

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

Jul 5, 1999

SUBJECT: THREE MILE ISLAND NUCLEAR STATION, UNIT 1 - NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT AND OPPORTUNITY FOR HEARING (TAC NO. MA5971)

Dear Mr. Langenbach:

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing." This notice relates to your application for amendment dated June 29, 1999, which would revise the TMI-1 Facility Operating License No. DPR-50 to grant authority for the licensee to possess radioactive materials without unit distinction so that after the sale and transfer of the TMI-1 license to AmerGen, radioactive materials may continue to be moved between the TMI-1 and TMI-2 units as they currently are.

Sincerely,

ORIGINAL SIGNED BY:

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

Docket No. 50-289

Enclosures: Notice of Consideration of Issuance

cc w/encls: See next page

NRC FILE CENTER COPY

DISTRIBUTION:

~~Docket File~~ E. Adensam (email) PUBLIC M. O'Brien ACRS
 S. Bajwa P. Eselgroth, RI PDI-1 R/F T. Colburn OGC

DOCUMENT NAME: G:\PDI-1\TMI-1\indnotltr.WPD

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	PM:PDI-1 <i>TC</i>	E	LA:PDI-1	E	SC:PDI-1				
NAME	TColburn/rs1		MO'Brien <i>TC</i>		SBajwa <i>TC</i>				
DATE	07/6/99		07/2/99		07/2/99			07/ /99	

Official Record Copy

DF01

9907130155 990706
 PDR ADOCK 05000289
 P PDR



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

July 6, 1999

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

SUBJECT: THREE MILE ISLAND NUCLEAR STATION, UNIT 1 - NOTICE OF
CONSIDERATION OF ISSUANCE OF AMENDMENT AND OPPORTUNITY FOR
HEARING (TAC NO. MA5971)

Dear Mr. Langenbach:

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing." This notice relates to your application for amendment dated June 29, 1999, which would revise the TMI-1 Facility Operating License No. DPR-50 to grant authority for the licensee to possess radioactive materials without unit distinction so that after the sale and transfer of the TMI-1 license to AmerGen, radioactive materials may continue to be moved between the TMI-1 and TMI-2 units as they currently are.

Sincerely,

A handwritten signature in cursive script that reads "Timothy G. Colburn".

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

Docket No. 50-289

Enclosures: Notice of Consideration of Issuance

cc w/encls: See next page

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

Edwin C. Fuhrer
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

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

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

UNITED STATES NUCLEAR REGULATORY COMMISSIONGPU NUCLEAR, INC.DOCKET 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, Inc., (the licensee) for operation of the Three Mile Island Nuclear Station, Unit 1, (TMI-1) located in Dauphin County, Pennsylvania.

The proposed amendment would grant authority for the licensee to possess radioactive materials without unit distinction so that after the sale and transfer of the TMI-1 license to AmerGen, radioactive materials may continue to be moved between the TMI-1 and TMI-2 units as they currently are. After the license transfer, GPU Nuclear will need to access the waste handling and processing facilities at TMI-1 (currently common facilities) for its normal post defueling monitored storage (PDMS) activities. Similarly, AmerGen as the TMI-1 licensee and PDMS contractor, will need to move radioactive apparatus and materials between units. The amendment would not authorize receipt or possession of radioactive material or waste from other sites.

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.

9907130156 990706
PDR ADDCK 05000289
P PDR

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 or the consequences of an accident previously evaluated. The proposed changes do not affect assumptions contained in plant safety analyses, the physical design and/or operation of the plant, nor do they affect Technical Specifications that preserve safety analysis assumptions. None of the proposed changes involve a physical modification to the plant, a new mode of operation or a change to the UFSAR [Updated Final Safety Analysis Report] transient analyses. No Technical Specification Limiting Condition for Operation, Action statement or Surveillance Requirement is affected by any of the proposed changes. Examples of TMI-2 radioactive materials which are moved or staged in TMI-1, such as liquid or solid radwaste or contaminated protective clothing, provide negligible source terms for any potential release. Further, the proposed changes do not alter the design, function, or operation of any plant component. Therefore, the proposed amendment does not affect the probability or consequences of any 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 changes do not affect assumptions contained in plant safety analyses, the physical design and/or modes of plant operation defined in the plant operating license, or Technical Specifications that preserve safety analyses assumptions. The proposed changes do not introduce a new mode of plant operation or surveillance requirement, nor involve a physical modification to the plant. The proposed changes do not alter the design, function, or operation of any plant components. Therefore, the proposed amendment does not affect 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. None of the proposed changes involve a physical modification to the plant, a new mode of operation or

a change to the UFSAR transient analyses. No Technical Specification Limiting Condition for Operation, Action statement, or Surveillance Requirement is affected. Therefore, the proposed amendment does not reduce the 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 8/11/99, 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 at the local public document room located at the Law/Government Publication 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.

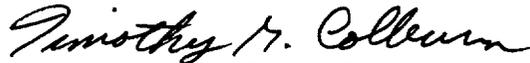
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 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 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 June 29, 1999, 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 Publication Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

Dated at Rockville, Maryland, this 6th day of July 1999.

FOR THE NUCLEAR REGULATORY COMMISSION



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