August 11, 2000
Three Mile Island Alert
Scott Portzline
3715 N. 3rd Street
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US Nuclear Regulatory Commission
re: The New Regulatory Process
John Rogge - Chief of Projects Branch 7
Division of Reactor Projects

John Rogge,

We are concerned that the NRC did not receive our criticisms well. Since the purpose of your meeting was for public relations, the NRC could have done a better job of acknowledging our concerns.

For instance, licensees must be legally obligated to report the Performance Indicator (PI) data. Its a simple change to make and one that sits better with observers. I understand that failure to report certain data is a violation. But, failure to report PI data is not a requirement and therefore not a violation. A licensee could not be fined for failure to report. You refused to acknowledge this legal gap and only argued that it is in the best interest of licensees to report.

We are concerned that the new system will not clearly define when a plant is unsafe and must be shutdown for repairs. For two decades, the NRC has been criticized in six major independent safety reviews for lack of clarity regarding safety. Your system does prioritize many safety issues properly, thereby, helping the licensees and inspectors. But there are still gaps. We presented a few the other evening. What have you done with our feedback?

The meeting was not long enough. The public has little chance to shape the new regulatory process. We want to participate further.

We want to receive a comparison of inspection hours per quarter prior to the new system and afterwards for all Pennsylvania plants. We want to have a comparison of safety problems found before and after the new system.

Our concern is that inspectors and licensees will identify fewer items by overlooking them. For example: during 1999, more than half of the nation's nuclear plants had defects or suspected defects with their Emergency Diesel Generators. This was a four-fold increase over the previous year. In 2000, the amount of EDG issues has once again returned to a pace on the same level of 1998. This apparently is due to the diligent 1999 inspections of the EDG for Y2K concerns for backup power. This implies that inspectors miss problems, perhaps 75 percent of the time.

Another example is the same type of valve that allowed the loss of coolant accident at TMI Unit 2 in 1979, was recently inoperable for two years at TMI Unit 1. That same valve was inoperable at the

Pennsylvania Beaver Valley Nuclear Plant for more than a decade. How do you account for these careless inspections?

If there is anyone who understands how a licensee and inspectors overlooks and even falsifies safety data, it is the citizens living around TMI. The NRC claimed it could not find any evidence of the actual falsifications by TMI in 1979 for two years. (TMI's owner plead guilty and became the first nuclear felons.)You owe to us the utmost respect for our concerns.

If a licensee fails it emergency drill, is that grounds for shutdown?

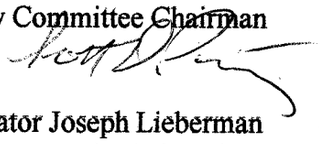
Explain how a licensee can have dozens of safety problems requiring repairs, but the NRC has never shutdown an operating plant? These were the same safety problems for which the NRC mandated repairs to allow restart after the plant shutdown for refueling or maintenance, yet allowed to operate the month before. There are several examples of this occurring in the past. We have never seen the NRC shutdown an operating plant for safety reasons and want to know what the rules are.

The new regulatory process has not clarified this issue despite your statements of objectivity in your press releases. You have only clarified issues for the licensees benefit, not the citizens. In other words, licensees know what the inspectors will look for to receive a passing grade rather than a plant that is operating as safe as possible. The TMI accident had many improbable situations and conditions which would once again be overlooked by the new system. A risk informed system would not have prevented the 1979 accident. Isn't that a valid measuring stick?

The NRC has often granted licensees extended periods to fix problems. What are the limits to these time periods and how many problems can exist at one time? How can the public be aware of these issues? Since there will be a reluctance to fine licensees, how will the NRC pressure the licensee to set a timely date and stick to it? (Consider what happened with Thermolag at TMI - the NRC allowed more than 2 years and then finally sent a letter suggesting the problem should be fixed soon.)

These conditions of leniency and self-grading remind us too much of the conditions right before the 1979 accident. We are disturbed that an NRC press release states "multiple red findings could result in a plant shutdown." There is too much wiggle room - just like in the past. The NRC does not yet draw a clear line.

Scott Portzline
Three Mile Island Alert
Security Committee Chairman



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