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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
METROPOLITAN EDISON COMPANY	)	
	)	Docket No. 50-289
(Three Mile Island Nuclear	)	(Restart)
Station, Unit No. 1)	)	
	)	

UNION OF CONCERNED SCIENTISTS
MOTION FOR RECONSIDERATION
OF ADMISSIBILITY OF UCS
CONTENTION NO. 15

In its Prehearing Conference Order of December 18, 1979, the Board rejected UCS Contention No. 15, although neither the Staff nor the Licensee had objected to its admissibility. The text of the contention is as follows:

> The measures identified by the staff in NUREG-0578 and the Commission's Order of August 9, 1979 include many which will not be implemented until after the plant has resumed operation and some which will not even be identified until some unspecified time in the future. No justification has been provided for concluding that the plant can safely operate in the period while these corrective actions are being identified and prior to their implementation. The public health and safety demands that all safety problems identified by the accident be corrected prior to resumption of operation at TMI-1.

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The Board rejected the contention on the following grounds:

> If the contention is meant to question the basic concept of the Commission in its Order of August 9 concerning the short term/long term approach to the proposed restart we reject the contention because it is

> beyond our jurisdiction. If, as counsel stated at the prehearing conference, the contention is meant to cover all of the issues which have not been independently challenged by UCS as a catch all contention, we reject it on the basis that without any justification, it lacks specificity.

On March 14, 1989, the Commission issued an order noting the Board's rulings on UCS Contention No. 15 and Sholly Contention No. 6, and stating, inter alia:

> We wish to make it clear that it was intended by the Commission that any party to the proceeding may raise an issue whether one or more safety concerns, not specifically listed as "short term" in the Commission's August 9, 1979 Order and Notice of Hearing, should be satisfactorily resolved prior to start-up.

It seems clear, then, that to the extent that the Board had interpreted the division of items in the Commission's August 9 Order into short or long-term to represent an unchallengeable "basic concept," the Commission has corrected that misunderstanding. The timing of each plant and procedural modification, as well as their necessity and sufficiency, are litigable in this proceeding.

This Board subsequently issued a Memorandum and Order (March 28, 1980), stating that the UCS contention "failed under traditional tests for litigable contentions, and still fails with the guidance provided by the Commission's March 14 Order." The Board said that "[i]f UCS had designated specific 'long term' actions it wished to litigate as being required before operating the plant, as did Mr. Sholly, the board would have given favorable consideration

to the contention."

In the light of the most recent statement by the Board, it would appear that UCS may not have clearly communicated the meaning of its Contention No. 15 to the Board. The following description of the contention was provided by Counsel at the Prehearing Conference:

> [In] Contention 15, UCS contends that the various short and long-term measures identified by the Staff ought all to be resolved prior to operation of TMI-1. (Tr. 332)

UCS intended to incorporate the items identified by the staff as Lessons Learned from TMI but which were not ordered to be completed prior to start-up of TMI-1. These include the Category B items of Table B-1 in NUREG-0578 and those listed in Table A-1, Final Recommendation's of TMI-2 Lessons Learned Task Force, in NUREG-0585.[1/] The items were not individually spelled out because we believed that the licensee and staff understood the thrust of the contention. We regret that using the shorthand phrase "long-term measures identified by the staff" appears to have misled the Board. UCS' Contention 15 claims that the "long-term" (Category B) measures specified in Table B-1 of NUREG-0578 and those contained in Table A-1 of NUREG-0585 must each be accomplished prior to start-up of the plant in order to ensure the protection of the public health and safety.

With this clarification, Contention 15 is clearly authorized by the Commission's Order of March 14, since it claims that specific safety concerns tied directly to the accident but "not specifically listed as 'short term' . . . should be satisfactorily resolved prior to start-up." (Id, p. 1) UCS therefore moves the Board

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1/ Copies of both Tables are attached.

to admit the contention. UCS also requests the Board to allow it 21 days to serve discovery requests on the contention.

Respectfully submitted,

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DATED: April 4, 1980

TABLE A-1. FINAL RECOMMENDATIONS OF TMI-2 LESSONS LEARNED TASK FORCE

Recommendations	Category	Report Chapter and Section
1. Personnel qualifications and training		
1.1 Utility management involvement	I	2.3.1
1.2 Training programs	I	2.3.3
1.3 In-plant drills	I	2.3.3, 2.3.8
1.4 Operator licensing	I	2.3.1, 2.3.2
1.5 NRC staff coordination	I	2.3.1, 2.3.2, 2.3.3
1.6 Licensed operator qualifications	I	2.3.1, 2.3.2
1.7 Licensee technical and management support	I	2.3.2
1.8 Licensing of additional operating personnel	I	2.3.1, 2.3.2
2. Staffing of control room	I	2.3.5
3. Working hours	I	2.3.5
4. Emergency procedures	I	2.3.4
5. Verification of correct performance of operating activities	I/II	2.3.6
6. Evaluation of operating experience		
6.1 Nationwide network	I	2.3.7
6.2 Providing information to operators	I	2.3.7
7. Man-machine interface		
7.1 Control room reviews	I	2.3.5, 2.3.8
7.2 Plant safety status display	I	2.3.5, 2.3.8
7.3 Disturbance analysis systems	II	2.3.5, 2.3.8

TABLE A-1. FINAL RECOMMENDATIONS OF TMI-2 LESSONS LEARNED TASK FORCE (Cont'd)

	Recommendations	Category	Report Chapter and Section
	7.4 Manual versus automatic operations	II	2.1, 2.3.5
	7.5 Standard control room design	II	2.3.5, 2.3.8
8.	Reliability assessments of final designs	I	3.2
9.	Review of safety classifications and Qualifications	I	3.2
10.	Design features for core-damage and core-melt accidents	II	3.3
11.	Safety goal for reactor regulation	I	4.1
12.	Staff review objectives	II	4.2, 4.3, 4.4
13.	NRR Emergency Response Team	I	4.5

TABLE B-1. IMPLEMENTATION OF SHORT-TERM RECOMMENDATIONS FOR OPERATING PLANTS AND PLANTS IN OL REVIEW

Sect. No.	Position: Abbreviated Title	Position: Position Description	Implementation Category[a]
2.1.1	Emergency Power Supply Requirement	Complete implementation.	A
2.1.2	Relief and Safety Valve Testing	Submit program description and schedule.	A
		Complete test program.	By July 1981[b]
2.1.3.a	Direct Indication of Valve Position	Complete implementation.	A
2.1.3.b	Instrumentation for Inadequate Core Cooling	Develop procedures and describe existing instr.	A
		New instr. design, subcooling meter installation, and implementation schedule.	A
		Complete new instr. installation.	B
2.1.4	Diverse Containment Isolation	Complete implementation.	A
2.1.5.a	Dedicated H_2 Control Penetrations	Description and implementation schedule.	A
		Complete installation.	B

[a]Category A: Implementation complete by January 1, 1980, or prior to OL
Category B: Implementation complete by January 1, 1981.

[b]Relief and safety valve testing shall be satisfactorily completed for all plants prior to receiving an operating license after July 1, 1982.

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TABLE B-1 (Continued)

Sect. No.	Position: Abbreviated Title	Position: Position Description	Implementation Category[a]
2.1.5.b	Rulemaking to Require Inerting BWR Containments	Inert Vermont Yankee and Hatch 2.	*
		Design and equipment to inert new Mark I and II containments.	*
		Inert new Mark I and II containments.	*
2.1.5.c	Combustible Gas Control Recombiner	Rulemaking to require capability of installing recombiners.	*
		Review procedures and bases for recombiner use.	B
2.1.6.a	Systems Integrity for High Radioactivity	Immediate leak reduction program.	A
		Preventive maintenance program.	A
2.1.6.b	Plant Shielding Review	Complete the design review.	A
		Implement plant modifications.	B

[a]Category A: Implementation complete by January 1, 1980, or prior to OL
Category B: Implementation complete by January 1, 1981.

*Implementation schedules will be established by the Commission in the course of the immediately effective rulemaking. The Task Force recommends that the rulemaking process be initiated promptly.

TABLE B-1 (Continued)

Sect. No.	Position: Abbreviated Title	Position: Position Description	Implementation Category[a]
2.1.7.a	Auto Initiation of Auxiliary Feed	Complete implementation of control grade.	A
		Complete implementation for safety grade.	B
2.1.7.b	Auxiliary Feed Flow Indication	Complete implementation.	A
2.1.8.a	Post-Accident Sampling	Design review complete.	A
		Preparation of revised procedures.	A
		Implement plant modifications.	B
		Description of proposed modification.	A
2.1.8.b	High Range Effluent Monitor	Installation complete.	B
2.1.8.c	Improved Iodine Instrumentation	Complete implementation.	A
2.1.9	Transient & Accident Analysis	Complete analyses, procedures & training.	**

[a]Category A: Implementation complete by January 1, 1980, or prior to OL
Category B: Implementation complete by January 1, 1981.

**Analyses, procedural changes, and operating training shall be provided by all operating plant licensees and applicants for operating licenses following the schedule in Table B-2.

TABLE B-1 (Continued)

Sect. No.	Position: Abbreviated Title	Position: Position Description	Implementation Category[a]
2.2.1.a	Shift Supervisor Responsibilities	Complete implementation.	A
2.2.1.b	Shift Safety Engineer	Shift technical advisor on duty.	A
		Complete training.	B
2.2.1.c.	Shift Turnover Procedures	Complete implementation.	A
2.2.2.a	Control Room Access Control	Complete implementation.	A
2.2.2.b	Onsite Technical Support Center	Establish center.	A
		Upgrade to meet all requirements.	B
2.2.2.c	Onsite Operational Support Center	Complete implementation.	A
2.2.3	Rulemaking to Revise LCOs for Safety System Availability	Tech. Spec. change.	*

[a]Category A: Implementation complete by January 1, 1980, or prior to OL
Category B: Implementation complete by January 1, 1981.

*Implementation schedules will be established by the Commission in the course of the immediately effective rulemaking. The Task Force recommends that the rulemaking process be initiated promptly.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Union of Concerned Scientists Motion for Reconsideration of Admissibility of UCS Contention No. 15 was mailed first class postage prepaid this 4th day of April, 1980 to the following parties:

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