



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555



June 10, 1981

Ivan W. Smith, Esq.
Administrative Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. Walter H. Jordan
Administrative Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. Linda W. Little
Administrative Judge
5000 Hermitage Drive
Raleigh, North Carolina 27612

In the Matter of
METROPOLITAN EDISON COMPANY, ET AL.
(Three Mile Island, Unit 1)
Docket No. 50-289

Dear Members of the Board:

On May 14, 1981 the Licensing Board requested that the Staff review its Safety Evaluation Reports and Supplements to identify Licensee commitments that the Staff would not attempt to enforce and report to the Board if there are any. The Staff has completed the review that was requested. A copy of the "NRC Staff's Report on Licensee's Commitments that the Staff Will Not Attempt to Enforce" and the "Affidavit of Richard H. Jacobs" are enclosed.

Sincerely,

James M. Cutchin, IV
Counsel for NRC Staff

cc (w/ encl.):
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Honorable Mark Cohen
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

METROPOLITAN EDISON CO. ET AL.
(Three Mile Island Nuclear
Station, Unit 1)

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Docket No. 50-289
(Restart)

NRC STAFF'S REPORT ON

LICENSEE'S COMMITMENTS THAT THE STAFF WILL NOT ATTEMPT TO ENFORCE

On May 14, 1981, the Licensing Board requested that the staff review its Safety Evaluation Reports and supplements to determine whether any staff conclusions are based on licensee commitments that the staff does not regard as enforceable and report to the Board if there are any (Tr. 21,289). In further discussion, the Board clarified that its concern is with "those commitments which the Staff says it has relied upon as to which if they are defaulted, the Staff would not intend to act..." (Tr. 21,290).

The Staff has conducted a review of the Restart Safety Evaluation Report (NUREG-0680) and its supplements and has determined that except for those identified below the Staff views all of the licensee's commitments that are identified in the SER and its supplements to be responsive to NRC requirements and would attempt to enforce them. Because the following licensee commitments are not responses to NRC requirements, the Staff would not attempt to enforce them.

1. Order Item 8, Item 2.1.5c - Hydrogen Recombiner

In NUREG-0680, pg. C8-29, the staff reported that this NUREG-0578 recommendation was deferred to long-term rulemaking action and as such, the licensee was not required to respond prior to restart. The licensee did elect to respond to this item and committed to permanently install one recombinder prior to restart and have the capability to install a second recombinder within the time

frame needed following an accident. Until the rulemaking action is completed, the licensee could rely on his previously approved hydrogen purgè system since there is no specific NRC requirement for hydrogen recombiners on plants of the vintage of TMI-1. (See 10 CFR 50.44). The Staff considers the use of hydrogen recombiners to be highly desirable, but would not attempt to enforce this licensee commitment.

2. Order Item 8, Item 2.1.7a - Automatic Initiation of EFW

The licensee has committed to install cavitating venturis in the EFW lines to the steam generators as part of the long term EFW modification (NUREG-0680, Supp. 3, pg. 36). These venturis are beyond NRC requirements and hence the Staff would not attempt to enforce this commitment.

3. Order Item 6 - Management Capability

In NUREG-0680, Supplement 1, p. 11, the Staff concluded that the plant could operate with a five shift rotation of operators and still meet NRC requirements. The Staff has no specific requirements for minimum shift rotation and would not attempt to enforce a five shift rotation provided the overtime guidance discussed in Item I.A.1.3, "Shift Manning" of NUREG-0737 is followed and the requalification training program is adhered to.

4. NUREG-0737 Action Items

As reported in NUREG-0680 and its Supplements, the licensee has committed to implement these actions in accordance with the NUREG-0737 schedule for operating reactors.

However, as the Commission noted in CLI-81-3 on March 23, 1981, Met Ed for some reason may not be able to meet all of its implementation commitments. Where that is the case, the implementation schedules for TMI-1 may be reconsidered by the Commission upon recommendation of the Staff. The Staff's recommendations for relaxation of implementation schedules for TMI-1 would be considered by the Commission on a case-by-case basis. To that extent the licensee's schedule commitments for implementing NUREG-0737 items as they appear in NUREG-0630 and its Supplements may not be enforced.

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NUCLEAR REGULATORY COMMISSION

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In the Matter of)


METROPOLITAN EDISON CO. ET AL.)
(Three Mile Island Nuclear)
Station, Unit 1))

Docket No. 50-289
(Restart)

AFFIDAVIT OF RICHARD H. JACOBS

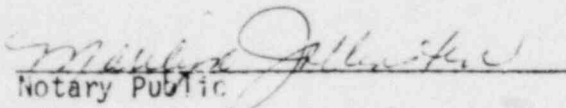
I, Richard H. Jacobs, state under oath as follows:

1. I am a Project Manager assigned to Operating Reactors Branch #4, Division of Licensing, Office of Nuclear Reactor Regulation of the U. S. Nuclear Regulatory Commission. I am currently responsible for coordinating the review and preparation of the staff's safety evaluations of TMI-1 licensee's compliance with the NRC requirements. My professional qualifications are bound into the transcript of this proceeding. (Jacobs) ff. Tr. 21,037.
2. The "NRC Staff's Report on Licensee's Commitments That the Staff Will Not Attempt to Enforce" was prepared by me and is true and correct to the best of my knowledge and belief.



Richard H. Jacobs

Subscribed and sworn to before
me this 9th day of June 1980.



Notary Public

My Commission Expires: July 1, 1982