

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
790 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

November 8, 1979

MEMORANDUM FOR: Victor Stelle, Jr., Director, Office of Inspection and Enforcement

FROM: James G. Keppler, Director

SUBJECT: CONCERNS REGARDING INCORRECT AND MISLEADING STATEMENTS IN THE PRESIDENTIAL COMMISSION'S REPORT ON THE ACCIDENT AT THREE MILE ISLAND AND RELATED APPENDICES

I am requesting that the attached memorandum from Mr. Streater be provided to the NRC Commissioners for their use in planned discussions of the Kemeny Report with Congressional representatives and/or staff members of the White House. I share Mr. Streater's concern that a report of this importance be factual and that errors or possible misleading information be clarified.

Based on these reports, it appears to us that the Kemeny Commission developed Mr. Creswell's testimony to achieve a record consistent with their interpretation of his concerns --- without any real attempt to consider the views and accounts of others involved. You will recall that Mr. Foster expressed his concern for this potential with his memos to the Kemeny Commission dated September 18 and October 3, 1979.

James G. Keppler
James G. Keppler
Director

Attachment:
As Stated

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
750 ROCKWELL ROAD
GLENN, ILLINOIS 60137

November 8, 1979

MEMORANDUM FOR: James G. Keppler, Director

FROM: J. F. Streeter, Chief, Nuclear Support Section 1

SUBJECT: CONCERNS ABOUT INCORRECT AND MISLEADING STATEMENTS IN
"REPORT OF THE PRESIDENT'S COMMISSION ON THE ACCIDENT
AT THREE MILE ISLAND"

This memorandum is intended to bring to your attention what I consider to be substantive incorrect and misleading statements in the "Report of The President's Commission on the Accident at Three Mile Island" and the supporting staff "Report of the Office of Chief Counsel on the Nuclear Regulatory Commission." These incorrect and misleading statements are related to Finding G.9.d. (page 55) of the report and to the material contained in Section VI.B. (pages 167-174) of the supporting staff report. This material deals with IE's apparent inability to resolve safety concerns raised within its staff, and is specifically related to Mr. J. Creswell's testimony before the President's Commission on August 22, 1979.

Although the issue of IE not being able to resolve safety issues raised by inspectors is discussed in the Overview and Findings sections of the report, it is not apparent that any of the Recommendations were based upon any President's Commission concerns in that area. However, in a matter of such significance as the evaluation of the Three Mile Island accident, it appears to me to be of utmost importance that even the findings be based upon completely factual information. Even if overall conclusions remain unchanged, I believe it to be wrong to support conclusions with information which is incorrect.

The substantive incorrect and misleading statements I want to bring to your attention, along with my clarifying comments, are as follows:

STATEMENT

"... in 1978 one I&E inspector raised the issue of operator termination of HPI during the September 1977 incident at Davis-Besse. For some 5 months, none of his efforts produced any action." (Finding G.9.d.) (An almost identical statement is in the first paragraph of page 168 of the staff report).

COMMENTS

After the matter was first identified by the inspector in September 1978, the inspector's position was reviewed and supported by me (the inspector's supervisor) and this support was conveyed to the licensee on September 13, 1978. At that time (September 13, 1978) the licensee agreed that he would review the operator's action of prematurely securing the HPI pumps during the September 1977 transient. As a result of the licensee's review, the licensee and Region III agreed in November 1978 that the operator's actions were improper and the licensee modified the LOCA procedure on November 14, 1978, to give guidance as to when HPI pumps were to be secured. That procedure revision was reviewed by the inspector and me on December 22, 1978, and was found to be inadequate. The licensee agreed to make further revisions to the procedure and those revisions were made January 6, 1979. Although the inspector did not review the revisions during his last visits to Davis-Besse in January and February 1979, I reviewed them following the TMI accident and determined they would have been acceptable to me if I had examined them prior to the TMI accident.

The action described in the preceding paragraph indicates this matter was pursued by both the inspector's supervisor and the licensee prior to the TMI accident and satisfactory action was taken 4 months after discovery of the matter and at least 1 month before the inspector made the initial telephone contact with the NRC Commissioners. Therefore, the report statement that none of the inspector's efforts produced any action for 5 months is in error.

STATEMENT

Finding G.9.d. gives the above described statement as an example of I&E inspectors having difficulty having safety issues they raised seriously considered within the office.

COMMENTS

The above described comments indicate that the matter received serious consideration within Region III. Therefore, it is illogical to use the safety issue concerning the premature securing of HPI pumps as an example of I&E's inability seriously address safety issues.

STATEMENT

The last sentence of the second paragraph of page 168 of the subject staff report is worded so that one could reasonably conclude that the NRR project manager advised the inspector that the inspector was acting beyond the scope of his responsibility in pursuing the matter.

COMMENTS

If one reads the deposition of Mr. Creswell, lines 1-6 of page 69, it appears that it was the licensee rather than the NRC project manager who informed the inspector that the inspector was performing functions which the licensing organization at NRC would normally perform.

STATEMENT

The wording of Footnote 830 at the bottom of page 169 of the staff report is such that it could be understood to indicate that Mr. Stello stated that the Davis-Besse KPI termination issue was a site-specific issue.

COMMENTS

What Mr. Stello actually stated was that apparently Mr. Creswell believed the September 2-, 1977, Davis-Besse transient was a site-specific issue.

STATEMENT

The fourth sentence of the first full paragraph of page 172 of the staff report states "According to Victor Stello the present Director of IRE, this problem is much less significant than the September 2-, 1977 Davis-Besse pressurizer level problem." The problem referred to apparently is the pressurizer level off-scale low problem described in the third sentence of the same paragraph.

COMMENTS

What Mr. Stello actually stated was that the pressurizer level problems encountered during the November 29, 1977, Davis-Besse transient were less significant than the pressurizer level behavior during the TMI accident.

The information in this memorandum can be substantiated by existing documentation or by additional testimony, including testimony from Mr. J. Creswell.

After I initially read Mr. Creswell's testimony in September 1979, I became concerned that the President's Commission might draw incorrect conclusions from the line of questioning and Mr. Creswell's responses. As a result, I had a telephone discussion with Mr. S. Helfman of the President's Commission staff and attempted to express that concern. Unfortunately, it appears my telephone comments were not considered by the President's...

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Commission. These incorrect and misleading statements could have been avoided if I had been deposed by that group. I find it difficult to understand how that group could criticize supervisory involvement in the resolution of safety issues without taking the opportunity to depose members of regional supervision.

I understand that the NRC Commissioners intend to discuss their views of the report of the President's Commission before Congress and/or members of the President's staff this week. I respectfully request that you assure that a copy of this memorandum is promptly forwarded to the NRC Commissioners before their discussion.



J. F. Streater, Chief
Nuclear Support Section 1

cc: R. E. Heishman