

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)
)
Public Service Electric and Gas) Docket No. 50-272
Company, et al.) (Proposed Issuance of
) Amendment to Facility
(Salem Nuclear Generating) Operating License
Station, Unit 1) No. DPR-70)

LICENSEE'S MOTION FOR A DIRECTED
CERTIFICATION AND FOR A STAY

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LICENSEE'S MOTION FOR DIRECTED CERTIFICATION
AND FOR A STAY

Introduction

The instant proceeding is being held to consider the application of the Licensee, Public Service Electric and Gas Company, et al., for an amendment to its operating license to permit increased storage of spent fuel in the Salem Generating Station, Unit 1. On February 22, 1980, the presiding Atomic Safety and Licensing Board ("Licensing Board") issued a Memorandum and Order^{1/} which, inter alia, required consideration of the following question at an evidentiary hearing to be held in April:

In the event of a gross loss of water from the spent fuel storage pool at Salem 1, what would be the

^{1/} This order and the accompanying notice of hearing were docketed and served by the Docketing and Service Section of the Office of the Secretary on February 25, 1980.

difference in consequences between those occasioned by the pool with the expanded storage proposed by the Licensee and those occasioned by the present pool? 2/

The Licensing Board's supporting argument contained in the Memorandum and Order demonstrates beyond question that the Board considers the postulated event, "a gross loss of water from the spent fuel storage pool," to be a Class 9 accident as that term has been defined by the Nuclear Regulatory Commission ("NRC" or "Commission").^{3/} The Licensing Board, in spite of such a determination and notwithstanding the specific directive of the Commission to the contrary, has required the consideration of the consequences of this hypothesized Class 9 event. The companion Notice of Evidentiary Hearing, also dated February 22, 1980, inter alia, set April 22, 1980 as the start of an evidentiary hearing on this hypothetical question and required that testimony be filed by March 24, 1980, a date less than one month after service of the Licensing Board's order.

As hereinafter discussed, failing certification of the question of whether the consequences of this Class 9 accident, i.e., the "gross loss of water" from the spent fuel pool, may

2/ Notice of Evidentiary Hearing dated February 22, 1980. A similar but slightly abbreviated formulation of this question appears on p. 18 of the Memorandum and Order.

3/ See Florida Power & Light (St. Lucie Nuclear Power Plant, Unit 2), ALAB-579, 11 NRC ___, n.l, slip op. at 1 (February 14, 1980) for a discussion of the origin of the term "Class 9 accident" in NRC proceedings. The Licensing Board does not delineate any mechanism for such occurrence, nor does it give any further definition to the remainder of the postulated event.

be considered by the Licensing Board in this proceeding and its referral to the Commission for decision pursuant to 10 C.F.R. §2.785(d), the public interest will suffer and the Licensee would be subjected to unusual delay and expense. Furthermore, a suspension of the operative provisions of the Notice of Evidentiary Hearing, including those requiring submission of testimony and the holding of an evidentiary session, whether by a stay or other order, is necessary to maintain the status quo and to avoid irreparable damage to the Licensee and to the integrity of the Commission's decision-making authority.

Background

On April 18, 1979, approximately three weeks after the occurrence of the accident at Three Mile Island Nuclear Station, Unit 2 ("TMI-2"), the Licensing Board posed three questions to the parties in this proceeding relating to the effect on the safe storage of the spent fuel at Salem Unit 1 if the sequence of events that occurred at TMI-2 had instead occurred at Salem Unit 1.^{4/} The Board also postulated a "meltdown" of the reactor core at the Salem facility and inquired as to the effect of such meltdown on the fuel stored in the spent fuel pool. The Board considered those portions of its three questions relating to the postulated occurrence of the TMI-2 sequence of events at the Salem Unit

^{4/} Memorandum and Order at 11.

1 reactor and the effect upon the Salem Unit 1 spent fuel pool at an evidentiary hearing held on July 11, 1979.^{5/}

Both the NRC Staff and the Licensee opposed the consideration of the portion of the Board's question dealing with the hypothesized core meltdown at the Salem reactor.^{6/}

At the July session of the evidentiary hearing, the Board posed an additional question as to whether the sequence of events which occurred at TMI-2 represented a Class 9 accident as that term had been defined by the Commission, the so-called "Question 4." The Licensee answered this question in the negative,^{7/} while the Staff's position was that the TMI-2 accident met the criteria for a Class 9 accident even though the radioactive material released during the accident represented minimal risks of additional health effects to the offsite population. The Staff's view was not without

^{5/} Such consideration is in line with actions of other boards, e.g., Pennsylvania Power and Light Company, (Susquehanna, Units 1 and 2), LBP-79-29, 10 NRC ___, slip op. at 11-13 (October 19, 1979).

^{6/} See NRC Staff Objection to Board Question dated June 1, 1979 and Licensee's Response to NRC Staff Objection to Board Question and Motion for Extension of Time to File Response to Board Question Relating to Class 9 accidents dated June 18, 1979. Licensee specifically requested certification or referral of the issue of the Board's consideration of Class 9 accidents at that time (Licensee's Response at 27-9).

^{7/} Licensee's Response to the Atomic Safety and Licensing Board's Question 4 dated August 24, 1979. The Licensee again requested certification of questions relating to Class 9 accidents.

dissent.^{8/} In its Memorandum and Order, the Board recognized the Staff position as being that the consideration of Class 9 accidents is still contrary to Commission policy even in light of the Staff's view that TMI-2 was a Class 9 event.^{9/}

The Board's decision raises an entirely new issue for the parties to address concerning a postulated "gross loss of water" as the initiating event of a Class 9 accident. The Memorandum and Order, which comes some seven months after the filing of the last of the briefs on the Board's original four questions, gives the parties less than a month to address its latest question which, to the knowledge of counsel, has never before been adjudicated in an NRC proceeding.

Jurisdiction Of The Appeal Board

While its jurisdiction over an appeal in this proceeding is clear, an Atomic Safety and Licensing Appeal Board has not yet been designated in this proceeding.^{10/} It is also

^{8/} NRC Staff Response to Board Question No. 4 Regarding the Occurrence of a Class 9 Accident at Three Mile Island dated August 24, 1979 and letters to the Board from Staff Counsel dated September 18 and 19, 1979.

^{9/} Memorandum and Order at 13.

^{10/} 10 C.F.R. §2.785; See Portland General Electric (Trojan Nuclear Plant), ALAB-531, 9 NRC 263 (1979) for a recent example of the exercise of such jurisdiction in a similar case. The present situation is readily distinguishable from the one which confronted the Appeal Board in Florida Power & Light Company (St. Lucie Nuclear Power Plant, Unit 2), ALAB-579, 11 NRC ___ (February 14, 1980) where jurisdiction had been relinquished through completion of the appellate process. Here, as in the Black Fox case noted in footnote 14 of ALAB-579, the Licensing Board proceeding is ongoing.

clear that the permanent Chairman of the Atomic Safety and Licensing Appeal Panel may act on Licensee's request.^{11/}

Licensee does not ask that the Appeal Board decide the ultimate question of whether the Licensing Board may consider Class 9 accidents, but rather that the question be referred to the Commission for resolution pursuant to 10 C.F.R.

§2.785. Alternatively, Licensee requests that the Staff and other parties be directed to advise the Commission of the reasons why they believe that the consequences of Class 9 accidents should or should not be considered in this case.^{12/}

A brief discussion of two cases which were decided after the briefs were filed but well before the issuance of the Memorandum and Order by the Licensing Board is necessary as background to the jurisdictional and certification questions.

The Commission's discussion of Class 9 accidents in Offshore Power Systems (Floating Nuclear Power Plants), CLI-79-9, 10 NRC ____ (September 14, 1979), on referral from the

^{11/} 10 C.F.R. §2.784; See also Washington Public Power Supply System (WPPSS Nuclear Project No. 2), ALAB-571, 10 NRC ____, slip op. at 12 (November 14, 1979). While the Chairman may appoint an Appeal Board for this proceeding at this time, because of its clear entitlement to the requested relief, Licensee believes that it would be more expeditious for the Chairman to decide the matter.

^{12/} Licensee submits that certification is an appropriate form of relief in this instance; however, if the Appeal Board believes that the Commission has, by virtue of its OPS decision, established a single procedure for its consideration of Class 9 accident questions in individual proceedings (see n.15, infra) this alternative relief is requested.

Appeal Board, was the basis of the Licensing Board's holding on Class 9 accidents. However, contrary to the view of the Licensing Board, the impact of that case was simply to provide for consideration of certain Class 9 accidents in licensing proceedings concerning offshore plants. There was no indication therein that the existing policy on Class 9 accidents for land-based plants was to be set aside. To the contrary, the Commission merely announced its intention to conduct a formal rulemaking proceeding to aid in its re-evaluation of its policy against the consideration of Class 9 accidents in cases involving land-based plants.

In the interim, the Commission directed the Staff to "bring to our attention, any individual cases in which it believes the environmental consequences of Class 9 accidents should be considered." Id. at ___ (slip op. at 10). While giving lip service to the Commission's directive^{12/} and while expressing difficulty in finding "the precise direction" in which the OPS opinion pointed,^{13/} it unilaterally set out to determine for itself whether it should evaluate Class 9 accidents in this proceeding.

Assuming arguendo that there is any doubt whatsoever as to the Commission's position prohibiting consideration of Class 9 accidents in individual cases until it adopts a new general policy, such doubt was erased by the Appeal Board in

^{12/} Memorandum and Order at 14.

^{13/} Id. at 15.

Public Service Company of Oklahoma, (Black Fox Station, Units 1 and 2), ALAB-573, 10 NRC ____, (December 7, 1979).

In that proceeding, after reviewing the OPS decision, the Appeal Board stated two conclusions:

First, that the Board below acted in accordance with existing Commission policy in not considering Class 9 accidents at that time. Second, that the Commission has reserved to itself the right to decide whether such matters are to be considered in any given case until it adopts a new general policy. Our actions must of course be guided by the Commission's latest instructions.

Those instructions, however, do not specify when the staff is to render its advice on the need to consider Class 9 accidents in individual licensing proceedings. It is unfortunate that the staff has not yet furnished that advice in this case. The proceeding before the Licensing Board is now half completed. Manifestly, if that Board is to examine the ramifications of Class 9 events, the time to instruct it to do so is now, not after the record closes and its decision issues. In this vein, we note that the Commission has previously expressed dissatisfaction when issues important to it are brought to its attention late. See, e.g., Public Service Co. of New Hampshire (Seabrook Station, Units 1 and 2), CLI-78-1, 7 NRC 1, 6-7 (1978). 14/

Recognizing the sole authority of the Commission to decide the matter, the Staff was ordered to advise the Commission as to its views. The Appeal Board directed the

14/ Black Fox, slip op. at 31-32 (footnote omitted).

presiding Board not to consider the consequences of a Class 9 accident unless explicitly instructed to do so by the Commission:

Accordingly, we direct the staff to advise the Commission promptly (within 30 days) of the reasons why it believes the consequences of Class 9 accidents should or should not be considered in this case. Within 30 days thereafter, the other parties may submit their own views on the question to the Commission. The Licensing Board shall not consider the consequences of a Class 9 accident at the Black Fox site unless the Commission instructs it to do so. 15/

By Order in the Black Fox docket dated February 20, 1980, CLI-80-3, slip op. at 2, the Commission acknowledged the referral of the Class 9 question and extended the time in which it could review or address that issue.

Thus, while the Appeal Board has jurisdiction in the first instance to consider the instant motion, as in Black Fox, referral to the Commission appears to be mandated. While the parties should be given an opportunity to address the question, as was done in Black Fox, we believe an expedited schedule for submission of the parties' positions should be set. Furthermore, as is clear from the teachings of Black Fox, the Licensing Board should be directed not to consider the Class 9 question further and not to require the parties to submit testimony unless the Commission so directs.

15/ Id. at 32 (footnotes omitted) (emphasis in original).

To do otherwise would be contrary to the Commission's explicit directive and would prejudice the integrity of the Commission's authority over this matter.

The Appeal Board Should Direct
Certification Of This Question

Under the Commission's precedents, the Appeal Board should direct certification of the question. While the general policy of the Commission does not favor the singling out of an issue for appellate examination during the pendency of the proceeding in which the issue came to the fore, application of the exception to this rule is clearly warranted here. The public interest will suffer and unusual delay and expense will be encountered without such certification.^{16/}

Recently the Appeal Board had opportunity to cite the standard for discretionary interlocutory review of Licensing Board decisions first set forth in the Marble Hill proceeding:^{17/}

Almost without exception in recent times, we have undertaken discretionary interlocutory review only where the ruling below either (1) threatened the party adversely affected by it with immediate and serious irreparable impact which, as a practical matter, could not

^{16/} See 10 C.F.R. §2.718(i) and Public Service Co. of New Hampshire (Seabrook, Units 1 and 2), ALAB-271, 1 NRC 478, 482-83 (1975).

^{17/} Public Service Co. of Indiana (Marble Hill, Units 1 and 2), ALAB-405, 5 NRC 1190, 1192 (1977); See also Puget Sound Power & Light Company (Skagit Nuclear Power Project, Units 1 and 2), ALAB-572, 10 NRC ___, slip op. at 2 (November 20, 1979).

be alleviated by a later appeal or (2) affected the basic structure of the proceeding in a pervasive or unusual manner.

Applying this standard, the Appeal Board's intercession is warranted. The Licensee would be forced to expend considerable time, effort and expense in attempting to respond to the Board's question regarding the gross loss of water from the spent fuel pool which, to the knowledge of counsel, has not before been considered in any adjudicatory proceeding before the NRC, and which involves analyses and calculations different from those performed during the normal course of the review by the Commission of construction permit and operating license applications and similar amendments to permit increased storage in spent fuel pools.

Moreover, as discussed previously, the Board's ruling that Class 9 accidents should be considered, in view of the clear directive to the contrary in OPS and Black Fox, certainly affects the basic structure of the proceeding in a pervasive and unusual manner. Even more important than the vindication of the rights of any one party is the necessity for preserving the authority of the Commission to control the way in which it implements its mandate to assure the protection of the public health and safety.^{18/} If

^{18/} The Appeal Board should take notice of Task III.D.2(3) contained in NUREG-0660 (Draft 2), NRC Action Plans Developed as a Result of the TMI-2 Accident, dated January 23, 1980, now before the Commission for its review and concurrence, which sets forth a systematic

(Footnote 18/ cont. on next page)

anything, the case for appellate review is even more compelling than in Black Fox, where a construction permit has not yet been issued; in the Salem case, by virtue of its grant of an operating license, the Commission has given its imprimatur on, inter alia, the present design for the facility including the design basis for the spent fuel pool. Aside from the use of a few catch phrases, such as "Artificial Island" and "estuary," the Licensing Board has articulated no reason why the Class 9 question must be given consideration in this proceeding prior to the completion of the Commission's rulemaking on Class 9 accidents.^{19/}

To permit the Licensing Board's ruling to stand would directly undermine the Commission's authority and cause

18/ (cont.)

approach for control, mitigation and monitoring methods for radioactivity released into the liquid pathway during a nuclear power accident and the identification of priorities for the application of such studies to particular plants. A copy of the pertinent pages of this document is attached as an appendix.

19/ See Pacific Gas and Electric Company (Diablo Canyon, Nuclear Power Plant, Units 1 and 2), ALAB-504, 8 NRC 406, 410-12 (1978). While the merits of the question regarding Class 9 accidents are properly before the Commission, Licensee would note that even accepting, arguendo, the Licensing Board's premise that there is some increased "risk" associated with the new racks because of their greater capacity, approval of the new racks does not signify any quantum increase in "risk" associated with a hypothetical "gross loss of water" from the spent fuel pool inasmuch as it would take a number of years to even reach the presently authorized limit of 264 spent fuel elements. Thus, there appears to be no reason to single this case out for special consideration during the pendency of the Commission's generic review of the Class 9 matter. See also n.20, infra.

confusion and uncertainty with regard to the numerous approvals already given to expansion of fuel pools similar to the request pending for Salem Unit 1.^{20/} The Appeal Board has already identified the Class 9 question as one sufficiently unique to warrant interlocutory review and referral to the Commission.^{21/} Certainly the question is at least equal in importance to questions previously accepted for such review^{22/} by the Appeal Board.

As in the Allens Creek proceeding, this question, if handled incorrectly, "has the potential for extraordinary mischief, yet just a few 'words to the wise' can insure that

^{20/} We are surprised that this Licensing Board would give any weight to the proffered testimony of Dr. Richard E. Webb which is completely unsubstantiated and untested and which, for example, discusses a reactor incident in which the "whole site operating crew could flee in panic" leaving the fuel pool unattended. We are equally surprised that the Board would speculate that inasmuch as Salem Unit 1 is located on an artificial island it is unique. This hypothesis cannot withstand even the briefest perusal. There are many other licensed nuclear power plants located on or near bodies of water, including estuarine environments. See n.18, supra. Moreover, the Board completely failed to recognize the foundation conditions at Artificial Island were such that there are 11 feet of concrete under the fuel pool with another 48 feet of lean concrete below that. The protection afforded by such design is unique. In any event, notwithstanding its statements regarding liquid pathways, the main interest of the Board appears to be fixed on the air pathway in that it has requested consideration of the dose to an individual at the exclusion area boundary. Certainly there is no way to distinguish Salem Unit 1 from other land-based reactors based on air pathways related to a Class 9 accident.

^{21/} Offshore Power Systems (Floating Nuclear Power Plants), ALAB-500, 8 NRC 323 (1979).

^{22/} See Skagit, supra, slip op. at 3, n.5.

all problems are avoided."^{23/} We thus submit that the Appeal Board should direct certification and refer the question to the Commission.^{24/}

A Stay Should Be Granted

As previously discussed, a discontinuation of the Board's exploration of the consequences of a Class 9 accident until a specific Commission directive to the contrary^{25/} is mandated here to protect the Commission's jurisdiction. It is therefore only out of an extreme abundance of caution that the Licensee separately requests a stay. The following sections address the factors for a stay contained in 10 C.F.R. §2.788.

23/ Houston Lighting & Power (Allens Creek Nuclear Generating Station, Unit 1), ALAB-565, 10 NRC ___, slip op. at 3 (October 1, 1979).

24/ Licensee has on two occasions requested the Licensing Board to refer or certify Class 9 questions; these requests were never acted upon by the Licensing Board. The Board took seven months to issue its Memorandum and Order and has allowed less than a month for preparation of testimony. In view of these facts, Licensee has, in the interest of an expeditious ruling, requested certification and a stay directly from the Appeal Board.

25/ In Pettway v. American Cast Iron Pipe Co., 411 F.2d 998, 1003 (5th Cir. 1959), the court emphasized that on appeal there exists a need "to maintain the status quo and thus avoid the possibility that [the appeal] might become moot." Likewise, in United States v. Articles of Food and Drug, 444 F.Supp. 266, 275 (E.D.Wis. 1978), the trial court declined to proceed while a related portion of the case was on appeal, recognizing that a court "should refrain from taking any action in derogation of the jurisdiction" of an appellate tribunal. Otherwise, "if pending an appeal an event occurs which renders it impossible for the appellate court to grant any relief or renders a decision unnecessary, the appeal will be dismissed" because moot questions will not be considered on appeal. Fiak v. Continental Foundry & Machine Co., 240 F.2d 369 (7th Cir.), cert. denied, 354 U.S. 938 (1957).

A Summary Of The Action Which Is Requested
To Be Stayed

Licensee requests that, unless the Commission determines to the contrary, the requirement that the parties prepare answers to the Board question dealing with the consequences of a gross loss of water from the storage pool and any further proceeding for the purpose of considering any matter directly or indirectly related to Class 9 accidents be stayed.

Grounds For A Stay

As previously discussed, pages 7-9, supra, this request for a stay is grounded upon the Commission's directive in OPS as developed by the Appeal Board in Black Fox, and the issuance of the Licensing Board's Memorandum and Order which sets forth the Board's prohibited ad hoc determination that it should proceed with consideration of Class 9 accidents. The Board's decision, which effectively negates the Commission's directive, is clearly and simply in error as a matter of law.^{26/}

The Licensee Will Be Irreparably Injured
Unless A Stay Is Granted

Compliance with the Board's Memorandum and Order by the

^{26/} We further submit that there is no logical nexus between the Licensing Board's original questions regarding the effect of a hypothesized Class 9 accident (a meltdown) occurring in the Salem reactor to its presently indicated concern, the question of a "gross loss of water" from the fuel pool as a Class 9 event. No initiating mechanism for this occurrence has been identified by the Licensing Board.

Licensee will involve significant time and expense; the questions involved will require new analyses and may very well require the use of outside consultants. In addition, Licensee will suffer injury by the imposition of Commission policy by a licensing board in an individual adjudicatory hearing even though the agency has decided to proceed by way of rulemaking. If the Board is permitted to proceed any further it may be impossible to place the parties in status quo ante should the Board's unsupported decisions and rulings be viewed as having placed this proceeding on a different footing from all others similarly situated.

The Granting Of A Stay Will Not Harm The
Other Parties

If a stay is granted, the Staff members who are presumably preparing the recommendations requested by the Commission in the OPS decision ^{27/} will not have to be diverted from the task assigned by the Commission of preparing systematically developed recommendations for a uniform policy for consideration of Class 9 accidents for various classes of facilities. Moreover, no other party will be affected adversely by the stay. Undoubtedly, the Commission will give sufficient opportunity for all interested persons to be heard on the question of whether Class 9 accidents should be considered during the course of the generic rule-making proceeding.

27/ Slip op. at 9. See also n.18, supra.

The Public Interest Lies In The
Granting Of A Stay

Without question, the public interest lies with enforcing the integrity of the Commission's policy that the matter of consideration of Class 9 accidents be treated by way of rulemaking, absent specific Commission directive. The matter of Class 9 accidents is admittedly complex and should be treated in an efficient, planned manner without diversion of resources to consider Class 9 accidents in ^{28/} individual cases.

Relief Requested And Conclusion

For the above stated reasons, the Appeal Board should direct certification of the Class 9 question or grant the alternative relief requested ^{29/} and issue the requested stay.

Pending a decision on this matter by the Commission, the Board should be directed to complete its consideration of all aspects of this case, including the closing of the

28/ See footnote 18, supra, and the referenced Action Plan Item which gives some perspective to the time frame in which the Staff believes it can complete its review of the liquid pathway aspect of the Class 9 question. It is obvious that the time for submittal of evidence in this proceeding is insufficient considering the nature of the request.

29/ Footnote 12, supra.

record, filing of proposed findings of fact and conclusions of law and the preparation of an initial decision, as appropriate.

Respectfully submitted,

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TASK III.D.2 PUBLIC RADIATION PROTECTION IMPROVEMENT

A. OBJECTIVE: Improve public radiation protection in the event of a nuclear power plant accident by improving: (1) radioactive effluent monitoring, (2) the dose analysis for accidental releases of radioiodine, tritium, and C-14, (3) the control of radioactivity released into the liquid pathway, (4) the measurement of offsite radiation doses; and (5) the ability to rapidly determine offsite doses from radioactivity release by meteorological and hydrological measurements, so that population protection decisions can be appropriately made.

B. NRC ACTIONS

1. Radiological monitoring of effluents.

a. Description: NRC will provide acceptance criteria for effluent monitors to accurately measure the amounts of radioactivity being discharged during and following an accident. This long-term activity complements and goes beyond revisions that are being made to Regulatory Guide 1.97, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environmental Conditions During and Following an Accident," and the action described in Lessons Learned Short-Term Recommendation 2.1.8.b (NUREG-0578), which requires an increased range on effluent noble gas monitors. The requirements (or guidance) in Regulatory Guide 1.97 and NUREG-0578, Recommendation 2.1.8.b, were judged to be both technically feasible and necessary, based on experience at TMI-2. The actions described here call for studies of potential requirements which are not obviously feasible and whose added degree of protection needs to be

(4) Depending on the results of these studies, appropriate Standard Review Plan sections and Regulatory Guides will be revised.

b. Schedule:

(1) The TMI-2 experience study will be completed by December 1980.

(2) The Quad Cities experience will be evaluated by September 1980.

(3) Environmental iodine species behavior studies will be complete by September 30, 1980.

(4) Revisions of the appropriate Standard Review Plan sections and Regulatory Guides will be completed by December 1981.

c. Resources: NRR FY80 - 1 my, \$280,000, FY81 - 1.4 my, \$240,000;
SD FY80 - 0.6 my, FY81 - 1.0 my.

3. Liquid pathway radiological control.

a. Description: Provisions will be made for control, mitigation, and monitoring methods for radioactivity released into the liquid pathway during a nuclear power plant accident in order to provide decision bases for improving public radiation protection. Liquid pathway dose control methods may include design features, operational features, interdiction of water and (sea) food sources, etc.

(1) NRR will develop a procedure to discriminate between sites and plants which require prompt assessment of liquid pathway interdiction, mitigation, and monitoring. The procedure will consist of a simplified comparison of specific sites to the site used in NUREG-0440, "Liquid Pathway Generic Study" (LPGS), which was analyzed for a class 9 accident. The use of this discrimination procedure will identify the plants with the highest consequences and which thus require attention first.

(2) NRR will develop requests for the information needed to compare each site with the LPGS site using the procedures developed under item B.1, above.

(3) NRR will use the following priorities to review the data provided and to compare the sites: (a) operating reactor sites - inland sites (rivers, lakes, estuaries), and coastal sites; (b) operating license applicant sites; and (c) construction permit applicant sites. The comparison of specific reactor sites with the population doses of the LPGS by NRR will allow discrimination between sites to categorize which sites require prompt interdiction and mitigation programs and those which may implement such plans on an expanded schedule based on the following:

(a) For Category I sites for which population doses are greater than the LPGS, if any (including sites which, because of the simplified analyses, are not clearly better), NRR will notify licensees of the need to identify state-of-the-art control, interdiction, and mitigation procedures. Licensees will be asked to assess the impact of implementing the procedures within

6 months of notification and to implement effective procedures within 1 year of notification.

(b) For Category II sites for which predicted population doses are better than the LPGS, licensees will be asked by NRR to identify, assess, and implement information and procedures within 2 years of notification.

(4) NRR will review and accept licensee's or applicant's liquid pathway control, interdiction, and mitigation plan. IE will inspect for compliance.

(5) NRR will require all licensees and applicants to identify state-of-the-art procedures and facility-specific plans to monitor ground and surface water radionuclide contamination; categorize procedures, locations, etc., with respect to need prior to, during, or following an accidental release; and schedule for installation of "pre-accident" monitors.

(6) NRR will review the proposed monitoring schemes for compliance with procedures, including "National Handbook of Recommended Methods for Water Data Acquisition," U.S. Geological Survey, using a Standard Review Plan modification that is to be developed for this purpose.

b. Schedule:

(1) Screening and discrimination procedures will be developed by March 15, 1980.

(2) Information needs will be developed by March 30, 1980.

(3) Site comparisons will be completed by January 1981.

(4) Applicant's plans will be reviewed for Category I plants by July 1982, and for Category II plants by June 1983.

(5) NRR will issue requirements to licensees and applicants by April 1980.

(6) Licensee/applicant responses will be reviewed for operating reactors by August 1981, for operating license applicants at time license is granted and 1.5 years later, and for construction permit holders at time of operating license application.

c. Resources:

(1) Screening and discrimination: NRR FY80 - 0.1 my and \$15,000.

(2) Identify information needs: NRR FY80 - 0.1 my.

(3) Review of sites: NRR FY80 - 2.5 my, FY81 - 0.5 my.

(4) Review of applicant's plans: NRR FY80 - 0.2 my; IE FY80 - 0.5 my per plant.

(5) Issue requirements to licensees/applicants: NRR FY80 - 0.1 my.

(6) Review licensee/applicant responses: NRR FY80 - 1.0 my, FY81 - 3.0 my.

4. Offsite dose measurements.

a. Description: Additional means are required for determining dose rates and doses associated with large accidental releases of radionuclides.

(1) NRR will determine the desirability and necessity for environmental monitors capable of measuring real-time rates of exposures to noble gases and radioiodines. Monitors or samplers capable of measuring respirable concentrations of radionuclides and particulates will be considered. The feasibility of providing the information in the control room will be determined. This activity supports proposed revisions to Regulatory Guide 1.97 and will provide a basis for further changes to the Guide as results become available.

(2) RES will conduct a study to determine the feasibility of transmitting offsite dose and dose rate information directly to the NRC operations center.

(3) IE will place 50 TLDs around each site in coordination with States and utilities. During normal operation, quarterly reports will be provided to NRC, State, and Federal organizations. In the event of an accident,

vendors cannot supply upgraded monitors in time for installation by December 1981, they must be installed as soon thereafter as practical.

c. Resources: The development cost of a steam dump monitor (by an industry organization or DOE) could approach \$500,000. The effluent monitor cost could be a few hundreds of thousands of dollars per plant for a plant in the construction permit stage. Estimated backfit costs for operating reactors and operating license applicants will be developed as backfit requirements are established. The manpower requirements in FY81 would be 0.1 my per reactor, and in FY82, 0.2 my per reactor.

2. Radioiodine pathway dose analysis: Plants will review Standard Review Plan and Regulatory Guide revisions. Actions and schedules will depend on content of revised guidance.

C. LICENSEE ACTIONS

3. Liquid pathway radiological control.

a. Description: Plants will provide the information required and, as specified by NRC, develop, assess, and implement state-of-the-art procedures for the control, interdiction, and mitigation of consequences in the liquid pathway leading to release of radioactive liquids. All licensees and applicants will identify state-of-the-art procedures and equipment, specific to each facility and site, necessary to monitor ground and surface water contamination following an accidental release, including melt-through type events; identify those components which, in some cases, must be installed prior to an accident; develop a program to install all required pre-release monitoring; develop a plan to install all other necessary monitoring as required; identify

those sites and types of releases where little or no potential exists for rapid contamination of the liquid pathway and need for monitoring system is minimal; and identify existing licensee, State, and Federal monitoring programs which could be relied upon to provide necessary monitoring, including types and locations of sampling stations.

b. Implementation: Operating reactors and operating license applicants must supply the required information by December 1980. Construction permit holders must comply prior to licensing for operation. Category I operating reactors and operating license applicants must implement state-of-the-art monitoring procedures by January 1982; and construction permit holders, prior to operation. Category II operating reactors and operating license applicants, January 1983, and construction permit holders, prior to operation. Pre-release monitoring equipment must be in place at operating reactors by December 1980; operating license applicants must comply within 1 year of issuance of the license; and construction permit holders must comply before operation.

c. Resources: Because of the presently unknown characteristics of mitigation requirements, no firm estimates of capital costs can be made. Development of the requested information will require about 4 mm per plant. Evaluations of needs and alternatives are expected to require 3 to 6 mm per reactor. Capital costs could range up to \$1,000,000 per reactor. Monitoring requirements will vary with reactor and site, but capital costs are not expected to exceed \$100,000 for any site. The manpower requirement may be 3 my per plant.

D. OTHER ACTIONS: None.

E. REFERENCES

1. Radiological monitoring of effluents.

President's Commission Report: Items A.7, D.2, and D.3

Other: NUREG-0578, Recommendation 2.1.8.b

Regulatory Guide 1.97, Proposed Revision 2

2. Radioiodine pathway dose analysis.

President's Commission Report: Item D.5

3. Liquid pathway radiological control.

President's Commission Report: Items E.4.a, D.4.b, and D.4.c

Other: NUREG-0440

NUREG-0625

Memorandum, Hulman to Denise, July 5, 1979, TMI Unit 2 Lessons Learned
in Meteorology and Hydrology

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)
)
PUBLIC SERVICE ELECTRIC AND GAS) Docket No. 50-272
COMPANY, et al.) (Proposed Issuance of
) Amendment to Facility
(Salem Nuclear Generating) Operating License
Station, Unit 1) No. DPR-70)

CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Motion For Directed Certification and For A Stay," dated March 3, 1980 in the captioned matter, have been served upon the following by deposit in the United States mail this 3rd day of March, 1980:

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