

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Docket No. 50-289
(Restart)



COMMONWEALTH OF PENNSYLVANIA'S STATEMENT OF POSITION
ON UCS BLOCK VALVE MOTION

On March 3, 1981, USC filed a motion for a Board order to reopen the record to consider PORV block valve test results. This motion was the subject of numerous responses by the Licensee and the staff, as well as UCS. To date, the Commonwealth has stated no position on this issue.

The Commonwealth initially found that the UCS motion was adequately addressed by 'Licensee's Answer to the Union of Concerned Scientists' Motion for Board Order on PORV Block Valve Test Results,' dated March 13, 1981. Upon review of the 'Union of Concerned Scientists' Reply to Met Ed and Staff Submissions on Valve Testing' (April 22, 1981), and in particular, the attached 'Affidavit of Robert D. Pollard,' the Commonwealth now believes that the information requested at Pages 5-6 of the Pollard affidavit (#14) should be provided to the Board. This position is not altered by 'Licensee's Further Answer to the Union of Concerned Scientists' Motion for Board Order on Block Valve Test Results' (May 11, 1981).

The Commonwealth does not believe that the test results cited in Mr. Pollard's affidavit are dispositive of the issues raised by UCS Contention 6. The test results do, however, raise serious doubts

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regarding the ability of the TMI-1 block valve to perform its intended function. These concerns should be addressed on the record. Licensee cannot ignore these results by asserting that the PORV block valves perform no safety functions, as supported by Licensee's testimony. Licensee's Further Answer (May 11, 1981), at 4. The fact is that the significance of the functions of the block valve is a disputed issue in this proceeding. UCS addressed the safety functions of the PORV and the PORV block valve in the "Direct Testimony of Robert D. Pollard on Behalf of the Union of Concerned Scientists regarding UCS Contention 5." While Licensee is correct in arguing that valve testing is the subject of UCS contention 6, which was abandoned by UCS and adopted by the Board, the fact that the safety significance of the PORV and block valve is a disputed factual issue in the proceeding. The issue of valve test results, therefore, is fully within the context of issues which the Board must decide in this proceeding.

Moreover, the UCS motion should not be rejected due to the technicality cited by Licensee that UCS did not elect to pursue UCS Contention 6. The Board, in its discretion, elected to pursue UCS 6 due to the importance of these issues for the safe operation of TMI-1. The Board has an independent obligation to ensure that a full record is developed on all important safety issues in the proceeding, regardless of the manner in which the issues are raised. It is important to note in this regard that the original March 3, 1981 UCS motion was based on new information (new in the sense that it had not previously been made available to the parties in this proceeding).

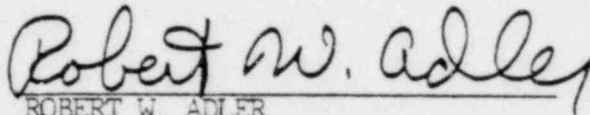
Finally, the Commonwealth notes that the additional information supplied in Enclosure 1 to Licensee's May 11, 1981 "Further Answer" does

not adequately resolve the concerns raised by UCS. In fact, the additional information appears to conform with paragraph 3 of Mr. Pollard's affidavit, which states:

All failures of block valves to close fully during the EPRI tests involved a mismatch between the valve closing force needed and the size of the motor operator or an incorrect torque switch setting. No valve failures, per se, were involved in these failures to close.

For the foregoing reasons, the Commonwealth of Pennsylvania requests that the relief outlined in paragraph 14 of the Pollard affidavit be granted.

Respectfully submitted,



ROBERT W. ADLER
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Commonwealth of Pennsylvania

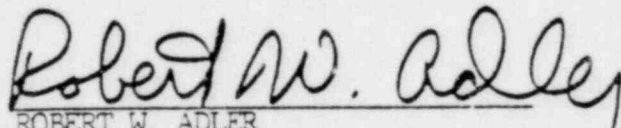
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CERTIFICATE OF SERVICE

I hereby certify that copies of the attached Commonwealth of Pennsylvania's Statement of Position on UCS Block Valve Motion were served on the parties on the attached service list, this 26th day of May 1981, by deposit in the U.S. Mail, first class postage prepaid.



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