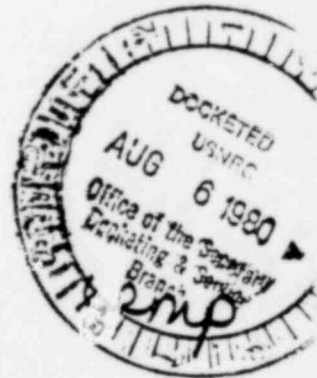


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONS
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

SUBMITTAL IN RESPONSE TO THE BOARD'S M & O OF JUNE 23, 1980.

In the matter of
METROPOLITAN EDISON CO.
(TMI#1)

} Docket No 50-289.



SUBMITTAL IN RESPONSE TO THE BOARD'S M & O OF JUNE 23, 1980.

M&O June 23, 1980 Page 2, "July 31 Events required 70 days before hearing ~~in~~ in 5-22-80 Order."

M&O May 22, 1980 Page 7, "(e)ach intervenor is required to reconsider ...contentions in light of information developed since the contention was accepted."

The Lewis Contention should be litigated essentially in its present form. New information obtained thru discovery and research does not change the "importance" of the Lewis Contention. It does, however, make the direction and need of further litigation clearer.

Lewis Contention: (Broken up into sections for ease of discussion .)

"There are new filters on the auxiliary building of TMI#2.

There are no similar structures on the auxiliary building of TMI# 2. ..."

This section required research and interrogatories into the purpose of the new structure and the reasons for which it was needed. Definite efforts have been made by the Licensee to negate a need for this type of structure in case of a repeat of the TMI#2 accident ~~xxxx~~ at TMI#1. Whether these measures are adequate or even actual and not a paper mirage requires a lot more investigation on my part and particularly "face to face" sworn testimony which is only available in the proper setting! I speak, of course, of cross examination. Another problem of problems which developed came about as the explanation for the "new structure" was offered in discovery.

(1) Page 59, First Special Prehearing Conference, Dec 18, 1979.

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There were leaks which required the 'new structure.' The explanation for allowing these leaks seems belaboured, but it true points up a great deficiency in the regulation of all nuclear power plants. It also points up a deficiency wherein no regulation of a nuclear power plant may be adequate. It specifically points up that the TMI #1 unit may never be adequately run to mitigate ~~that~~ the consequences of an accident similar to that of TMI#2.

Apparently the leaks in the vent header and filter system at TMI #2 were allowed to continue during "normal operation" because said leaks were within allowable emission values for the plant. When the ~~and~~ accident occurred, the leaks were then big enough to allow excessive amounts of radiation out of the plant. The Licensee seems to argue (and this is the Intervenor's paraphrasing) that it was all right to allow so much out during the accident as long as the emissions during ~~xxxxxxx~~ normal operation were within the required values.

This seems to me to be saying that they really don't have to design or run any equipment with proper mitigation of an accident in mind as long as the Licensee is within proper "normal operation" values. (2)

This intervenor is not prepared to extend the above alleged deficiency beyond the filter question although it should be. I shall mention this to the other Interventors on the 11th in front of the Licensee and see if anybody else has similar misgivings and wants to litigate this issue beyond the limits of the Lewis Contention.

Lewis Contention :Part 2.

Further Preheaters must be placed on the filters of the (TMI#1) auxiliary building because they (~~the filters~~) got wet during the (TMI#2) accident on 3-28-~~88~~ 79."

~~xxxxxx~~ This has turned into a much more complicated issue than just getting the filters wet. It now appears to be a complicated issue of excessive filter use, moisture, lack of replacement, and carte blanche changes to the technical criteria on the part (2) of the staff. All of these issues bear further scrutiny and litigation. Again I am unable to do justice to these problems outside the area of the vent header and filters.

Lewis Contention (Part 3)

To mitigate a similar accident in TMI#1, preheaters on the filters of the auxiliary building of TMI #1 are necessary.

Since there is now a question of many other problems in the vent header and filters of TMI twins, I cannot make a statement that even a new structure on the auxiliary building of TMI#1 would be adequate. This will also have to await the hearing and sworn testimony.

Other questions which have developed in Discovery concerning the filters and vent header include

Lack of bypass

Requirements on filter testing and replacement.

lack of investigation of excessive amounts of radiation getting out thru the vent header and filters during a repeat of the TMI#2 accident ~~at~~ TMI #1. (See SER and Staff's Further Response to the Board's M&O 3-31 -80.)

Lack of causa sine qua non for leaks in TMI#2 vent header. (If you don't know how it happened, how can you be sure it won't happen again?)

Integrity of the Licensee's representative vs the ~~actual~~ actual operating and management staff.

~~Integrity~~: Do the fixes proposed and incorporated by the NRC staff Adequacy: actually work, are incorporated in the reactor or are a 'paper mirage.'

Respectfully submitted
 W. Lewis

3 BOARD members
 G F Trowbridge } mailed JULY 31, 80.
 Soc. NRC
 Docketing NRC

