

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



ATOMIC SAFETY AND LICENSING BOARD
Before Administrative Judges:

Ivan W. Smith, Chairman
Dr. Walter H. Jordan
Dr. Linda W. Little



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

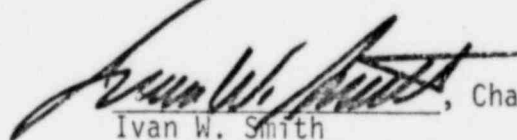
Docket No. 50-289
(Restart)

CONFIRMATORY ORDER ON SCHEDULE
FOR SHIFT MANNING FINDINGS

SERVED JUL 14 1981

This is to confirm the ruling of the board made on the record of the July 9 hearing session. (Tr. 23,107-112, enclosed.) Additional proposed findings on the issue of shift manning which take into account the commitments made by licensee in its letter of July 7 from Mr. Blake to Mr. Robert Adler, counsel for the Commonwealth (discussed at Tr. 23,002-009)^{*/}, shall be served by July 23, 1981. For the reasons discussed on the record, there will be no further reply findings on this issue.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Ivan W. Smith, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland

July 13, 1981

*/ Copies of Tr. 23,002-009 are enclosed with the courtesy copies of this order sent to the Commonwealth and the Aamodts.

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In the Matter of)
METROPOLITAN EDISON COMPANY) Docket No. 50-289
(Three Mile Island Nuclear)) (Restart)
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COURTESY NOTIFICATION

This is intended solely as a courtesy and convenience to provide extra time to those notified. Official service will be separate from the courtesy notification and will be made by the Office of the Secretary of the Commission.

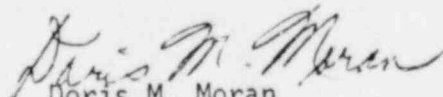
I hereby certify that I have today mailed copies of the board's CONFIRMATORY ORDER ON SCHEDULE FOR SHIFT MANING FINDINGS, dated this date, to the persons designated below:

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Doris M. Moran
Clerk to the Atomic Safety
and Licensing Board

Bethesda, Maryland

July 13, 1981

1 replies by all parties would be due on August 20, which is
2 42 day from the close of the hearing.

3 Are there any other matters before we adjourn?

4 MR. BLAKE: Mr. Smith, as I indicated, my letter
5 dealing with the two-plus-two question and shift staffing
6 was intended and timed to meet the Board's earlier expressed
7 concerns about getting along with a partial initial decision
8 on management and the fact that this question had been split
9 and may be an artificial way between emergency planning and
10 management.

11 In my view, this may well satisfy whatever the
12 Board felt the needs were, but there still is the fact that
13 response to emergencies involves staffings and numbers of
14 people in the control room. So I expect that this subject
15 will still be covered ultimately in emergency planning
16 findings.

17 If the Board still desires to carve that subject
18 out for Licensee, we will commit to provide that portion of
19 the emergency planning findings more promptly than the
20 schedule which the Board has just set. I don't think it is
21 necessary, but to the extent it is, or to the extent that
22 Mrs. Aamodt, for example, is going to be responding on this
23 subject in a two-week timeframe, I would say that all
24 parties ought to be required to provide their thoughts on
25 emergency planning component of the shift manning on the

1 two-plus-two within that same two-week timeframe.

2 There aren't that many parties that are showing
3 interest, quite frankly, in this question. It has only been
4 the Licensee, the staff, the Commonwealth and Mrs. Aamodt.
5 Nobody else has put in any findings on two-plus-two. Nobody
6 else has even done any questioning on two-plus-two other
7 than those parties.

8 So I am not sure that when I talked about
9 expedited schedule if the Board wants one on just that
10 element of emergency planning that I am talking about,
11 receiving it from anything more than those parties. I just
12 don't think anybody else has expressed even an interest.

13 I'm afraid that was a loose end here.

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1 CHAIRMAN SMITH: Yes. We would like to address
2 the issue in the context of the management and the
3 organizational findings. It seems they logically belong
4 there. I think your observations are correct. The parties
5 that have been active in that have been very few, and it is
6 quite severable; and I think that it would be appropriate to
7 require responses to those commitments.

8 MR. BLAKE: I had talked with Mr. Tourtellotte and
9 with Mr. Adler as well about whether or not they would be
10 willing to expedite emergency planning findings on this
11 shift manning or the two plus two element, insofar as they
12 were going to address it, emergency planning findings, could
13 we have that portion in a more expedited schedule, and they
14 had indicated a willingness to do so. We had not talked
15 about a specific date.

16 CHAIRMAN SMITH: Well, what is your pleasure on
17 it, gentlemen? It doesn't seem to be much of a problem
18 because you each have indicated you are satisfied.

19 MR. ADLER: In light of Licensee's commitments we
20 plan no findings in this area. In my reply findings that I
21 referred to earlier I will merely state that the
22 Commonwealth's concerns are adequately addressed by
23 Licensee's commitments with respect to both management and
24 emergency manning.

25 CHAIRMAN SMITH: Mr. Tourtellotte, it would be

1 helpful to the Board if we could have the position of the
2 parties, whatever they're going to file on it, earlier than
3 the normal course of emergency proposed findings.

4 MR. TOURTELLOTTE: If you would like something in
5 writing, we can give that to you, you know, as Mr. Blake
6 indicated, in a couple of weeks if that's when you want it.
7 The Staff's position, I know, ultimately will come out much
8 as Mr. Adler just stated. It seems that one cannot
9 participate in that sort of an agreement and later on come
10 out with some finding, proposed finding that is radically
11 different from all that we agreed to.

12 CHAIRMAN SMITH: I would imagine that certainly
13 that is the case. The problem is, however, there are now
14 present proposed findings by the staff which are
15 inconsistent with the state of the record.

16 MR. TOURTELLOTTE: We can amend those findings if
17 you'd like in a couple of weeks.

18 CHAIRMAN SMITH: That would be very helpful.

19 MR. TOURTELLOTTE: If that is the time frame that
20 you need. Then I would point out that the emergency
21 planning schedule is a rather tight schedule as it is, and
22 of course if we're going to address two plus two, we have to
23 do it sometime. We could do that within the next couple of
24 weeks if you like.

25 (Pause.)

1 CHAIRMAN SMITH: Mr. Blake.

2 MR. BLAKE: I would propose that any party who
3 plans to file emergency planning proposed findings who in
4 those findings would address the adequacy of shift manning,
5 in particular the two plus two questions, should file his
6 findings by the 16th or by the 23rd of July, which is a
7 two-week time frame. And I include in that Mrs. Aamodt who
8 is not here today.

9 CHAIRMAN SMITH: You mean the 23rd.

10 MR. BLAKE: Yes. I misspoke initially the 16th.
11 I meant the 23rd.

12 CHAIRMAN SMITH: Yes. Mrs. Aamodt was given those
13 directions yesterday on the telephone.

14 MR. BLAKE: Then we would have it all in one fell
15 swoop, and then I guess we have a question of whether or not
16 the reply findings need be filed on this question of
17 emergency planning on two plus two.

18 CHAIRMAN SMITH: I didn't hear your last statement.

19 MR. BLAKE: We then have the problem of whether or
20 not there are reply findings on this two plus two, because
21 somebody chooses to put in emergency planning, proposed
22 findings on two plus two, and somebody else then wants to
23 reply.

24 To the extent there are any replies on this one
25 itty-bitty issue, I would set no longer than one week, by

1 the 30th, and I would have the parties alert the Board after
2 receipt of findings on the 23rd if you plan to file any.

3 CHAIRMAN SMITH: I don't see any need for reply
4 findings.

5 MR. BLAKE: The Licensee will waive reply findings
6 on this.

7 CHAIRMAN SMITH: I don't see any need. Mrs.
8 Aamodt has been approaching the commitments as if it is new
9 evidentiary material, and it is not new evidentiary
10 material. It is in the form of relief and relief which
11 could be argued from the evidentiary record as it exists
12 now. So I see no need for reply findings, and the entire
13 record is here, and it can be addressed.

14 So our ruling will be that findings on the shift
15 manning issue and the commitments by the Licensee shall be
16 served on or before July 23rd.

17 Now, we indicated before that we want tables of
18 contents with the proposed findings, and I want to remind
19 the parties that it is very, very difficult to take just a
20 flowing narrative discussion of the whole case and try to
21 pinpoint without some guidance in the table of contents.
22 Moreover, it might be helpful if this is possible, and Ms.
23 Bradford brought it up before she left, if there could be an
24 agreed upon organizational framework, that is, the same
25 subject headings among the parties on emergency preparedness