

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
METROPOLITAN EDISON COMPANY, <u>ET AL.</u>)	Docket No. 50-289
)	
(Three Mile Island Nuclear Station, Unit 1))	

NRC STAFF POSITION ON NEED TO
CONSIDER CLASS 9 EVENTS

INTRODUCTION

In its recent decision in Public Service Company of Oklahoma, et al. (Black Fox Units 1 and 2), ALAB-573, 10 NRC ____, slip op. at 31, 32 (December 7, 1979), the Appeal Board noted that the Commission's Offshore Power Systems decision^{1/} had confirmed that the existing policy on Class 9 accidents had not been set aside by that decision, but that the Commission was nonetheless "rethinking the policy," and that in the interim the Staff was directed to "bring to [the Commission's] attention any individual cases in which [the Staff] believe[d] the environmental consequences of Class 9 accidents should be considered." ALAB-573, supra, at 31. In addition, observing that the Commission had "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," the Appeal Board directed the NRC Staff, in that case, to advise the

^{1/} Offshore Power Systems (Floating Nuclear Plants), CLI-79-9, 10 NRC ____ (September 14, 1979).

1939 005

8002110 004

Commission within 30 days of its position on whether the "consequences of Class 9 accidents should or should not be considered in [the Black Fox] case." Id. at 31-32.^{2/}

Following the practice of the Appeal Board in Black Fox, this Board issued an order on December 18, 1979 directing the Staff to inform the Board and the Commission, pursuant to ALAB-573,

whether or not (and the reasons therefor) any specific accident sequence, which has a reasonable nexus to the TMI-2 accident and which heretofore may have been regarded as a Class 9 accident, should be considered in the analyses of the acceptability of returning TMI Unit 1 to operation. Order at 17.

Pursuant to this directive by the Board, the Staff submits the present response addressing the need to consider Class 9 accidents in this proceeding.

DISCUSSION

The Staff has performed and is performing an evaluation of the specific sequence of events that occurred during the TMI-2 accident as well as those scenarios that represent a close nexus to the TMI-2 accident and which are

^{2/} In its statement of position in the Black Fox proceeding filed on January 8, 1980, the Staff noted that its interpretation of the Offshore Power Systems decision differed from the Appeal Board's in that the Staff did not believe that the Commission wished to be informed of the Staff's view of Class 9 accidents where the Staff did not believe that environmental consequences of Class 9 events should be considered.

embodied in the admitted Contention No. 17 of Steven C. Sholly and ECNP Contention No. 4(b).^{3/} The Staff expects, after completing its analysis of the TMI-2 accident and close analogs to the accident and reviewing the design and operation of the TMI-1 facility, to be able to determine whether to impose additional requirements on TMI-1 so that, together with those requirements already imposed, such scenarios would not represent credible accident sequences at TMI-1 should that facility be permitted to restart. These same considerations have led the Staff to conclude that no other specific accident sequences which heretofore may have been regarded as Class 9 accidents need be considered in the analysis of the acceptability of returning TMI-1 to operation. See Affidavit of Harley Silver at 2.

With respect to environmental reviews of postulated accidents at TMI-1, the Staff reiterates its position as set forth in its brief on psychological distress issues that an environmental impact statement and/or impact appraisal are not legal requirements of this proceeding. Moreover, it is the Staff's position that the environmental consequences of accident scenarios like the TMI-2 accident and close analogs to it are within the range of impacts previously analyzed as part of the Staff's environmental review of the application for the operating license for TMI-1. Based on the Staff's evaluation of population characteristics of the site and the site characteristics limiting the potential groundwater contamination, the Staff also concludes that there are no unusual features or special circumstances with regard to the population and groundwater interdiction characteristics

^{3/} The Staff will, of course, also consider any scenario that the Board may accept as part of the Union of Concerned Scientists' Contention No. 13.

of the site that would distinguish it from other land-based light water reactor sites to the extent that consideration of the environmental consequences of Class 9 accidents is warranted under present policy in the ongoing proceeding. See Affidavit of Jan A. Norris at 1-2.

Respectfully submitted,

Daniel T. Swanson

Daniel T. Swanson
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 31st day of January, 1980

1939 008