

September 24, 1979



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
METROPOLITAN EDISON COMPANY)
)
(Three Mile Island Nuclear)
Station, Unit No. 1))

Docket No. 50-289

LICENSEE'S ANSWER TO
COMMISSION ORDER AND NOTICE OF HEARING
DATED AUGUST 9, 1979

Metropolitan Edison Company (Licensee) is the holder of Facility Operating License No. DPR-50 authorizing the operation of Three Mile Island Nuclear Station, Unit No. 1 (TMI-1).^{*} On August 9, 1979, the Commission issued an Order and Notice of Hearing supplementing an Order previously issued by the Commission on July 2, 1979, suspending operation of TMI-1 pending a public hearing and further order of the Commission. The August 9 Order and Notice of Hearing, among other things, enumerates a number of short-term and long-term actions which the Director of Nuclear Reactor Regulation has recommended be required of Licensee and specifies as issues to be considered in the hearing

^{*} The license also authorizes part ownership of TMI-1 by Jersey Central Power & Light Company and Pennsylvania Electric Company. Metropolitan Edison Company alone, however, is authorized to operate TMI-1 and is the only licensee named in the Commission's August 9 Order and Notice of Hearing.

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(1) whether the short-term actions recommended by the Director of Nuclear Reactor Regulation are necessary and sufficient to provide reasonable assurance that TMI-1 can be operated without endangering the health and safety of the public and should be required before resumption of operation, and (2) whether the long-term actions recommended by the Director of Nuclear Reactor Regulation are necessary and sufficient to provide reasonable assurance that TMI-1 can be operated for the long term without endangering the health and safety of the public and should be required of Licensee as soon as practicable.

Licensee will appear at the hearing and will address the necessity for and sufficiency of the recommended actions. In a letter from Mr. J. G. Herbein, Vice President of Metropolitan Edison Company, to Mr. Harold Denton, Director of Nuclear Reactor Regulation, dated June 28, 1979 (copy attached), Licensee has already committed to complete a number of the recommended short-term actions prior to restart of TMI-1 and some of the recommended long-term actions as soon as practicable. A number of the recommended actions will, however, require further definition of the criteria proposed by the Staff for compliance with the recommended actions and discussion with the NRC Staff of Licensee's plans for compliance with the requirement. It will therefore be necessary for the Staff to complete its definition of requirements and to complete discussions with the Staff before

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advising the Board whether Licensee opposes any of the recommended actions.

From the outset of the Commission's deliberations which resulted in the August 9 Order, the TMI-1 owners have recognized the desirability of providing a forum for public participation in the decision on restart of TMI-1. However, in several communications to the Commission prior to the issuance of the Commission's August 9 Order and Notice of Hearing the TMI-1 owners urged strongly that, in establishing procedures to be employed for a public hearing, the Commission should adopt those procedures which would allow the earliest possible decision on restart of TMI-1. We particularly emphasized (1) the heavy burden which will be borne by the four million residents of the service areas served by the TMI-1 owners and the investors in the securities of those companies until the low fuel cost energy from TMI-1 is again made available and (2) the inconsistency of unnecessary delay in authorizing restart of TMI-1 with the National policy expressed by the Congress and the President to reduce foreign oil imports and the fact that the nonavailability of TMI-1 for generation requires the import of seven million barrels of foreign oil per year.

The Commission elected to apply to the hearing essentially the same procedures which accompany the initial issuance of construction permits and operating licenses, but at the same

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time indicated its expectation that consistent with a fair and thorough hearing and decision the Board would conduct the proceeding expeditiously. The Commission's Order emphasizes measures which can be taken by the Board to this end, e.g., consolidation of parties, controlling of discovery, shortening of otherwise applicable time limits and avoidance of repetitious or cumulative testimony and cross-examination. The Order also instructs the Board as early as possible to publish a hearing schedule and attempt to meet it. Licensee for its part will do everything possible to cooperate in the Board's efforts to expedite the proceeding.

The Commission has singled out TMI-1 among all B&W operating reactors in requiring a lengthy public hearing on all of the NRC Staff's recommended requirements and in suspending operation of TMI-1 until both an Atomic Safety and Licensing Board and the Commission itself have passed on the adequacy of those requirements. In contrast other B&W owners had their licenses suspended only for the brief period necessary to accomplish those few plant modifications and other measures considered urgent by the Commission in the light of the TMI-2 accident and their licenses were promptly reinstated upon completion of those measures. Other less urgent requirements will still have to be met by other B&W reactors but they will be permitted in the meantime to continue in operation. The costly delays mandated

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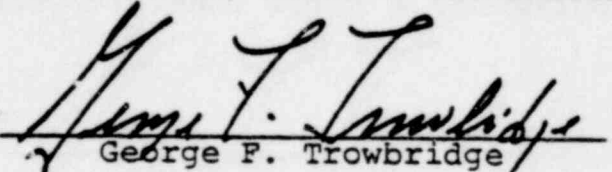
by the Commission's decision, resulting from the suspension of operation pending further definition and accomplishment of a long list of Staff requirements and their consideration in public hearings structured along the lines of a conventional NRC licensing proceeding, will unfairly burden Licensee's consumers and investors.

This burden must not be aggravated by allowing the scope of the hearing to expand beyond those issues mandated by the Commission's Order and Notice of Hearing. The Board should anticipate that some parties may seek to use this proceeding as an occasion to challenge the Nation's basic nuclear energy policies. The Board should anticipate that others may seek to inject in the proceeding issues which have nothing to do with the basis on which the TMI-1 operating license has been suspended. We urge the Board to confine this proceeding strictly to issues directly related to the TMI-2 accident and to the question of what measures need be taken in the light of that accident to assure the continued safe operation of TMI-1.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

BY


George F. Trowbridge

Dated: September 14, 1979

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September 14, 1979

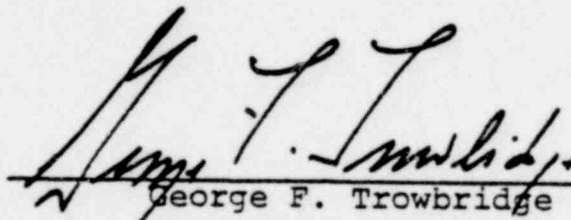
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Answer to Commission Order and Notice of Hearing Dated August 9, 1979," dated September 14, 1979, were served upon those persons on the attached Service List by deposit in the United States mail, postage prepaid, this 14th day of September, 1979.


George F. Trowbridge

Dated: September 14, 1979

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