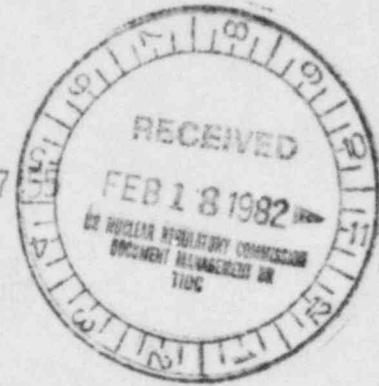


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

'82 FEB 18 A7

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



Docket No. 50-289  
(Restart)

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

UNION OF CONCERNED SCIENTISTS' RESPONSE  
TO THE STAFF'S PROPOSED ENFORCEMENT PLAN

In its PID of December 14, 1981, the Board directed the Staff to provide "the details of its enforcement plan" for ensuring the enforcement of Licensee commitments, Staff requirements, and Board-required conditions that the Board relied upon in recommending that TMI-1 be permitted to restart. (PID 1217) In UCS's view, the Staff's response<sup>1/</sup> to the Board's directions is on its face grossly inadequate. The Staff has done little more than restate the requirements listed by the Board in paragraph 1218 of the PID. The fact is that, as of now, there is no comprehensive listing of the many Licensee commitments<sup>2/</sup> and Staff requirements upon which the Board relied and which the Board stated are of safety significance. (PID 1204) As to these Licensee commitments and Staff requirements<sup>3/</sup>, the Board ruled that it "should not depend

1/ - "Staff Response to Licensing Board's Directive to Report Details of Its Enforcement Plan in the Form of a Supplemental Initial Decision," dated February 1, 1982. Hereinafter, "Staff Response".

2/ - See the broad definition of "licensee commitments" in n.150 at p.316 and the textual discussion at paragraphs 1199-1218 of the PID.

3/ - Note that "[e]xcept in a few instances specifically discussed in context, there is no difference between a Licensee commitment and a Staff requirement; the Licensee has committed to the Staff requirements." (PID 1199)

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upon the recordkeeping requirement of 10 CFR 50.59(b) to be assured that those commitments are enforced." (Id.) Yet if the Staff's proposal is adopted as stated, that will be precisely the situation.

Without a listing of those Licensee commitments (including the Staff requirements which the Licensee committed to meet) upon which the Board relied for "[v]irtually every major determination in favor of restarting TMI-1 . . . ," one cannot even begin to address the question of whether the Staff's enforcement plan is adequate. (PID 1202) Even if the Staff had the inclination to review the record with the objective of making such a list, how could the Staff or any other party know whether the list included all the significant commitments relied upon by the Board? UCS believes that this listing must at this point come from the Board. One cannot perform a sensible review to determine whether the Staff's proposed license conditions and technical specifications provide the necessary level of enforceability until the technical commitments which the Board relied upon, i.e., those commitments upon which the Board's conclusion that restart should be authorized is premised, have been identified.

While the above represents UCS's principal comments on the Staff Response, there are some obvious deficiencies in the substance of the Staff's proposed enforcement plan which is vague and in some cases directly inconsistent with the Partial Initial Decision. We will illustrate the deficiencies by giving only a few examples.

Just considering those Licensee commitments, Staff requirements, and Board-required conditions that the Staff has proposed to enforce, the lack of

specificity in the Staff's proposed enforcement plan renders it useless as a means for judging the adequacy of the enforcement. For example, the Staff proposes a license condition concerning the power supplies for the pressurizer level instrumentation. (Staff Response at 2) However, the Staff proposal does not specify whether operability of the pressurizer level instrumentation itself will be a limiting condition for operation [10 CFR 50.36(c)(2)] and, if so, how many of the pressurizer level instruments must be operable. Likewise, the Staff does not address the surveillance requirements, if any, to be imposed to assure that the limiting condition of operation will be met. [10 CFR 50.36(c)(3)] The Staff proposal also does not specify whether any pressurizer level instruments may be lost due to failure of the ICS/NNI power supply and, if loss of some instruments is acceptable, the number of pressurizer level instruments whose loss from that cause is acceptable. These are extremely important factors because "upgrading" the power power supply may result in little or no improvement in the reliability of the pressurizer level instrumentation if it is not required to be operable, is not periodically tested and calibrated, is not environmentally qualified, or if a single failure disables all or all but one pressurizer level instrument.

UCS does not necessarily fault the Staff for the this situation. The Commonwealth proposed the upgrading of the power supply apparently without considering the extent of improvement, if any, in the reliability of the pressurizer level instrumentation. The Commonwealth did not propose any limiting conditions for operation or surveillance requirements to be included in the technical specifications. The Commonwealth also apparently did not evaluate the environmental qualification of this instrumentation or the effects

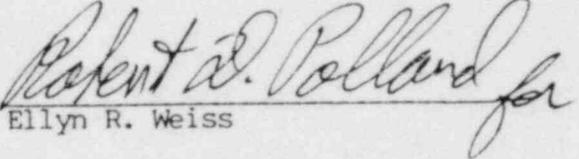
of a single failure after the power supply "upgrading" which it would consider acceptable. The Board in turn apparently adopted the Commonwealth's proposal solely because the Licensee did not object to it. The Board did not articulate any reasoning to explain why the proposal was both necessary and sufficient to allow restart. (PID 1001)

There are also a number sections of the Staff's proposed enforcement plan that are inconsistent with the PID. For example, the Staff proposes a license condition requiring, among other things, "upgrades of the main steam rupture detection system . . . to safety grade." (Staff Response at 3) The Staff proposes that this upgrade be done "[p]rior to startup following Cycle 6 refueling. . . ." (Id.) In contrast, the Board requires that this modification be implemented as soon as possible after restart. (PID 1064) Furthermore, although the Staff acknowledges (Staff Response at 6) the Board's requirement that the Licensee propose a long-term solution prior to restart (PID 1064), the Staff simply ignores the Board's requirement that "the Staff shall certify to the Commission that the Licensee has made reasonable progress in initiating its program for the long-term solution." (Id.) There is no discussion whatever of the substance of a program to resolve this safety problem, much less information by which one could judge whether "reasonable progress" has been made.

Another example of an inconsistency between the Staff's proposed enforcement plan and the PID involves the requirements applicable to resolving the systems interaction issue. Although the Board clearly directed that TMI-1 "shall" be included in the generic reviews of systems interaction (PID 1000, 1003f.), the Staff responds now by disclosing that it is not imposing a requirement to conduct such studies generically (contrary to the impression

which it sought to leave during the proceeding). The Staff apparently therefore concludes that it need do no systems interaction study for TMI-1. (Staff Response at 8, 9)

Respectfully submitted,

  
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Dated: February 17, 1982

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
METROPOLITAN EDISON COMPANY )  
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CERTIFICATE OF SERVICE

I hereby certify that copies of "UNION OF CONCERNED SCIENTISTS' RESPONSE TO THE STAFF'S PROPOSED ENFORCEMENT PLAN" have been served on the following persons by deposit in the United States mail, first class postage prepaid, this 17th day of February 1982.

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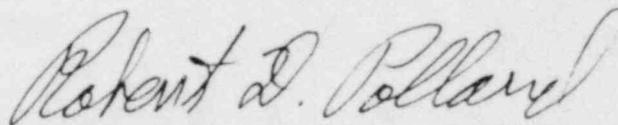
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