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COMMITTEES:
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SCIENCE AND TECHNOLOGY

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Congress of the United States
House of Representatives

Washington, D.C. 20515

December 16, 1983

The Honorable Nunzio Palladino
Chairman
Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Dear Mr. Chairman:

I am writing on behalf of my constituent, Ms. Francine Taylor of Lancaster, Pennsylvania, a member of the TMI Public Interest Resource Center. Ms. Taylor has provided me with several reports about which she has reservations.

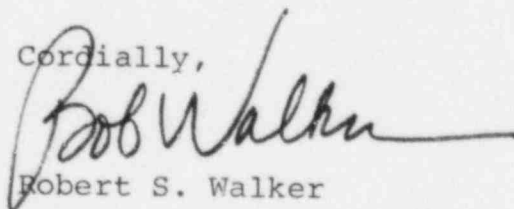
First, she is concerned that new emergency feedwater flow instruments installed in Unit 1 do not meet the NRC's criteria or the GPU's commitment in the restart proceeding.

In addition, she questions GPU's commitment to its stated management objectives and strongly feels that Unit 1 should not be restarted before GPU's competence and integrity are fully reviewed.

The reports to which Ms. Taylor referred are enclosed for your review. I would greatly appreciate any information you could provide on this subject so that I may make a complete reply to my constituent.

Thank you for your cooperation in this regard. I will look forward to hearing from you at your earliest opportunity.

Cordially,



Robert S. Walker

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enc.

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PDR ADOCK 05000289
U PDR

Three Mile Island

Public Interest Resource Center

1037 MacLay Street

• Harrisburg, Pa. 17103

• 717-233-4241

My name is Francine Taylor and I am a member of TMI-Public Interest Resource Center -- a coalition of 8 concerned citizens groups formed after the accident at TMI.

We are here to ask all elected officials to demand the Nuclear Regulatory Commission to do its job by being the public's protector. It is urgent that the officials who are entrusted with our health and safety put pressure on the Commission to re-open the record and to hold hearings on management competence and integrity -- and NOT to rely on self-reports by GPU just recently made public.

Even as recently as September 13, 1983, the NRC Office of Investigations charged that GPU circumvented proper procedures and adopted techniques of questionable safety with regard to the clean up of Unit 2.

On October 7, 1983, the NRC staff listed seven areas related to management that it said required further investigation before it could revalidate its own favorable 1980 decision on GPU's competence and integrity.

On November 7, a Federal Grand Jury charged a subsidiary of GPU with criminal misconduct in its operation of TMI.

On Monday, November 28, 1983, GPU had a whole day before the NRC to explain its re-organization plan. (We know now that the only change was Robert Arnold was their sacrificial lamb). This Monday, December 5, the public will have 40 minutes to air its views before the NRC. An interesting comment on how the NRC views the public.

As a matter of fact, the public's perception is that the NRC has lost sight of its mandate. TMI-Public Interest Resource Center agrees with the Kemeny Commission when it said the problem with the NRC is one of mindset. I am quoting from the Kemeny Commission:

"Fundamental changes are necessary in the NRC's attitude which must change from one of complacency to one that says nuclear power is potentially dangerous, and must be continually questioned whether the safeguards already in place are sufficient to prevent major accidents."

As long ago as 1980, the NRC staff concluded that there had been misconduct and falsification of very important safety data by TMI personnel. These safety violations led to the 11 court criminal indictments.

This is the same management that is running TMI; therefore, it is outrageous that the NRC is considering giving GPU the go ahead to restart Unit I before the criminal indictments have gone through the courts and all other management issues have been thoroughly dealt with.

Today we are distributing background material compiled by internationally known scientists.

UCS 12/9/83

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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

Docket No. 50-289
(Restart)

REQUEST FOR OPPORTUNITY TO RESPOND TO
STAFF PROPOSAL FOR RESTART OF TMI-1

On December 5, 1983, the Commission held a session to allow response by Intervenor and the NRC Staff to the GPU June 10, 1983, proposal for restart of TMI-1 and subsequent GPU modifications of that proposal. At that meeting, after the Intervenor's opportunity to speak, the Staff presented a totally new proposal to restart the reactor at 25% power initially, to ascend to full power after OI concludes its ongoing investigations of leak rate falsification and other matters bearing on GPU's competence and integrity. This Staff proposal was made for the first time in the Staff's oral presentation. It was not even made available in writing on the day of the meeting in the form of a SECY paper, as is normally the case. Therefore, Intervenor was completely prevented from considering the proposal or voicing their views to the Commission. GPU, which was provided an opportunity to speak after the Staff (and was presumably aware in advance of the substance of the Staff proposal), did comment on the proposal. The Intervenor is entitled to an equal opportunity to address the Commission orally.

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The Staff's proposal would place essentially no restrictions on the operation of TMI-1 beyond those that are necessary in any case for start-up of a reactor that has been out of operation for almost five years. The testing would simply be at a maximum of 25% power rather than 40% as GPU would prefer. The Staff conceded that the 24-hour inspector presence is a public relations necessity -- a man on the scene to answer public queries. The Staff proposal in no way responds to the questions of GPU management integrity and competence. It simply assumes that there are none.

In addition, the Staff proposal completely overlooks the fact that the public is entitled to a role in the process of consideration of the evidence bearing on GPU's integrity. This insensitivity is perhaps the most remarkable aspect of the proposal. It is proposed that the Staff -- which failed for over three years to notify the Licensing and Appeal Boards of the nature of the evidence of leak rate falsification and continued to endorse GPU management in the adjudication throughout that time -- will "resolve" these issues by authorizing full power operation without the public ever having had the opportunity to present any evidence or question any witnesses.

Two questions the Staff did not explicitly address are: 1) If the OI investigation concludes that widespread leak rate falsification took place, is TMI-1 to then shut down? and 2) Do the reopened hearings take place after the plant goes to full power and if the Board concludes that GPU lacks the requisite competence and integrity, does TMI-1 then shut down? The proposal makes no provision at all for the occurrence of these contingencies, neither of which is unlikely, which makes it clear that it is not an interim restart proposal, but an ultimate restart proposal.

If we "face facts," as counseled by Admiral Rickover, the Staff's proposal is in all significant respects the same as GPU's. It allows GPU to restart the

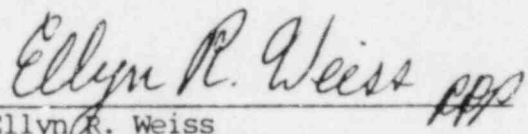
reactor first and later determines whether the company has the competence and integrity to do so. Moreover, once operation has resumed, we can be sure that the formalities involved in resolving the competence and integrity questions will become an empty gesture.

These and other questions concerning the Staff proposal should be addressed in an open meeting where the public has the opportunity to be heard.

Conclusion

For the above-stated reasons, UCS urges the Commission to schedule a meeting for the purpose of allowing responses to the Staff's proposal of December 5, 1983.

Respectfully submitted,


Ellyn R. Weiss
General Counsel
Union of Concerned Scientists

Dated: December 9, 1983

UNION OF CONCERNED SCIENTISTS

1346 Connecticut Avenue, N.W. • S. 1101 • Washington, DC 20036 • (202) 296-5600

November 23, 1983

Nunzio Palladino, Chairman
Victor Gilinsky, Commissioner
Frederick M. Bernthal, Commissioner
James Asselstine, Commissioner
Thomas Roberts, Commissioner
U. S. Nuclear Regulatory Commission
Washington, DC 20555

RE: TMI-1 Restart/Rickover Task Force
Management Review

Gentlemen:

The press is reporting today that Admiral Rickover's task force has reported favorably on GPU management. While that report has been distributed by GPU to the press, it has not been received by the parties and we therefore rely upon the account given in Energy Daily for November 23, 1983. Since GPU is meeting with you to discuss management on Monday, November 28, we anticipate that this issue may come up. Therefore, UCS wishes to provide for your consideration our initial thoughts on the review as it is being reported by the press.

First, we believe that the seven "management objectives" enunciated by the task force are sound. They are: require rising standards of accuracy; be technically self-sufficient; face facts; respect even small amounts of radiation; require relentless training; require adherence to the concept of total responsibility; and develop the capacity to learn from experience. As the task force noted, however, management policy, "provided it is confirmed by deeds," marks a radical departure from the past.

On this point--whether the stated policy is reflected in deeds--the task force seems to have done limited research. Indeed, comparing the claims made to the task force by GPU management to actual contemporaneous events leads to the conclusion that the principles of sound management are being consistently violated. We will give you simply two of the more recent examples.

New safety requirements shown to be necessary as a result of the 1975 fire at the Browns Ferry plant were incorporated into NRC regulations which became effective on February 17, 1981. The present management of TMI-1, GPU

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Nuclear Corporation, then embarked on a series of attempts to gain exemptions from the implementation schedule for those safety requirements. For example, on July 1, 1982, GPU Nuclear Corporation requested a delay in implementing some fire safety requirements from April 1, 1983 until the first refueling after restart. In a letter to the Licensee dated March 9, 1983, the NRC Staff noted that GPU Nuclear apparently did not even intend to begin the modifications until the third quarter of 1983 and proposed a schedule that was "not consistent with the schedules of the great majority of other licensees which will, almost without exception, be complete by April 1983." When GPU Nuclear's deeds place them at the bottom of the heap, it will take a dramatic change in performance if they are to achieve the goal recommended by Admiral Rickover of being in the top one-sixth of all commercial nuclear plants.

In addition to the physical deficiencies in fire protection at TMI-1, the training of fire brigade personnel is in disarray. Fire training deficiencies were described by the NRC Staff in Board Notification BN-83-159, sent to the Commissioners on October 17, 1983. Brigade members are not receiving the required quarterly training in violation of the TMI-1 license and the station procedure and training program do not even address quarterly training. Further, the TMI-1 procedure and training program represent the same plan "that was initially found unacceptable by the NRC in 1978." In addition, the NRC Staff reported that "TMI management also stated that they desired not to administer written exams to the brigade members, due to difficulties encountered in corrective action for failures." This is clearly inconsistent with the management principles used by Admiral Rickover to assess GPU Nuclear Corporation--require relentless training, develop the capacity to learn from experience, and face facts.

Admiral Rickover's report also apparently highlights the radiation control program at TMI-1 (TMI-2 was excluded), which the report characterized as a "well-directed and effective approach to this important area." Once again, the deeds of GPU Nuclear Corporation do not match its alleged "management commitment to the goal of excellence," or "the current highly acceptable record" of radiation control, to use the words of the report. In a letter to GPU Nuclear Corporation dated October 28, 1983, the NRC Staff reported the results of routine safety inspections conducted in August, September and October 1983, during which it found "numerous instances of nonadherence to procedures and instances of inadequate procedure reviews...." In particular, the Staff was concerned with three apparent procedure violations involving the handling of radioactive waste which "collectively represent an apparent breakdown in proper implementation of [GPU Nuclear's] radiological control program." (emphasis added) Furthermore, the Staff found that the violations "could have been reasonably precluded by corrective actions implemented for previous violations in this area in the past." Thus, when one examines only GPU Nuclear's commitments and goals, the radiation control program may appear to be a well-directed and effective approach. However, when examining GPU Nuclear's performance, one finds a breakdown of the radiation control program. Furthermore, the NRC Staff's observations show that, while GPU Nuclear may profess to learn from experience, its performance shows that it does not.

We also find particularly remarkable the statement that GPU follows "safety and reliability practices which lie beyond regulatory requirements." In the case of the fire protection standards discussed above, GPU requested

exemptions from requirements which virtually every other operating plant meets. The TMI-1 restart proceeding is studded with examples of GPU's grudging compliance with minimum standards applicable to the industry at large. The history of the high-point vents and the reactor water volume measurement are just two.

It should be noted that the scope of the Rickover task force review was quite narrow. First, it excluded "early events" (we do not know how this was defined) on the apparent grounds that they took place under a "thoroughly different" previous management. The fact is, however, that top management still contains many of the same people. Therefore, the claim that GPU management is thoroughly different is unfounded. It should be noted that one of the management principles espoused by the report is the "concept of total responsibility". GPU management should not be permitted to avoid that responsibility by assuming a new corporate title.

In addition, mismanagement of TMI-2 cleanup was excluded from consideration because, although it involves the same management, it involves different kinds of activities. On its face, this ground for exclusion is completely unjustified. The management principles which are stated to apply to operation of TMI-1 are equally applicable to the cleanup. If one wanted to look at deeds in addition to words, the cleanup experience would have been essential to review. It is not credible to believe that a management truly reflective of Rickover's stated principles could have so thoroughly evaded and violated correct procedure during the cleanup. Did they shed their good management principles at the gate between Units 1 and 2?

It appears that the evidence we discuss above was not considered during the Rickover task force review of TMI management. Nor was the operator cheating or false certification or leak rate falsification. As we stated at the outset, the principles of good management identified by the reviewers are sound ones. However, GPU's deeds are very frequently at odds with their words.

Sincerely,

Ellyn R. Weiss *RR*

Ellyn R. Weiss
General Counsel

Robert D. Pollard

Robert D. Pollard
Nuclear Safety Engineer

cc: TMI Service List

TMI-Public Interest Resource Center
Subject: Environmental Qualification of electrical equipment
 at TMI Unit 1
Date: 12/2/83

NRC report SECY-82-409 estimates that over 80% of the electrical equipment in operating nuclear power plants relied upon to protect the public in the event of an accident is not environmentally qualified - that is, it may not stand up to the extreme changes in pressure, temperature, and radiation that occur during an accident. Of the equipment tested, over 40% has had to be replaced, modified, relocated, or shielded. TMI Unit 1 is one of the plants whose equipment has not been environmentally qualified. Nor has the NRC set a date by which this equipment has to be environmentally qualified. None of this information can be introduced into the restart hearings. From another NRC report: "The hearing is not for the purpose of reassessing the safety of TMI Unit 1, it is for the purpose of assessing whether or not the lessons learned from the accident are necessary and sufficient to allow Unit 1 to resume operation." Therefore, only information specifically related to the accident can be discussed at the hearings.

The Union of Concerned Scientists has advised that our elected officials can persuade the NRC to widen the scope of the hearings so that all safety issues related to the operating of TMI Unit 1 can be discussed. We are requesting that the issue of restart not be discussed until all the safety equipment in Unit 1 has been environmentally qualified.