

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)

METROPOLITAN EDISON)
COMPANY, et al.,)

(Three Mile Island)
Nuclear Station, Unit)
No. 1))

Docket No. 50-289
(Restart)

UNION OF CONCERNED SCIENTISTS'
MOTION FOR SUMMARY DISPOSITION

INTRODUCTION

Pursuant to 10 CFR 2.749, the Union of Concerned Scientists' moves for summary disposition on UCS Contentions 13 and 5.

Contention 13

UCS Contention 13 is as follows:

13. The design of TMI does not provide protection against so-called "Class 9" accidents. There is no basis for concluding that such accidents are not credible. Indeed, the staff has conceded that the accident at Unit 2 fall within that classification. Therefore, there is not reasonable assurance that TMI-1 can be operated without endangering the health and safety of the public.

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STATEMENT OF MATERIAL FACTS - CONTENTION No. 13

The following material facts are established or uncontested:

1. The safety review of Three Mile Island Unit 1 was conducted in accordance with staff practice described as follows:

In the approach to safety reflected in the Commission's regulations, postulated accidents, for purposes of analysis are divided into into two categories -- "credible" and "incredible." The former ("credible") are considered to be within the categories of design basis accidents. Protective measures are required and provided for all those postulated accidents falling within that category and proposed sites are evaluated by taking into account the conservatively calculated consequences of a spectrum of severe postulated accidents. Those accidents falling within the "incredible" category are considered to be so improbable that no such protective measures are required.

SECY-79-594, "Class 9 Accident Considerations," October 31, 1979, Enclosure 1: Accident Considerations in Safety vs. Environmental Reviews - Staff Practice and Developments, p. 1-2, Emphasis added. (Attached)

2. Thus, the Staff's basic method of accident analysis, crucial to the manner in which it assures the safety of reactors requires it to distinguish between "credible" and "incredible" accidents.

3. The Staff has concluded that the accident at Three Mile Island fell within the "incredible" category as defined above.
In its words:

The Three Mile Island accident 'involved a sequence of successive failures (i.e. small break loss of coolant accident and failure of the emergency core cooling system) more severe than those postulated on the design basis of the plant.'

Public Service Electric and Gas Co. (Salem Nuclear Generating Station Unit No. 1) "NRC Staff Response to Board Question No. 4 Regard-

ing the Occurrence of a Class 9 Accident at Three Mile Island," August 24, 1979, p. 3 (Attached)

4. The accident at Three Mile Island has caused the Staff to re-assess its basic policy:

". . .[A]n explicit consideration of core melt accidents in the design and operation of light water nuclear power plants has not been a part of current and past licensing scrutiny. Because the accident at Three Mile Island exceeded many of the present design basis by a wide margin and was evidently a significant precursor of a core melt accident, the Task Force has concluded that the NRC should begin to formulate requirements for design features that could mitigate the consequences of core melt accidents. It is important to note that the work 'mitigate' does not mean 'contain or prevent' when we use it in this context.

NUREG-0585, TMI-2 Lessons Learned Task Force Final Report, p. 3-5.

5. The Staff does not know and has not evaluated the probability that an accident beyond the design basis for TMI-1 will occur. NRC Staff Response to Union of Concerned Scientists First Set of Interrogatories, March 7, 1980, answer to Interrogatories 134 and 135.

6. The staff has no present means to reliably estimate the probability that accidents which it deems or deemed incredible will in fact occur. In one Staff's words:

The Staff has not evaluated the probability of an accident beyond the design basis for TMI-1. It is the Commission position that past estimates (WASH-1400) of the absolute probability or risk are unreliable. The Staff concurs in this assessment. Applications of probabilistic risk assessment techniques are underway by the Staff. . . These studies will be employed to identify safety insights that are comparatively insensitive to the accuracy of projected probabilities. We do not anticipate that these applications will produce reliable estimates of accident probabilities.

Id., emphasis added.

7. The Staff does not know how many other accidents previously deemed "incredible" are, in fact, credible. Id.

ARGUMENT

The Commission has directed this Board to determine whether the short and long-term measures recommended by the Staff "are necessary and sufficient to provide reasonable assurance that the Three Mile Island Unit 1 facility can be operated without endangering the health and safety of the public. . ." Order and Notice of Hearing, CLI-79-8, 10 NRC 141, 148 (1979). UCS's Contention No. 13 claims that these measures are insufficient to assure safety operation because the TMI accident demonstrated that the Staff's basic method of determining the design basis for safety systems excludes consideration of credible accidents heretofore deemed incredible. Therefore, neither protection against the occurrence of such accidents - which could have greater consequences than any within the present design basis - nor measures to mitigate their consequences are included in the design of TMI-1 or other plants. Under these circumstances, the Board cannot find reasonable assurance that the plant can operate without endangering the public health and safety.

Analysis of the issue begins with the fundamental premise that it is the obligation of the NRC, through its Staff, to assure that operation of the plant being reviewed will not be inimical to public health and safety. Power Reactor Development v. Electronics, 367 U.S. 396 (1961). In partial fulfillment of this obligation, the Staff considers the potential for various accidents. The purpose of this analysis is to determine whether the facility is designed to protect against (or provide mitigation for) accidents which may occur.

The Staff has limited the scope of its review by deeming certain possible accidents so improbable as to be beyond the need for consideration. These possible accidents encompass those which would have the greatest consequences, including core melt with breach of containment. Thus, applicants are required to provide design protection not against all potential accidents, but just a circumscribed group claimed to be "credible." (Classes 1-8). All other accidents are deemed incredible and are excluded. Those accidents which would result in significant offsite consequences are excluded.^{1/}

The TMI-2 accident, which involved a combination of design errors, equipment failures and human errors significantly beyond what NRC had previously deemed probable (hence its designation as a Class 9 accident), has established that the method by which the Staff classifies possible accidents as either within or outside the group of "credible" accidents is fundamentally faulty. In fact, the Staff task force on the lessons learned from TMI-2 concluded exactly the same:

Many of the events that occurred [at TMI-2] were known to be possible, but were not previously judged to be sufficiently probable to require consideration in the design basis.... A central issue that will be considered is whether to modify or extend the current design basis events or to depart from the concept. NUREG-0578, p. 16-17.

...[A]n explicit consideration of core-melt accidents in the design and operation of light

^{1/} See SECY-79-594, "Class 9 Accident Considerations," October 31, 1979, Enclosure 1, Accident Considerations in Safety \ . Environmental Reviews - Staff Practice and Develop. ents.

water nuclear power plants has not been a part of current and past licensing scrutiny. Because the accident at Three Mile Island exceeded many of the present design bases by a wide margin and was evidently a significant precursor of a core melt accident, the Task Force has concluded that the NRC should begin to formulate requirements for design features that could mitigate the consequences of core melt accidents. NUREG-0585, p. 3-5.

Moreover, it is clear from the facts developed during discovery^{2/} that the Staff has no reliable method for determining what accidents are credible and does not know how many accidents previously deemed "incredible" are, in fact, "credible." Acknowledging this, it is now the Staff's obligation to correct its pre-TMI error and to adopt a rationally based and technically justifiable policy which either redefines the design bases by redrawing the line between credible and incredible or uses a different design approach which focusses on mitigating the consequences of major accidents rather than attempting to prevent their occurrence.^{3/} UCS would recommend the second approach. In the absence of such a new or modified policy, the Staff has not discharged its obligation to ensure that the plant can be operated without endangering public health and safety, as required by the Commission's August 9 Order.

In this connection, it should be noted that the Commission has officially withdrawn the proposed Annex to Appendix D of 10

^{2/} See Statement of Material Facts, supra, Items ## 5, 6 and 7.

^{3/} See, e.g., NUREG-0585, supra, p. 3-5

CFR Part 20, which is the genesis of the classification of accidents as incredible on the purported basis of their extremely low probability of occurrence. Statement of Interim Policy, 45 Fed. Reg. 40101, June 13, 1980. The Commission stated: Our experience with past NEPA reviews of accidents and the TMI accident clearly leads us to believe that a change is needed." Id. at 40102. It directed all uncompleted Environmental Impact Statements at any licensing stage to include a "reasoned consideration" of the environmental risks of accidents:

Events or accident sequences that lead to releases shall include but not be limited to those that can reasonably be expected to occur. In-plant accident sequences that can lead to a spectrum of releases shall be discussed and shall include sequences that can result in inadequate cooling of reactor fuel and to melting of the reactor core.

Id. at 40103.

We recognize that there is a body of agency precedent from the period preceding the TMI accident that the staff may exclude accidents from consideration pursuant to the National Environment Policy Act on the grounds that their occurrence is so improbable as to be incredible. This was the position adopted in the 1971 proposed and Appendix D to 10 CFR Part 50; which has not been withdrawn by the Commission. Absent an affirmative showing by intervenors that the conclusion of "vanishingly small" probability is incorrect, it had been permitted to stand. Consumers Power Co. (Midland Plant, Units 1 and 2), ALAB-123, 6 EAC 331, 348 (1973 hereinafter "Midland"). Wisconsin Electric Power Co. (Point Beach Nuclear Plant Unit 2) ALAB-137, 6 AEC 491, 502 (1973). However, the Appeal Board noted from the beginning that its appro-

val of the exclusion of Class 9 accidents was based on an uncontested factual presentation by the staff and licensee supporting the conclusion that the probability of such an accident was exceedingly remote. Midland, supra at 346-348. The Staff cannot and has not made that showing here. Even more importantly, now that the Annex has been withdrawn, these cases have little if any continued vitality.

The Staff had relied in the past on two cases to support its position, Carolina Environmental Study Group v. United Chapter, 510 F. 2d 796 (D.C. Cir. 1975), and Porter County Chapter of Izaak Walton League v. A.E.C., 533 F. 2d 1011 (7th Cir. 1976). Both decisions do consider the distinction between "Class 9" and other types of accidents, but the decision in each case is based explicitly and clearly on the record of that case. For example, in Carolina Environmental Study Group, supra, the petitioners had not introduced any evidence to challenge the conclusions stated in the A.E.C.'s environmental impact statement with regard to the remote probability of Class 9 accidents. Rather, they challenged the basic policy of excluding certain events on probability alone, without consideration of consequences. The Court held that "there is a point at which the probability of an occurrence may be so low as to render it almost totally unworthy of consideration." (Id., p. 799). The Court was correct in this statement of general principle, and other courts have ruled in similar fashion, articulating the "rule of reason" for NEPA implementation. NRDC v. Morton, 458 F. 2d 827, 837 (D.C. Cir., 1972). However, the Court went on to make it clear that its acceptance of a Class 9 accident as one of

such low probability was based solely on the record of that proceeding, consisting of the unchallenged statements of the A.E.C.:

We find nothing in the instant record which would indicate that the A.E.C. findings regarding Class 9 accidents are clearly erroneous . . .

(Id., p. 800 Emphasis added.)

The record here, of course, is precisely the opposite. The facts establish that the NRC has no rational basis for finding that all "credible" accidents have been included in the TMI-1 design basis.

Based upon the foregoing argument and the material facts, the Union of Concerned Scientists is entitled to judgment on UCS Contention No. 13.

Contention 5

UCS Contention 5 is as follows:

Proper operation of power operated relief valves, (PORV's) associated block valves and the instruments and controls of these valves is essential to mitigate the consequences of accidents. In addition, their failure can cause or aggravate a LOCA. Therefore, these valves must be classified as components important to safety and required to meet all safety-grade design criteria.

STATEMENT OF MATERIAL FACTS - CONTENTION No. 5

1. The Staff has expressly admitted that stuck-open PORV's cause small breaks loss-of-coolant accidents (SBLOCA's) and aggravate other SBLOCA's by increasing the size of the break:

The Staff agrees that a failure of the PORV's or associated instruments and controls which results in a stuck-open valve causes a small break loss-of-coolant accident. The failures might also aggravate some small break loss-of-coolant accidents in the sense that it results in an increase in break size. Staff Response to UCS Interrogatory #46, March 7, 1980.

2. The Staff had previously acknowledged that the failure of a PORV in the open position would "contribute significantly to the probability of a small break LOCA." Generic Evaluation of Small Break Loss-of-Coolant Accident Behaviour in Babcock and Wilcox Designed 177 FA Operating Plants, NUREG-0565, Sec. 3.5, p. 3-7.

3. The Staff has ordered an emergency power supply as a "first required step" in the upgrading of PORV's and their associated instrumentation, pending a long-term decision on full safety grade design criteria. Lessons Learned Task Force Report, NUREG-0578, Section 2.1.1, pp. 6-7.

4. The TMI-1 Safety Evaluation Report requires an onsite emergency power source for motive and control components of PORV's in order to "satisf(y) the requirements of GDC 10, 14, 15, 17, and 30 of Appendix A to 10 C.F.R. Part 50 for the events of loss off-site power." TMI-1 SER, Section 2.1.1, p. (8-8).

5. The TMI-1 SER states:

Motive and control power connections to the emergency buses for the PORV's and their associated block valves shall be through devices that have been qualified in accordance with safety grade equipment. TMI-1 SER, Section 2.1.1., p. (8-9).

6. GDC 17 states in part:

An onsite electric power system. . . shall be provided to permit functioning of structures, systems, and components important to safety. 10 CFR Part 50, Appendix A (emphasis added)

7. The control circuitry for the PORV's at TMI-1 is neither environmentally qualified nor single failure proof. Staff Response to UCS Interrogatory #55, March 7, 1980.

8. General Design Criterion 4 states in part:

Structures, systems, and components important to safety shall be designed to accommodate the effects of and to be compatible with the environmental conditions associated with normal operation, maintenance, testing, and postulated accidents, including loss-of-coolant accidents. Id. 10 CFR Part 50, Appendix A, Section I.

9. It is current Commission policy that a structure, system or component required for safety must meet all safety-grade criteria. See, Standard Review Plan, Appendix to Section 7.3.

ARGUMENT

UCS Contention No. 5 states that the proper operation of PORV's and their associated valves and controls is essential to mitigate the consequences of accidents and prevent the causation or aggravation of LOCA's. As a result, UCS maintains that their valves and their controls must be classified as components important to safety and required to meet all safety-grade design criteria.

The NRC regulations contain a set of requirements which apply to structures, systems and components "important to safety". These include (but are not limited to) General Design Criteria 1, 2, 3, 4, and 17. 10 CFR Part 50, Appendix A. These regulations combine to establish a set of strict requirements for such so-called "safety-grade" equipment to ensure, inter alia, their diversity and redundancy, highest quality design and fabrication, and qualification to operate in both normal and accident conditions. This is a basic element of NRC regulatory practice necessary to assure safety. It is not waivable, in whole or in part.

For example, General Design Criterion 4 requires components "important to safety" to be "designed...to be compatible with the environmental conditions associated with...postulated accidents, including loss of coolant accidents." 10 CFR Part 50, Appendix A.

The facts clearly establish that the PORV and associated block valves and their instrumentation and control are "important to safety". The staff has acknowledged that PORV's and their instrumentation and controls are components important to safety by admitting that a stuck-open PORV can "cause" and "aggravate" small break LOCA's. (As it did in the case of the TMI accident).
Statement of Material Facts, Nos. 1 & 2.

Indeed, in recognition of the safety significance of the PORV's, the staff has ordered compliance with some safety grade requirements. In particular, the staff is requiring an onsite emergency power source for motive and control components of PORV's in order to meet the General Design Criteria (GDC) 10, 14, 15, 17, and 30 of Appendix A to 10 CFR, Part 50. Statement of Material Facts, Nos. 3 & 4. It is significant to note that GDC 17 requires onsite electric power systems only for "components important to safety". 10 CFR Part 50, Appendix A. In addition, the staff is requiring safety grade devices for the PORV power connections to the emergency buses. Statement of Material Facts, No. 5.

However, full safety grade compliance is not being required pending a long-term "evaluation" of the PORV's. NVREG-0578. The staff plans to permit restart of TMI-1 without requiring important safety grade qualifications of the PORV's and their instrumentation.

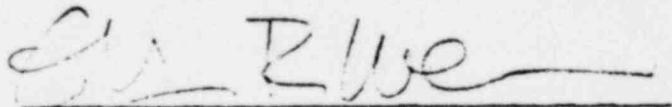
The control circuitry for the PORV's at TMI-1 is neither environmentally qualified nor single failure proof. Statement of Material Facts, No. 7. In addition, current Commission policy mandates that components required for safety must meet all safety grade criteria. Statement of Material Facts, No. 9.

In summary, the equipment in question is "important to safety" within the meaning of NRC regulations. Therefore, it should be required to meet all criteria governing safety-grade structures, systems and components, including diversity (GDC 22), seismic and environmental qualification (GDC 2 and 4), automatic initiation (GDC 20), separation and independence (GDC 3 and 22) quality assurance (GDC 1) onsite emergency power supply (GDC 17) and the single failure criterion.

In the absence of conformance with the criteria for safety-grade equipment, the Board cannot find that there is reasonable assurance that TMI-1 can be operated without endangering public health and safety.

Based upon the foregoing argument and material facts, UCS is entitled to judgement on Contention No. 5.

Respectfully submitted,


Eilyn R. Weiss
Counsel for UCS

August 5, 1980

ATTACHMENTS

1. Statement of Material Facts -- Contention No. 13.
2. Statement of Material Facts -- Contention No. 5.
3. Affidavit of Ellyn R. Weiss.
4. SECY-79-594
5. Public Service Electric and Gas Co. (Salem Nuclear Station Unit No. 1) "NRC Staff Response to Board Question No. 4 Regarding the Occurrence of a Class 9 Accident at Three Mile Island".
6. NRC Staff Response to Union of Concerned Scientists First Set of Interrogatories, March 7, 1980, answer to Interrogatories 134 and 135.
7. NRC Staff Response to Union of Concerned Scientists First Set of Interrogatories, March 7, 1980, answer to interrogatory 46.
8. NRC Staff Response to Union of Concerned Scientists First Set of Interrogatories, March 7, 1980, answer to Interrogatory 55.

STATEMENT OF MATERIAL FACTS - CONTENTION No. 13

The following material facts are established or uncontested:

- 1. The safety review of Three Mile Island Unit 1 was conducted in accordance with staff practice described as follows:

In the approach to safety reflected in the Commission's regulations, postulated accidents, for purposes of analysis are divided into into two categories -- "credible" and "incredible." The former ("credible") are considered to be within the categories of design basis accidents. Protective measures are required and provided for all those postulated accidents falling within that category and proposed sites are evaluated by taking into account the conservatively calculated consequences of a spectrum of severe postulated accidents. Those accidents falling within the "incredible" category are considered to be so improbable that no such protective measures are required.

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- 2. Thus, the Staff's basic method of accident analysis, crucial to the manner in which it assures the safety of reactors requires it to distinguish between "credible" and "incredible" accidents.

- 3. The Staff has concluded that the accident at Three Mile Island fell within the "incredible" category as defined above.

In its words:

The Three Mile Island accident 'involved a sequence of successive failures (i.e. small break loss of coolant accident and failure of the emergency core cooling system) more severe than those postulated on the design basis of the plant.'

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4. The accident at Three Mile Island has caused the Staff to re-assess its basic policy:

". . . [A]n explicit consideration of core melt accidents in the design and operation of light water nuclear power plants has not been a part of current and past licensing scrutiny. Because the accident at Three Mile Island exceeded many of the present design basis by a wide margin and was evidently a significant precursor of a core melt accident, the Task Force has concluded that the NRC should begin to formulate requirements for design features that could mitigate the consequences of core melt accidents. It is important to note that the work 'mitigate' does not mean 'contain or prevent' when we use it in this context.

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5. The Staff does not know and has not evaluated the probability that an accident beyond the design basis for TMI-1 will occur. NRC Staff Response to Union of Concerned Scientists First Set of Interrogatories, March 7, 1980, answer to Interrogatories 134 and 135.

6. The staff has no present means to reliably estimate the probability that accidents which it deems or deemed incredible will in fact occur. In one Staff's words:

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Id., emphasis added.

7. The Staff does not know how many other accidents previously deemed "incredible" are, in fact, credible. Id.

ARGUMENT

The Commission has directed this Board to determine whether the short and long-term measures recommended by the Staff "are necessary and sufficient to provide reasonable assurance that the Three Mile Island Unit 1 facility can be operated without endangering the health and safety of the public. . ." Order and Notice of Hearing, CLI-79-8, 10 NRC 141, 148 (1979). UCS's Contention No. 13 claims that these measures are insufficient to assure safety operation because the TMI accident demonstrated that the Staff's basic method of determining the design basis for safety systems excludes consideration of credible accidents heretofore deemed incredible. Therefore, neither protection against the occurrence of such accidents - which could have greater consequences than any within the present design basis - nor measures to mitigate their consequences are included in the design of TMI-1 or other plants. Under these circumstances, the Board cannot find reasonable assurance that the plant can operate without endangering the public health and safety.

Analysis of the issue begins with the fundamental premise that it is the obligation of the NRC, through its Staff, to assure that operation of the plant being reviewed will not be inimical to public health and safety. Power Reactor Development v. Electronics, 367 U.S. 396 (1961). In partial fulfillment of this obligation, the Staff considers the potential for various accidents. The purpose of this analysis is to determine whether the facility is designed to protect against (or provide mitigation for) accidents which may occur.

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Many of the events that occurred [at TMI-2] were known to be possible, but were not previously judged to be sufficiently probable to require consideration in the design basis.... A central issue that will be considered is whether to modify or extend the current design basis events or to depart from the concept. NUREG-0578, p. 16-17.

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Moreover, it is clear from the facts developed during discovery^{2/} that the Staff has no reliable method for determining what accidents are credible and does not know how many accidents previously deemed "incredible" are, in fact, "credible." Acknowledging this, it is now the Staff's obligation to correct its pre-TMI error and to adopt a rationally based and technically justifiable policy which either redefines the design bases by redrawing the line between credible and incredible or uses a different design approach which focusses on mitigating the consequences of major accidents rather than attempting to prevent their occurrence.^{3/} UCS would recommend the second approach. In the absence of such a new or modified policy, the Staff has not discharged its obligation to ensure that the plant can be operated without endangering public health and safety, as required by the Commission's August 9 Order.

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such low probability was based solely on the record of that proceeding, consisting of the unchallenged statements of the A.E.C.:

We find nothing in the instant record which would indicate that the A.E.C. findings regarding Class 9 accidents are clearly erroneous . . .

(Id., p. 800 Emphasis added.)

The record here, of course, is precisely the opposite. The facts establish that the NRC has no rational basis for finding that all "credible" accidents have been included in the TMI-1 design basis.

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Contention 5

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3. The Staff has ordered an emergency power supply as a "first required step" in the upgrading of PORV's and their associated instrumentation, pending a long-term decision on full safety grade design criteria. Lessons Learned Task Force Report, NUREG-0578, Section 2.1.1, pp. 6-7.

4. The TMI-1 Safety Evaluation Report requires an onsite emergency power source for motive and control components of PORV's in order to "satisf(y) the requirements of GDC 10, 14, 15, 17, and 30 of Appendix A to 10 C.F.R. Part 50 for the events of loss off-site power." TMI-1 SER, Section 2.1.1, p. (8-8).

5. The TMI-1 SER states:

Motive and control power connections to the emergency buses for the PORV's and their associated block valves shall be through devices that have been qualified in accordance with safety grade equipment. TMI-1 SER, Section 2.1.1., p. (8-9).

6. GDC 17 states in part:

An onsite electric power system. . . shall be provided to permit functioning of structures, systems, and components important to safety. 10 CFR Part 50, Appendix A (emphasis added)

7. The control circuitry for the PORV's at TMI-1 is neither environmentally qualified nor single failure proof. Staff Response to UCS Interrogatory #55, March 7, 1980.

8. General Design Criterion 4 states in part:

Structures, systems, and components important to safety shall be designed to accommodate the effects of and to be compatible with the environmental conditions associated with normal operation, maintenance, testing, and postulated accidents, including loss-of-coolant accidents. Id. 10 CFR Part 50, Appendix A, Section I.

9. It is current Commission policy that a structure, system or component required for safety must meet all safety-grade criteria. See, Standard Review Plan, Appendix to Section 7.3.

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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, et al.,)
)
(Three Mile Island)
Nuclear Station, Unit)
No. 1))
)

Docket No. 50-289
(Restart)

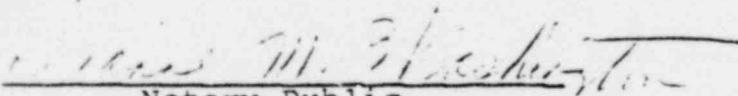
AFFIDAVIT OF
ELLYN R. WEISS

I, Ellyn R. Weiss, having been sworn, hereby affirm that the foregoing "Statement of Material Facts--Contention No. 13" and "Statement of Material Facts--Contention No. 5" are true and accurate to the best of my knowledge and belief.



Ellyn R. Weiss

Sworn and subscribed to
before me this 5th day
of August, 1980



Notary Public

My Commission expires: My Commission Expires December 14, 1984

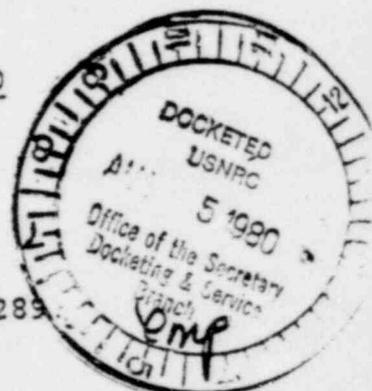
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of
METROPOLITAN EDISON
COMPANY, et al.,

(Three Mile Island
Nuclear Station, Unit
No. 1)

Docket No. 50-289
(Restart)



CERTIFICATE OF SERVICE

I hereby certify that copies of the Union of Concerned Scientists' Motion for Summary Disposition have been hand-delivered and mailed postage pre-paid this 5th day of August, 1980, to the following parties:

* Secretary of the Commission
ATTN: Chief, Docketing & Service
Section
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

* Ivan W. Smith, Esquire
Atomic Safety & Licensing Board
Panel
U.S. Nuclear Regulatory Commission
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Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

G. R. W. E.

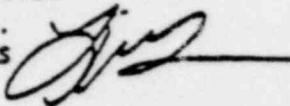
October 31, 1979

SECY-79-594

INFORMATION REPORT

FOR: The Commissioners

FROM: Harold R. Denton, Director
Office of Nuclear Reactor Regulation

THRU: Executive Director for Operations 

SUBJECT: CLASS 9 ACCIDENT CONSIDERATIONS

PURPOSE: To inform the Commission of staff activities relating to consideration of Class 9 accidents in NEPA and Safety Reviews.

BACKGROUND: By memorandum dated September 14, 1979 from Samuel J. Chilk, Secretary, to Lee V. Gossick, Executive Director for Operations, subject "SECY-78-137-Assessments of Relative Differences in Class 9 Accident Risks In Evaluations of Alternatives to Sites With High Population Densities," the staff was requested to discuss with the Commissioners:

- (1) how it intends to define Class 9 and design basis accidents,
- (2) how these accidents will be included in reviews (and possibly re-reviews for existing plants), and
- (3) how siting should be revised in light of Three Mile Island.

This paper is the initial response and outline of approach of the staff to this request. It has also been structured as a response to the related requests to the staff by the Commissioners which is contained in their Memorandum and Order dated September 14, 1979, "In the Matter of Offshore Power Systems." There the staff was requested (a) to provide recommendations on how the proposed Annex to Appendix D, 10 CFR Part 50, might be modified, on an interim basis, to reflect developments since its publication in 1971 and to accord more fully with current staff policy in this area, until rulemaking on the subject of the proposed Annex is completed, and (b) also in the interim to bring to the Commission's attention, any individual cases in which the staff believes the environmental consequences of Class 9 accidents should be considered.

SCOPE: To be fully responsive to these requests the staff

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

3/7/80

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF RESPONSE TO UNION
OF CONCERNED SCIENTISTS FIRST
SET OF INTERROGATORIES

The Union of Concerned Scientists (UCS) submitted its first set of interrogatories to the NRC Staff on December 21, 1979. On January 10, 1980 and again on January 28, 1980, the NRC Staff gave preliminary answers to several of the UCS interrogatories and indicated that the remainder would be answered at a later date.

The Staff has now responded to the majority of the unanswered interrogatories. Those interrogatories not answered today will be completed as soon as possible. Where appropriate, the Staff has invoked that portion of the Commission's Order of August 9, 1979 (slip op. at 11) which allows as an adequate response to a discovery request a statement that information is available in the Local Public Document Rooms and guidance as to where the information can be found.

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