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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

METROPOLITAN EDISON COMPANY, ET AL.

(Three Mile Island Nuclear Station,
Unit 2)

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Docket No. 50-320

ORDER

I.

Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (collectively, the licensee) are the holders of Facility Operating License No. DPR-73, which had authorized operation of the Three Mile Island Nuclear Station, Unit 2 (TMI-2) at power levels up to 2772 megawatts thermal. By Order for Modification of License dated July 20, 1979, the licensee's authority to operate the facility was suspended and the licensee's authority was limited to maintenance of the facility in the present shutdown cooling mode (44 F.R. 45271). The facility, which is located in Londonderry Township, Dauphin County, Pennsylvania, is a pressurized water reactor used for the commercial generation of electricity.

II.

On March 28, 1979, an accident at the Three Mile Island Nuclear Station Unit 2 resulted in substantial damage to the reactor core and to certain reactor systems and components. The facility is not capable of normal

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operation and is in a shutdown condition with fuel in the core. Although many systems were damaged or have subsequently failed, the facility is being maintained in a safe and stable cooling condition. The July 20, 1979 Order directed that the licensee maintain the facility in a shutdown condition in accordance with approved operating and contingency procedures with decay heat being removed by natural convection circulation of primary coolant through the core with heat rejection through the "A" steam generator.

Some of the systems and components currently being used to maintain the facility in its present mode of operation were not originally included in the facility's Technical Specifications. In fact, in the present post-accident status of the facility, the license itself does not include explicit provisions or Technical Specifications for assuring the continued maintenance of the plant in a safe, stable condition or for coping with foreseeable off-normal conditions. Moreover, certain portions of the facility's operating license relate to or govern power operation of the facility, the authority for which was suspended by the Order of July 20, 1979. These provisions are now simply inapplicable to the facility in its present post-accident condition. Consequently, the facility's operating license^{1/} should be modified so as to:

^{1/} The existing Appendix B Technical Specifications imposed for the protection of the environment upon issuance of the TMI-2 operating license would be unchanged and would remain in effect, except that Appendix B Technical Specifications 5.1, 5.2 and 5.3, which identify the licensee's pre-accident management organization for activities addressed by the Appendix B Technical Specifications, are deleted since those requirements will now be performed in accordance with proposed Technical Specifications 6.1, 6.2 and 6.5 which will set forth the current requirements for the licensee's management organization for all licensed activities.

- (1) define operating parameters for the current safe, stable, long-term cooling mode for the facility (defined as the recovery mode), and delete all other permissible operating modes so as to assure that operation of the facility in other than the stable shutdown condition of the recovery mode is precluded;
- (2) impose functional, operability, redundancy and surveillance requirements as well as safety limits and limiting conditions with regard to those structures, systems, equipment and components necessary to maintain the facility in the current safe, stable shutdown condition and to cope with foreseeable off-normal conditions.
- (3) prohibit venting or purging or other treatment of the reactor building atmosphere, the discharge of water decontaminated by the EPICOR-II system, and the treatment and disposal of high-level radioactively contaminated water in the reactor building, until each of these activities has been approved by the NRC, consistent with the Commission's Statement of Policy and Notice of Intent to Prepare a Programmatic Environmental Impact Statement (44 F.R. 67738).

III.

For the above reasons, the Facility Operating License has been reviewed and a new set of Technical Specifications has been developed to account for the present condition of the facility and to assure the continued maintenance of

the current safe, stable, long-term cooling condition of the facility. The Staff's safety assessment addressing the requirements of the proposed Technical Specifications is set forth in the concurrently-issued Safety Evaluation.

The Office of Nuclear Reactor Regulation has also performed an environmental evaluation of the requirements that would be imposed by these proposed Technical Specifications as reflected in the Environmental Assessment, also issued concurrently. It was determined that since the limits on effluent releases and discharges contained in Appendix B to the Facility Operating License are not being changed and remain in effect, and the proposed Technical Specifications attached to this Order do not authorize a change in effluent types or total amounts nor an increase in power level that the proposed Technical Specifications will not result in any significant environmental impact. Accordingly, a negative declaration is being issued concurrently pursuant to 10 CFR § 51.5(c) (1) of the Commission's regulations.

Proposed Technical Specification 6.8.1, regarding Administrative Controls, requires that written procedures implementing certain requirements of the modified Technical Specifications be prepared by the licensee. Proposed Technical Specification 6.8.2 provides that these written procedures are to be submitted to, and are subject to approval by, the NRC prior to implementation. Since these written procedures will implement certain requirements of the proposed Technical Specifications, some period of time will be required after its effective date for the licensee to prepare the appropriate written procedures. Based on discussions with the licensee and an evaluation

of the scope of the written procedures required, it has been determined that a period of 30 days from the date of this Order will be sufficient for the licensee's preparation of the written procedures required by proposed Technical Specification 6.8.1.

Incorporation into the license of the proposed Technical Specifications would both impose necessary requirements on the licensee to reflect the present condition of the facility and to assure continued maintenance of the current safe, stable, long-term cooling condition of the facility, and facilitate the Commission's enforcement program by providing a single and readily available compilation of enforceable requirements. For these reasons, it is proposed that the license be amended so as to include the Technical Specifications set forth in Attachment 1 hereto. The formal license amendment incorporating these proposed Technical Specifications will become effective on the expiration of the period specified below, during which the licensee or any other person whose interest may be affected may request a hearing or, in the event a hearing is requested and granted, on the date specified in an order made following the hearing or other disposition of such proceeding.

As indicated above, the July 20, 1979 Order directed the licensee to maintain the facility in a shutdown condition in accordance with approved operating and contingency procedures. This Order is still in effect. The operating and contingency procedures referred to have evolved over the course of the past several months and are now reflected in the requirements that have been included in the proposed Technical Specifications set forth in Attachment 1.

In order to eliminate any possible uncertainty as to the nature and requirements of the operating and contingency procedures referred to in the July 20, 1979 Order, the public health, safety and interest require that that Order be amended, effective immediately, as set forth below, pursuant to section 161.b. of the Atomic Energy Act of 1954, as amended, to include the requirements in Attachment 1. When the proposed Technical Specifications become effective as a result of the formal amendment of the Facility Operating License, they will supersede the July 20, 1979 Order, as amended, since there will be no need to maintain a duplicate set of legal requirements on the licensee.

IV.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, IT IS ORDERED THAT:

- (1) Effective immediately, the Director's Order for Modification of License of July 20, 1979 is amended by deleting paragraph (2) and substituting the following:

"(2) Pending further amendment of the Facility Operating License, the licensee shall maintain the facility in accordance with the requirements set forth in Attachment 1 to the Director's Order dated February 11, 1980."

- (2) Effective 30 days from the date of publication of this Order in the Federal Register or, in the event a hearing is requested and granted, on the date specified in an order made following the hearing or other disposition of the proceeding, all Appendix A

Technical Specifications and Appendix B Technical Specifications 5.1, 5.2 and 5.3 to Facility Operating License No. DPR-73 in effect on March 28, 1979 and all changes thereto issued between that date and the date of this Order are superseded by the proposed Technical Specifications set forth in Attachment 1 hereto.

- (3) The written procedures required by proposed Technical Specification 6.8.1 in Attachment 1 hereto shall be completed and submitted to the NRC 30 days after the date of this Order. Pending approval of the written procedures by the NRC, the licensee shall follow the previously approved procedures.

V.

The licensee or any person whose interest may be affected may, within thirty (30) days of the date of publication of this Order in the Federal Register, file a request for a hearing with respect to this Order, pursuant to 10 CFR § 2.714. As indicated, a request for a hearing with regard to paragraph (2) of this Order shall operate to stay the effectiveness of that paragraph. Accordingly, any such hearing regarding paragraph (2) shall be conducted prior to the adoption of the formal license amendment incorporating the Technical Specifications set forth in Attachment 1 hereto. However, a request for hearing with regard to paragraphs (1) and/or (3) shall not operate to stay the effect of those paragraphs. In the event a hearing is held with regard to paragraph (1) and/or (3), however, such a hearing shall be consolidated with any hearing that may be requested pursuant to paragraph (2). In the event a hearing is held, the issues shall be: (1) whether

the requirements set forth in Attachment 1 hereto (summarized in Part II above) are necessary and sufficient for the maintenance of the facility to protect health and safety or to minimize danger to life and property; and (2) whether the provisions of this Order would significantly affect the quality of the human environment.

A request for a hearing must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Section, by the above date. A copy of the request for a hearing should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555 and to George F. Trowbridge, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, DC 20036, attorney for the licensee. Any questions regarding the contents of this Order should be directed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

For further details with respect to this action, see (1) Operating License DPR-73, as amended, (2) NUREG-0557, "Evaluation of Long-Term Post-Accident Core Cooling of Three Mile Island, Unit 2," NRC Staff Report, dated May, 1979, (3) Memorandum to R. Vollmer from A. Ignatonis, "TMI-2 Plant Modifications for Cold Shutdown, Rev. 2," dated June 8, 1979, (4) Letter to R. Vollmer, NRC, from R. C. Arnold, Metropolitan Edison Co., "Reactor Containment Building Atmosphere Cleanup," dated November 13, 1979, (5) the Commission Staff's related Safety Evaluation and Environmental Assessment

(NUREG-0647), and (6) the Director's Order for Modification of License dated July 20, 1979. All of the above documents are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Commission's Local Public Document Room at the State Library of Pennsylvania, Government Publications Section, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

FOR THE NUCLEAR REGULATORY COMMISSION



Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland
this 11th day of February, 1980.