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January 4, 1983

822-1026

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Victor Gilinsky, Commissioner
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Thomas M. Roberts, Commissioner
James K. Asselstine, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

In the Matter of
METROPOLITAN EDISON COMPANY
(Three Mile Island Nuclear Station, Unit No. 1)
Docket No. 50-289 SP (Restart)

Dear Chairman Palladino and Commissioners:

In its Memorandum and Order of December 29, 1982 (ALAB-708), the Appeal Board ordered a limited reopening of the record in this proceeding to facilitate prompt resolution of matters related to decay heat removal under certain post-accident conditions. */ Licensee is concerned that the Appeal Board's actions could precipitate consideration whether to again defer a Commission determination on lifting the suspension on TMI-1 operation. The Commission should not further defer its determination on immediate effectiveness because of the Appeal Board's Memorandum and Order.

*/ It should be noted that the Appeal Board's action does not represent its final decision on the subjects addressed in the

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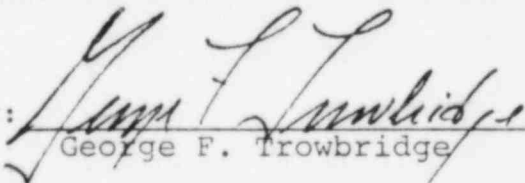
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Chairman Palladino and
Commissioners
January 4, 1983
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In 1979, TMI-1 was shut down under an immediately effective Order to be continued until the conclusion of a public hearing, because of Commission concerns viewed as unique to this plant's operation. No other plant was treated in a similar manner. There can be no serious dispute that the questions presently being raised by the Appeal Board on decay heat removal are not unique to TMI-1 but in fact are equally applicable to a number of currently operating plants of similar design. It is essential for bringing this unprecedented proceeding to completion that issues common to other operating plants, as they arise, be resolved for TMI-1 consistent with their resolution for other operating plants. Continued operation of other similarly configured plants would be irreconcilable with deferral of a decision to lift the immediately effective suspension of TMI-1 on the basis of the generic questions raised by the Appeal Board in its Memorandum and Order.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

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(Continued)

Memorandum and Order. Rather, the Appeal Board by its reopening seeks supplemental information to clarify the record and to explore further the position taken by both the NRC Staff and Licensee that decay heat removal can be reliably accomplished either by natural circulation, including boiler-condenser natural circulation, using the emergency feedwater system or by feed and bleed. The Appeal Board has in fact stated that satisfactory demonstration as to either of these methods of decay heat removal would resolve its concerns.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission

In the Matter of)
METROPOLITAN EDISON COMPANY) Docket No. 50-289 SP
(Three Mile Island Nuclear) (Restart)
Station, Unit No. 1))

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