

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE NUCLEAR REGULATORY COMMISSION



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

Docket No. 50-289
(Restart)

LICENSEE'S MOTION TO AMEND THE
COMMISSION'S ORDER DATED JULY 2, 1979,
AND ORDER AND NOTICE OF HEARING
DATED AUGUST 9, 1979



Licensee proposes three modifications to the Commission's Order dated July 2, 1979, and Order and Notice of Hearing dated August 9, 1979, which are entirely consistent with the basic purposes and requirements of that Order and which, assuming Commission authorization to restart TMI-1 following completion of the current restart hearing, could save several months or more in returning TMI-1 to commercial operation.*

1. Licensee's first proposal is to amend the July 2 and August 9, 1979 Orders so as to permit hot functional testing of the TMI-1 systems and equipment using non-nuclear heat (i.e. heat from the reactor coolant pumps) prior to completion of the TMI-1 hearing process and decision by the Commission on restart authorization. The two Orders require TMI-1 to remain

*This motion is independent of Mr. Dieckamp's letter to the Commission dated December 1, 1980, requesting reconsideration of the August 9, 1979 Order and the decoupling of restart authorization from the hearing process. Should the Commission adopt Mr. Dieckamp's recommendations, only the first of the three modifications requested by this motion would be necessary.

in a cold shutdown condition pending further order of the Commission. Cold shutdown is defined in TMI-1's Technical Specifications so as to limit primary coolant temperature to 200°F with a correspondingly low limitation on system pressure. Hot functional testing requires that the primary coolant system and auxiliary systems achieve temperatures and pressures higher than those allowed for cold shutdown.

Under the terms of the proposed amendment hot functional testing prior to criticality would be performed only upon authorization by the Director of Nuclear Reactor Regulation and subject to such limitations and conditions as the Director finds necessary for the protection of the health and safety of the public, including the requirement that during hot functional testing the reactor be maintained subcritical by a suitable margin.

Assuming that the requirements for restart are not expanded beyond those which have been proposed by the NRC Staff and accepted by Licensee, Licensee presently estimates that TMI-1 will be ready to restart the reactor in October of 1981. Licensee's plans for returning TMI-1 to power operation currently include hot functional testing prior to that time. Such testing is necessary to test and maintain system integrity, calibrate instrumentation and maintain valves and other pressure retaining equipment that has been cold since the TMI-1 refueling shutdown in February, 1979. It is also necessary to demonstrate compliance with certain pre-restart requirements proposed by the NRC Staff and accepted by Licensee in the current restart hearing. For example, hot functional testing is necessary to demonstrate compliance

with the requirement for leak reduction of systems outside containment that could transport radioactivity following an accident. Identification of leaks requires systems at pressures and temperatures which are unobtainable at cold shutdown conditions.

It is anticipated that these tests will identify maintenance and possibly modifications to ensure safe and stable TMI-1 operation once reactor restart is authorized. The minimum estimated time savings attributable to hot functional testing authority prior to critical operation is six weeks to two months. This savings may indeed be substantially larger if major maintenance or modification activities are shown to be necessary by the hot functional testing programs.

Hot functional testing requires careful advance planning, a definite schedule for the coordinated completion of work on primary and secondary systems involved in the testing, and the scheduling of all other plant work consistent with the testing program. Consequently, early authorization by the Commission for the hot functional tests is needed.

2. Secondly, Licensee proposes a change in the sequence of events following completion of the restart hearing and issuance of a recommended decision by the Licensing Board. Section VI of the August 9, 1979 Order contemplates that if the Licensing Board recommends authorization of the resumption of operation in accordance with the provision of the Order, the Commission will conduct an expedited 35-day review of the Licensing Board's decision to decide whether the provision of the August 9, 1979 Order requiring TMI-1 to remain shut down shall remain immediately effective.

The Commission's 35-day review period would not begin, however, until after the Director of Nuclear Reactor Regulation has certified to the Commission that those short-term actions recommended by the Licensing Board as conditions for restart have been completed.

Licensee expects that there will be a very substantial interval between the issuance of the Licensing Board's recommended decision and the Director's certification that all short-term actions have been completed. For actions involving modifications to equipment, completion includes testing of the equipment and in many cases modification of related procedures, training programs and technical specifications, all of which must be inspected and approved by NRC Staff prior to the Director's certification. Other short-term actions will also require extensive revision and review of plant procedures and training programs. The potential for delay in certification has, of course, been greatly aggravated by the large number of pre-restart requirements recommended by the NRC Staff over and above the short-term actions identified in the August 9, 1979 Order.

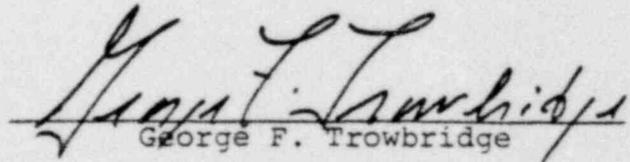
Licensee sees no reason why Commission review of the Licensing Board's recommendations need await the Director's certification. Accordingly, Licensee recommends that the Commission conduct its 35-day review and determination promptly after the Licensing Board's recommended decision. Any decision by the Commission to lift the immediate effectiveness of its TMI-1 suspension orders would, of course, remain contingent upon the Director's certification of completion.

3. Licensee's third proposal relates to the implementation schedules for certain action items identified in NUREG-0737. The NRC Staff has proposed in pre-filed testimony for the restart hearing that Licensee be required to implement a number of NUREG-0737 actions on the same schedules as are presently set for other operating reactors. In general, Licensee is prepared to meet the same implementation schedules as are required for other operating reactors. In some cases Licensee has in fact indicated to the NRC Staff and Licensing Board its intention to complete certain actions prior to restart of TMI-1 and prior to the implementation deadlines set for other operating reactors. Licensee is concerned, however, that developments subsequent to the close of the hearing record (for example, delays in the procurement of qualified materials and equipment) may make it impossible to meet present schedules on all action items. The August 9, 1979 Order should be modified to make clear that the Commission will retain the flexibility to defer, until after restart upon the recommendation of the Director of Nuclear Reactor Regulation, Licensee's implementation dates for NUREG-0737 action items where such deferment is consistent with implementation schedules for other operating reactors, including any revisions which may be made by the Commission in present schedules.

Attachment A to this motion contains specific wording changes in the August 9, 1979 Order proposed by Licensee.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE


George F. Trowbridge

Dated: February 3, 1981

ATTACHMENT A

Licensee's Proposed Amendments to
Commission Order and Notice of
Hearing Dated August 9, 1979

1. The Commission's Order dated July 2, 1979, and Order and Notice of Hearing dated August 9, 1979, entered in this proceeding and requiring Three Mile Island Unit No. 1 to remain in a cold shutdown condition until further order of the Commission, are hereby modified to permit Licensee to perform hot functional testing of plant systems and equipment using only non-nuclear heat and with the reactor maintained in a subcritical condition. Such testing may be performed by Licensee only upon written authorization by the Director of Nuclear Reactor Regulation under such conditions and limitations as the Director may prescribe for the protection of the public health and safety.
2. Section VI of the Order and Notice of Hearing dated August 9, 1979, is hereby amended to read as follows:

"VI. If the Licensing Board should issue a decision [authorizing] recommending resumption of operation upon completion of certain short-term actions by the licensee and containing a finding that in its judgment the licensee is making reasonable progress toward completion of the long-term actions specified in this order as to which the Commission has issued immediately effective orders against other licensees, [and subsequently if

staff certifies that those short-term actions have been completed to its satisfaction,) the Commission will issue an order within 35 days after such [certification] recommendation deciding whether the provision of this order requiring the licensee to remain shut down shall remain immediately effective. Any motions relating to the lifting of immediate effectiveness must be received by the Secretary of the Commission within 10 days of issuance of the [certification] Licensing Board recommendation, and any responses to such motions must be received by the Secretary 7 days later. The Commission shall issue an order lifting immediate effectiveness if it determines that the public health, safety or interest no longer require immediate effectiveness and after receiving from the staff a certification that the short-term actions recommended by the licensing Board have been completed to its satisfaction. The Director of Nuclear Reactor Regulation may in the alternative include with such certification a recommendation that the date for implementation of one or more of the short-term actions applicable to other operating reactors be deferred for good cause if such deferral is consistent with the then current implementation schedules for similar actions required of other operating reactors. The Commission's decision

on [that] the question of lifting immediate effectiveness shall not affect its direct appellate review of the merits of the Board's decision."*

*Deletions in the wording of the August 9, 1979 Order and Notice of Hearing are indicated by brackets and additions by underlining.

February 3, 1981

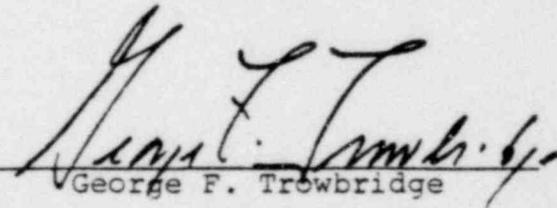
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Motion To Amend The Commission's Order Dated July 2, 1979, and Order and Notice of Hearing Dated August 9, 1979" were served upon those persons on the attached Service List by deposit in the United States mail, postage prepaid, this 3rd day of February, 1981.


George F. Trowbridge

Dated: February 3, 1981

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