

ENVIRONMENTAL COALITION ON NUCLEAR POWER

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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 1)

}
}
} Docket No. 50-289

ADDITIONAL DRAFT CONTENTIONS OF THE ENVIRONMENTAL COALITION ON NUCLEAR POWER

The Environmental Coalition on Nuclear Power (ECNP), in compliance with the September 21, 1979, Memorandum and Order of the Atomic Safety and Licensing Board (Board), submits the following draft contentions. These draft contentions supplement the contentions already raised and discussed in the June 29 and March 29, 1979, ECNP Petitions to NRC incorporated in the ECNP Petition to Intervene.

These two sets of contentions may be supplemented with additional contentions that may be raised in the October 22, 1979, ECNP filing of final contentions. For example, these Petitioners have only in the last few days received NUREG-0600, the NRC Staff Report on the TMI-2 accident, and the Suspended Licensee's Report in Response to NRC Staff Recommended Requirements for Restart of Three Mile Island Nuclear Station, Unit 1; we have had, therefore, no opportunity to review those documents which may contain information pertinent to additional issues which we will need to litigate in this proceeding on the proposed reopening of TMI-1. In addition, the ECNP legal representatives in this proceeding have requested from the Staff documents and data pertaining to TMI-2 during the early weeks of the accident and subsequently. Although the ECNP representatives had made these requests in their capacity as the legal representatives of the

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public-interest intervening organizations (member groups of ECNP) in the still ongoing Operating License proceedings for TMI-2, their requests have been totally ignored by the NRC Staff in the six months since the accident began. The information requested--when and if the NRC Staff deigns to respond to these Intervenors in TMI-2-- may also lead to additional contentions in these TMI-1 proceedings.

1. Pursuant to the April 11, 1978, Order of the Commissioners which voided the 74.5 curies per year value of emissions of radon-222 in Table S-3 (10 CFR 51.20(e)) and opened all reactor licenses to litigation on radon and its health effects, the ECNP Petitioners contend that TMI-1 should not be allowed to operate until Table S-3 contains a value of radon-222 emissions consistent with NRDC v. USNRC, 547 F.2d 633, 639, at n. 12 (which requires that the Commission evaluate the full period of toxicity of residual by-products of the nuclear fuel cycle). Since radon-222 emissions from abandoned mines, mill tailings, and depleted uranium have the potential for being far larger a source of radioactivity to the environment than all other sources of radioactivity combined (all per annual fuel requirement), this suspended Operating License should not be reinstated; the Operating License was granted in the first place by ignoring these prodigious emissions of radon-222, in violation of the National Environmental Policy Act of 1969. Furthermore, ignoring the radon emissions is inconsistent with the Commission's legal obligation to protect the health and safety of the public.

2. The Operating License of TMI-1 should not be reinstated -- if at all -- until Table S-3 (10 CFR 51.20(e)) is full and complete, which it now is not. For example, one large source of environmental contamination in the fuel cycle comes from technetium-99, which has until recently also been ignored by the Staff. In addition, the Staff has seriously and irresponsibly underestimated the hazards to human beings resulting from the ingestion of technetium-99.

3. The Staff of the Commission, in its publication Regulatory Guide 1.109, sets forth conversion factors for calculating exposures to humans as a result of ingestion of, inhalation of, or immersion in a cloud of radioisotopes. For a number of radioisotopes of biological importance, these conversion factors have been underestimated by factors ranging from 10 to over 1000. The Operating License for TMI-1 should not be reinstated until the true and full environmental effects for the entire fuel cycle have been properly, fully, and accurately determined, without omission or subterfuge.

4. The Operating License for TMI-1 should remain in suspension until the full range of accidents, including risk (sequences and consequences

4. (cont'd.) of events) of Class 9 accidents, has been fully analyzed for the TMI site, with due consideration to the applicable populations, previous accident experience, local weather conditions, and local geography. ECNP contends that there can be no justification for further jeopardizing the lives, the mental, physical, and genetic health, and the properties and economic security of all individuals within the lethal zone of TMI.

5. ECNP contends that the suspension of the Operating License for TMI-1 should remain in effect until a full and unbiased investigation has been completed to answer the question: Was perjury committed by witnesses for the Applicant, the NRC Staff, or the Commonwealth of Pennsylvania during the evidentiary proceedings which led to the licensing of either TMI-1 or TMI-2? ECNP believes that perjury was committed by witnesses for the above mentioned parties. A refusal by the Commission to investigate this matter would further undermine public confidence in the Commission's objectivity and would also represent a violation of the Commission's legal obligation to protect the health and safety of the public above all else.

6. ECNP contends that the emissions from the normal operation of TMI-1 have had an observable and adverse effect on the reproductive success of farm animals and domestic pets (notably cats) in certain areas around the facility. These problems with fauna have been substantially worsened by the accident at TMI-2 which has also been followed by observable damage to local flora, including, but not limited to, the deaths of local apple, pear, and pine trees. No further operation of this facility should be permitted, as it may lead to the economic decline of the local agricultural community.

7. The recent Class 9 accident at TMI-2 vividly demonstrated the inability of all parties involved -- Met. Ed. management and station operators, state and local Civil Defense personnel, and NRC personnel at any and all levels -- to comprehend the nature of the TMI-2 accident as it unfolded, to communicate the necessary information to one another, the public, and the President in an honest, accurate, and timely manner, and to decide in a timely manner what course to take to protect the health and safety of the public. ECNP contends that timely evacuation of large populations to areas which would not be threatened by changing weather conditions is a physical impossibility. Furthermore, ECNP believes that any representation by those parties that evacuation in the event of a Class 9 accident -- as TMI-2 was -- is a possible or practical preventative measure lies somewhere among self-delusion, falsehood, and willful deception. In addition, we note that the only way to assure the safety of the residents of the area around TMI from future accidents at either reactor is to remove permanently the TMI nuclear facilities themselves. It is these facilities, in conjunction with the slipshod management, operation, and regulation of them, which pose the threat to this area and its residents.

8. ECNP contends that any representation by any Met. Ed. official averring that emergency preparedness or emergency procedures have been adequately augmented since the TMI-2 accident must be viewed with extreme skepticism. Similar assurances of the adequacy of emergency preparedness and emergency procedures were testified to under oath at the TMI-2 Operating License

8. (cont'd.) hearings in 1977 and were found to be wholly without merit in March and April, 1979, when the accident took place. Further assurances under oath at this time in this TMI-1 proceeding that problems have been solved must be viewed in conjunction with past assurances also made under oath that problems could not exist. In addition, the credibility of the officials of Met Ed has been destroyed by the public statements of these officials throughout the course of the TMI-2 accident which is still in progress. Therefore, the testimony under oath of the Suspended Licensee in this proceeding cannot be accepted as credible by the Licensing Board in reaching its decision concerning the possibility of reopening TMI-1 or the permanent revocation of the Operating License for TMI-1.

9. ECNP contends that TMI-1 cannot be operated with reasonable assurance that the health and safety of the public can be adequately protected because of the possibility of further radiological contamination of the TMI plant site during the clean-up and decommissioning of the damaged TMI-2 reactor. The very presence of the damaged reactor and the experimental nature of all decontamination and repair operations at the damaged TMI-2 preclude reasonable assurance of safe operation of TMI-1. Unforeseen problems, difficulties, and accidents at TMI-2 at unpredictable times in the future may require emergency use of the TMI-1 facility to prevent release of radioactive materials into the offsite environment. The present uncertainty concerning the safe operability of the experimental Epicor II decontamination system, plus the pending overflow of intermediate and high-level radioactive waste water, and the potential for increased leakage of reactor coolant or other contaminated water in quantities requiring utilization of TMI-1 for storage purposes exemplify the issue raised in this contention.

10. ECNP contends that TMI-1 is presently as vulnerable to the crash of a larger-than-design-basis aircraft as was TMI-2 prior to the accident. In the TMI-2 evidentiary proceeding the potential crash of a larger-than-design-basis aircraft into TMI-2 was conceded by all parties to lead to offsite consequences greater than those allowed under 10 CFR 100. Even though TMI-2 is disabled and inoperable at the present time, the Unit and TMI-1 may be even more susceptible to any aircraft crash now than was the case before the accident. This increased susceptibility is due to the successive loss of protective barriers between the fission and activation products and the outside environment as a result of the TMI-2 accident.

We note too that a system called Epicor II has been designed and built in order to decontaminate the approximately one million gallons of highly contaminated water at TMI-2. We are unable to determine whether or not this system is protected against any aircraft crash, because ECNP, although represented by the same Intervenor as in the TMI-2 proceeding, has not yet been served any information whatsoever concerning Epicor II, despite the relevance of such information to the still unresolved aircraft crash issues in the ongoing TMI-2 Operating License proceeding.

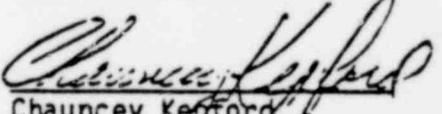
11. ECNP contends that concrete of the TMI-1 containment building is of uncertain quality and has not been appropriately tested to ascertain the

capability of the TMI-1 containment to withstand either externally or internally propagated events (e.g., aircraft crash, hydrogen explosion, or static design basis pressure). Construction irregularities contribute to the uncertainty that the TMI-1 containment is capable of withstanding a Class 9 accident sequence equal to or greater than the Class 9 accident that occurred at the adjacent TMI-2 reactor. For these reasons, the TMI-1 reactor should not be permitted to operate.

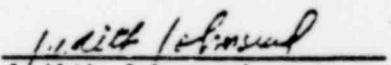
12. In consequence of the demonstrated deficiencies of design, construction, management, operation, maintenance, monitoring, emergency response, evacuation capability, licensing, inspection, and other regulation by all parties associated with the Three Mile Island Nuclear Station, Units 1 and 2, ECNP contends that the licenses to operate either nuclear reactor should be permanently revoked, in order to protect the health, safety, psychological, economic, and political well-being of the people of Central Pennsylvania. The Suspended Licensee, Met Ed, has demonstrated conclusively that it has no concern for the safety or the health or the very lives of members of the public.

ECNP reserves the right to alter, amend, or add to this list of draft contentions as well as the contentions raised in the June 29 and March 29, 1979, petitions when the final contentions are submitted on October 22, 1979.

Respectfully submitted,


Chauncey Keptford

and


Judith Johnsrud

Representatives of the
ECNP Petitioners

Dated this 5 day
of October, 1979

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