

HARMON & WEISS

1725 I STREET, N.W.

SUITE 506

WASHINGTON, D. C. 20006

TELEPHONE
(202) 833-9070

GAIL M. HARMON
ELLYN R. WEISS
WILLIAM S. JORDAN, III
LEE L. BISHOP

August 1, 1980

John F. Ahearne, Chairman
Peter Bradford, Commissioner
Joseph Hendrie, Commissioner
John Gilinsky, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Gentlemen:

On March 24, 1980, we wrote on behalf of the New England Coalition on Nuclear Pollution to urge that you approve the NRC Staff recommendation that Mark I and II containments be inerted immediately. At that point, the issue had been discussed at length by the Staff in SECY-80-107 (February 22, 1980), and by both the Staff and industry representatives in your meeting of Wednesday, March 19, 1980. Now, more than four months later and after a thorough examination of arguments to the contrary, the Staff has reaffirmed its position in SECY-80-107B (June 20, 1980). We ask that you act on the Staff's recommendation without further delay.

In February and March, arguments against inerting centered on the possible danger to operating personnel and deterrent to adequate reactor maintenance. As we suspected, this argument was a red herring. After further investigation, the Staff dismissed it with a report that "the operational practices at currently inerted BWR's involve no significant reduction in safety margins." SECY-80-107B at 4. This conclusion is fully supported by the record of BWR operation to date and by the safety record of hundreds of thousands of self-contained breathing apparatuses now in use in atmospheres far more hazardous than that of an inerted containment. Indeed, the recent, well publicized entry of the contaminated containment at Three Mile Island Unit 2 demonstrates the faith of the nuclear industry itself in the use of SCBAs to assure operator safety.

The focus of the opposition to inerting has now shifted to an argument, espoused by the Probability Assessment Staff, that equal or greater safety assurance can be achieved by reducing the overall risk through other means, to be determined by probability analysis, and that, in any event, inerting would contribute to safety in only a few rare situations. As discussed at page 3 of SECY-80-107B, the Director of Nuclear Reactor Regulation has

8009250467

HARMON & WEISS

Commissioners
August 1, 1980
Page 2

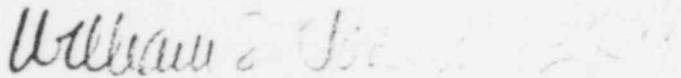
rejected this position largely on the basis of the "uncertainties associated with the probablistic analysis models," and the need for a conservative approach to licensing.

While we agree with his conclusion, we would state the reasons somewhat differently. The attempt to assure safety on the basis of probability analysis depends upon the analyst's ability to predict all possible accident scenarios, that is, his ability to be omniscient. Even with the most thorough analysis, this approach is inherently uncertain, as demonstrated by the occurrence of the "impossible" accident at Three Mile Island and by the Commission's acknowledgement of the serious flaws in the Reactor Safety Study. Moreover, the possibility of an accident leading to breach of containment at Vermont Yankee is hardly hypothetical; the Staff's own calculations show that the containment could not withstand an explosion caused by the ignition of amounts of hydrogen smaller than those generated at TMI-2.

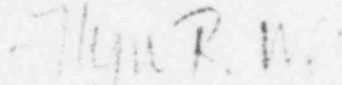
In the immediate context the question is not whether the Commission can ultimately assure safety by requiring hydrogen control measures other than containment inerting. That is the subject of a rulemaking proceeding for which an advance notice of proposed rulemaking has not yet even been issued and for which the Staff projects a final rule by July 1982, at the earliest. The question now before the Commission is what it should do today. Containment inerting is the clearest, simplest, and surest approach. We agree fully with the Staff's conclusion at page 5 of SECY-80-107B that it would not be prudent to defer the containment inerting requirement to the conclusion of the rulemaking proceeding. As discussed in our letter of March 24, the demonstrated hazards to Mark I and Mark II containments from a possible hydrogen explosion are simply too great to justify gambling with the lives of those living near the Vermont Yankee and Hatch II reactors for the several years before that rulemaking is completed.

We urge you to require containment inerting at Vermont Yankee and all other Mark I and Mark II containments without delay.

Sincerely,



William S. Jordan, III



Ellyn R. Weiss