



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

May 28, 1980

Elizabeth S. Bowers, Esq., Chairman
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. Richard F. Cole
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Mr. Frederick J. Shon
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

In the Matter of
SACRAMENTO MUNICIPAL UTILITY DISTRICT
(Rancho Seco Nuclear Generating Station)
Docket No. 50-312 (SP)

Dear Board Members:

During the course of this proceeding, Mrs. Bowers has made reference to the certification to the Commission in the TMI-1 proceeding of the question of the litigability of the combustible gas control issue. The Commission has now ruled on that certified question and we are enclosing a copy of that Memorandum and Order for the benefit of any party or member of the Board who may not have seen it.

Sincerely,

Stephen H. Lewis

Stephen H. Lewis
Counsel for NRC Staff

Enclosure

Memorandum and Order of the Commission in
Metropolitan Edison Co. (Three Mile Island,
Unit 1), CL1-80-16 (May 16, 1980).

cc w/encl.:

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

John F. Ahearne, Chairman
Victor Gilinsky
Richard T. Kennedy
Joseph M. Hendrie
Peter A. Bradford



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

Docket No. 50-289
(Restart)

MEMORANDUM AND ORDER

CLI-80- 16

On January 4, 1980, the Licensing Board certified two questions to the Commission in this proceeding:

1. Whether the provisions of 10 CFR 50.44 should be waived or exceptions made thereto in this proceeding where a prima facie showing has been made under 10 CFR 2.758 that hydrogen gas generation during the TMI-2 accident was well in excess of the amount required under 10 CFR 50.44 as a design basis for the post-accident combustion gas control system for TMI-1.
2. Whether post-accident hydrogen gas control should be an issue in this proceeding where post-accident hydrogen gas control was perceived to be a serious problem and was in fact a problem during the TMI-2 accident.

Although the Commission in its August 1979 decision did not specifically list hydrogen gas as a concern by the Board, the Commission did not include it in its consideration by the Board. The Three Mile Island

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