

Mr. James W. Langenbach, Vice President
 and Director-TMI-1
 GPU Nuclear, Inc.
 P.O. Box 480
 Middletown, PA 17057

August 11, 1999

SUBJECT: CONFIRMATORY ORDER MODIFYING LICENSE NO. DPR-50, THREE MILE ISLAND NUCLEAR STATION, UNIT 1 (TAC NO. M85615)

Dear Mr. Langenbach:

The Commission has issued the enclosed Confirmatory Order Modifying License (Order) for GPU Nuclear, Inc., and the Three Mile Island Nuclear Station, Unit 1. This Order confirms GPU Nuclear, Inc.'s commitment, as stated in your letter dated June 2, 1999, to complete the implementation of Thermo-Lag 330-1 fire barriers corrective actions by June 30, 2000, for those corrective actions stated therein. You made this commitment in your letter of consent dated July 1, 1999.

Please implement these corrective actions in accordance with your proposed schedule.

A copy of this Order is being filed with the Office of the Federal Register for publication.

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

Enclosure: Order

cc w/encl: See next page

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8/11/99

requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

Dated at Rockville, Maryland this 11th day of August 1999.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by:

William F. Kane, Acting Director
Office of Nuclear Reactor Regulation

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OFFICE	TECH EDITOR* <input checked="" type="checkbox"/>	D:DLPM*	OGC*	AD:ADPT*	AD:NRR
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DATE	07/19/99	08/03/99	08/05/99	08/10/99	8/11/99

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Docket File
PDI-1 R/F
S. Bajwa
M. O'Brien
T. Colburn
OGC

August 11, 1999

MEMORANDUM TO: Rules and Directives Branch
Division of Administrative Services
Office of Administration
FROM: Office of Nuclear Reactor Regulation
SUBJECT: CONFIRMATORY ORDER MODIFYING LICENSE NO. DPR-50, THREE MILE ISLAND
NUCLEAR STATION, UNIT 1 (TAC NO. M85615)

One signed original of the *Federal Register* Notice identified below is attached for your transmittal to the Office of the Federal Register for publication. Additional conformed copies (5) of the Notice are enclosed for your use.

- Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s): Time for submission of Views on Antitrust matters.
- Notice of Consideration of Issuance of Amendment to Facility Operating License. (Call with 30-day insert date).
- Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- Notice of Availability of NRC Draft/Final Environmental Statement.
- Notice of Limited Work Authorization.
- Notice of Availability of Safety Evaluation Report.
- Notice of Issuance of Construction Permit(s).
- Notice of Issuance of Facility Operating License(s) or Amendment(s).
- Order.
- Exemption.
- Notice of Granting Exemption.
- Environmental Assessment.
- Notice of Preparation of Environmental Assessment.
- Receipt of Petition for Director's Decision Under 10 CFR 2.206.
- Issuance of Final Director's Decision Under 10 CFR 2.206.
- Other: _____

DOCKET NO. 50-289

Attachment(s): As stated

Contact: Margaret O'Brien
Telephone: 415-1414

DOCUMENT NAME:

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OFFICE	LA: PDI-2																		
NAME	<i>[Signature]</i>																		
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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

August 11, 1999

Mr. James W. Langenbach, Vice President
and Director-TMI-1
GPU Nuclear, Inc.
P.O. Box 480
Middletown, PA 17057

SUBJECT: CONFIRMATORY ORDER MODIFYING LICENSE NO. DPR-50, THREE MILE
ISLAND NUCLEAR STATION, UNIT 1 (TAC NO. M85615)

Dear Mr. Langenbach:

The Commission has issued the enclosed Confirmatory Order Modifying License (Order) for GPU Nuclear, Inc., and the Three Mile Island Nuclear Station, Unit 1. This Order confirms GPU Nuclear, Inc.'s commitment, as stated in your letter dated June 2, 1999, to complete the implementation of Thermo-Lag 330-1 fire barriers corrective actions by June 30, 2000, for those corrective actions stated therein. You made this commitment in your letter of consent dated July 1, 1999.

Please implement these corrective actions in accordance with your proposed schedule.

A copy of this Order is being filed with the Office of the Federal Register for publication.

Sincerely,

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

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

Enclosure: Order

cc w/encl: See next page

Three Mile Island Nuclear Station, Unit 1

cc:

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

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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

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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
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Middletown, PA 17057

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

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

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
GPU NUCLEAR INC., et al.)	Docket No. 50-289
)	
(Three Mile Island Nuclear Station,)	
Unit 1))	

CONFIRMATORY ORDER MODIFYING LICENSE

EFFECTIVE IMMEDIATELY

I.

GPU Nuclear Inc. (GPUN or the Licensee) is the holder of Facility Operating License No. DRP-50, which authorizes operation of Three Mile Island Nuclear Station, Unit 1 located in Dauphin County, Pennsylvania.

II.

The staff of the U.S. Nuclear Regulatory Commission (NRC) has been concerned that Thermo-Lag 330-1 fire barrier systems installed by licensees may not provide the level of fire endurance intended and that licensees using Thermo-Lag 330-1 fire barriers may not be meeting regulatory requirements. During the time period 1992 – 1994, the NRC staff issued Generic Letter (GL) 92-08, "Thermo-Lag 330-1 Fire Barriers," and subsequent requests for additional information that asked licensees to submit plans and schedules for resolving the Thermo-Lag issue. The NRC staff has obtained and reviewed corrective plans and schedules from all licensees. The staff is concerned that some licensees may not be making adequate progress toward resolving the plant-specific issues, and that some implementation schedules may be either too tenuous or too protracted. For example, several licensees informed the NRC

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staff that their completion dates would be delayed between 6 months and 3 years. The NRC staff has met with licensees of plants that have scheduled completion beyond 1997 to discuss the progress of the licensees' corrective actions and the extent of licensee management attention regarding completion of Thermo-Lag corrective actions. In addition, the NRC staff discussed with licensees the possibility of accelerating their completion schedules.

At the meeting with GPUN, NRC staff reviewed the schedule of Thermo-Lag corrective actions described in the eight GPUN submittals to the NRC dated February 10, and December 5, 1994; July 7, 1995; August 16, November 5, and December 31, 1996; and August 19, and November 23, 1997, to complete implementation of Thermo-Lag 330-1 fire barriers corrective actions by December 31, 1999, except for those corrective actions that were the subject of a pending exemption request dated December 31, 1996, and supplemented by three letters dated July 31, September 8, and December 30, 1997. On the basis of the information submitted by GPUN and presented during the meeting, the NRC staff concluded that the GPUN schedule was reasonable and issued a Confirmatory Order Modifying License on May 22, 1998, with regard to that schedule.

Subsequently, the NRC staff denied portions of the Licensee's exemption request of December 31, 1996, and the Licensee has committed in its letter of June 2, 1999, to complete additional Thermo-Lag corrective actions in areas which were the subject of those parts of the exemption request that was denied by June 30, 2000. The staff has concluded that this schedule is reasonable. This conclusion is based on (1) the amount of installed Thermo-Lag, (2) the complexity of the plant-specific fire barrier configurations and issues, (3) the need to perform certain plant modifications during outages as opposed to those that can be performed while the plant is at power, and (4) integration with other significant but unrelated issues that GPUN is addressing at its plant. In order to remove compensatory measures such as fire watches, it has been determined that resolution of all Thermo-Lag corrective actions by GPUN

must be completed by June 30, 2000. By letter dated June 21, 1999, the NRC staff notified GPUN of its plan to incorporate GPUN's schedule commitment with regard to issues which were the subject of the exemption request into a requirement by issuance of an order and requested consent from the Licensee. By letter dated July 1, 1999, the Licensee consented to issuance of a Confirmatory Order.

III.

The Licensee's commitment as stated in its letter of July 1, 1999, is acceptable and is necessary for the NRC to conclude that public health and safety are reasonably assured. To preclude any schedule delay and to assure public health and safety, the NRC staff has determined that the Licensee's commitment in its July 1, 1999, letter be confirmed by this Order. The Licensee has agreed to this action. On this basis, and on the basis of the Licensee's consent, this Order is immediately effective upon issuance.

IV.

Accordingly, pursuant to sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, IT IS HEREBY ORDERED, effective immediately, that:

GPU Nuclear, Inc., et al. shall complete final implementation of Thermo-Lag 330-1 fire barrier corrective actions at Three Mile Island Nuclear Station, Unit 1, described in the GPU Nuclear, Inc., submittal to the NRC dated June 2, 1999, by June 30, 2000.

The Director, Office of Nuclear Reactor Regulation, may relax or rescind, in writing, any provisions of this Confirmatory Order upon a showing by the Licensee of good cause.

V.

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, and include a statement of good cause for the extension. Any request for a hearing must be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attention: Chief, Rulemaking and Adjudications Staff, Washington, D.C. 20555-0001. Copies of the hearing request must also be sent to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D. C. 20555-0001, to the Assistant General Counsel Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region I, U.S. Nuclear Regulatory Commission, 475 Allendale Road., King of Prussia, PA 19406-1415, and to the Licensee, Mr. James W. Langenbach, Vice President and Director-TMI-1, GPU Nuclear, Inc., P.O. Box 480, Middletown, PA 17057. If such a person requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and must address criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further Order or proceedings. If an extension of time for

requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

Dated at Rockville, Maryland this *11th* day of *August* 1999.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, appearing to read "William F. Kane".

William F. Kane, Acting Director
Office of Nuclear Reactor Regulation