

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

in the Matter of

GPU Nuclear Inc., et al.

Three Mile Island Nuclear Station,
 Unit No. 1

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Docket No. 50-289

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 No. 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 that use Thermo-Lag 330-1 fire barriers may not be meeting regulatory requirements. During the 1992 to 1994 timeframe, the NRC staff issued Generic Letter (GL) 92-08, "Thermo-Lag 330-1 Fire Barriers" and subsequent requests for additional information that requested licensees to submit plans and schedules for resolving the Thermo-Lag issue. The NRC staff has obtained and reviewed all licensees' corrective plans and schedules. 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 staff that

their completion dates had slipped by 6 months to as much as 3 years. For plants that have completion action scheduled beyond 1997, the NRC staff has met with these licensees 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.

GPUN was one of the licensees with which the NRC staff held a meeting. At this meeting, the NRC staff reviewed with GPUN the schedule of Thermo-Lag corrective actions described in the GPUN submittals to the NRC dated February 10, 1994, December 5, 1994, July 7, 1995, August 16, 1996, November 5, 1996, December 31, 1996, August 19, 1997, and November 23, 1997, to complete implementation of Thermo-Lag 330-1 fire barriers corrective actions by December 31, 1999, excluding those corrective actions which are the subject of the pending exemption request dated December 31, 1996, and supplemented by letters dated July 31, 1997, September 8, 1997, and December 30, 1997. Based on the information submitted by GPUN and provided during the meeting, the NRC staff has concluded that the schedule presented by GPUN is reasonable. This conclusion is based on the (1) 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 the Thermo-Lag corrective actions by GPUN must be completed in accordance with the current GPUN schedule. By letter dated April 27, 1998, the NRC staff notified GPUN of its plan to incorporate GPUN's schedule commitment into a requirement by issuance of an order and requested consent from the Licensee. By letter dated May 5, 1998, the Licensee provided its consent to issuance of a Confirmatory Order.

III.

The Licensee's commitment as set forth in its letter of May 5, 1998, is acceptable and is necessary for the NRC to conclude that public health and safety are reasonably assured. To preclude any schedule slippage and to assure public health and safety, the NRC staff has determined that the Licensee's commitment in its May 5, 1998, letter be confirmed by this Order. The Licensee has agreed to this action. Based on the above, and 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:

GPUN shall complete final implementation of Thermo-Lag 330-1 fire barrier corrective actions at Three Mile Island Nuclear Station, Unit No. 1 described in the GPUN submittals to the NRC dated February 10, 1994, December 5, 1994, July 7, 1995, August 16, 1996, November 5, 1996, December 31, 1996, August 19, 1997, and November 23, 1997, by December 31, 1999, excluding those corrective actions which are the subject of the pending exemption request dated December 31, 1996, and supplemented by letters dated July 31, 1997, September 8, 1997, and December 30, 1997. A schedule for completion of any activity associated with the items excluded will be developed separately.

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.

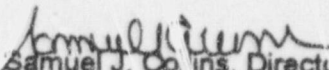
Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attention: Chief, Rulemaking and Adjudications Staff, Washington, D.C. 20555. Copies of the hearing request shall also be sent to the Director, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, to the Deputy Assistant General Counsel for Enforcement at the same address, to the Regional Administrator, NRC Region I, U.S. Nuclear Regulatory Commission, 475 Allendale Rd., King of Prussia, PA 19406-1415, and to the Licensee. If such a person request a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall 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.

FOR THE NUCLEAR REGULATORY COMMISSION


Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
this 22nd day of May 1998

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.

FOR THE NUCLEAR REGULATORY COMMISSION

~~Original~~ signed by
Samuel J. Collins

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
this day of 1998

*SEE PREVIOUS CONCURRENCE

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