with the Commission's criteria to be used to determine which structures, systems, and components are to be included in the TS. These criteria were recently codified in 10 CFR 50.36 of the Commission's regulations as noticed in the FEDERAL REGISTER (60 FR 36953, July 19, 1995). The licensee's request for the amendment under consideration is dated August 11, 1995, and supersedes an earlier request dated May 17, 1995. The staff had noticed the earlier request in the FEDERAL REGISTER on June 21, 1995 (60 FR 32365).

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 consequences of an accident previously evaluated. The administrative relocation of the existing Technical Specification 3.2 requirements for the Makeup and Purification and Chemical Addition Systems to the TMI-1 UFSAR is unrelated to the probability of occurrence or the consequences of an accident previously evaluated. Design basis accident and transient analysis criteria regarding emergency core cooling system (ECCS) cold shutdown boration requirements are maintained in TMI-1 Technical Specification Section 3.3. The requirements currently contained in Technical Specification 3.2 do not meet the criteria in the NRC "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors," July 1992, as codified by the revision to 10 CFR 50.36. The proposed amendment is expected to produce an improvement in safety through reduced potential action statement induced plant transients. Therefore, the proposed amendment has no effect on the probability of occurrence or 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 accident previously evaluated. Design

basis accident and transient analysis criteria regarding ECCS cold shutdown boration requirements are maintained in TMI-1 Technical Specification Section 3.3. Administrative relocation of the existing Technical Specification 3.2 requirements for the Makeup and Purification and Chemical Addition Systems to the UFSAR ensures that these system requirements and bases are appropriately controlled in accordance with the requirements of 10 CFR 50.59. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident 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 consistent with the Standard Technical Specifications for Babcock and Wilcox Plants, NUREG-1430, July 1992, and the NRC Final Policy Statement on Improvements to Technical Specifications. The requirements currently contained in TMI-1 Technical Specification Section 3.2 do not meet any of the four (4) criteria in the Final Policy Statement for inclusion in Technical Specifications, as codified in the revision to 10 CFR 50.36. The proposed amendment is expected to produce an improvement in safety through reduced potential action statement induced plant transients. Administrative relocation of the existing TMI-1 Technical Specification Section 3.2 requirements for the Makeup and Purification and Chemical Addition Systems to the UFSAR ensures that these system requirements and bases are appropriately controlled in accordance with the requirements of 10 CFR 50.59. Therefore, it is concluded that operation of the facility in accordance with the proposed amendment does not involve a significant reduction in a 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 Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D22, 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 September 18, 1995, 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

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 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.

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, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Phillip F. McKee: petitioner's name and telephone number, date petition was mailed, plant name,

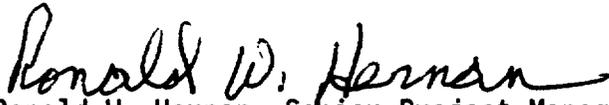
and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037, 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 August 11, 1995, which is 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 14th day of August 1995.

FOR THE NUCLEAR REGULATORY COMMISSION


Ronald W. Hernan, Senior Project Manager
Project Directorate I-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation