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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE COMMISSION

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

Docket No. 50-289 ST
(Restart Remand
on Management)

NRC STAFF'S REPLY TO OTHER PARTIES'
COMMENTS IN RESPONSE TO CLI-84-18

Jack R. Goldberg
Counsel for NRC Staff

October 29, 1984

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NUCLEAR REGULATORY COMMISSION

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OFFICE OF SECRETARY
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20545

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OFFICE OF REGISTERED
PROFESSIONAL STAFF

In the Matter of)
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(Three Mile Island Nuclear Station,)
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I. INTRODUCTION

In CLI-84-18 (September 11, 1984), the Commission provided all parties the opportunity to submit comments in reply to other parties' comments on whether any of the management integrity issues warranted reopening the record. Comments were submitted by the Licensee, intervenors TMIA, UCS, and the Aamodts, the Commonwealth of Pennsylvania, and the NRC Staff. The Staff hereby replies to the other parties' comments.

II. DISCUSSION

The Staff has reviewed the comments of the other parties on the issues which the Commission asked be addressed in CLI-84-18. For the most part, the parties' comments are restatements or rearguments of their previously-stated positions on the issues. Virtually no new information or argument was presented on any of the issues which was not fully

considered by the Staff in its analysis of the issues. See NUREG-1020LD (September 1983), NUREG-0680, Supp. No. 4 (October 1983), NUREG-0680, Supp. No. 5 (July 1984); see also NRC Staff's Brief in Response to CLI-84-18, October 9, 1984 (Staff's Brief); NRC Staff's Comments on the Commission's January 20, 1984 List of Integrity Issues in Restart Proceeding, February 21, 1984. Therefore, the Staff continues to believe that none of the matters identified in CLI-84-18 raises a significant safety issue which likely would cause the Licensing Board to reach a different result in any restart issue. See Staff's Brief. Except as discussed below, the Staff has no reply to the other parties' comments.

A. TMIA's Comments

TMIA states that its position on the need for additional hearings is generally set forth in its August 13, 1984 Petition for Revocation of License of General Public Utilities Nuclear Corporation on the Basis of Deficient Character (TMIA Petition). ^{1/} TMIA Response to Commission Order of September 11, 1984, October 9, 1984 (TMIA Comments). Insofar as TMIA argues for reopening the record, including arguments based on referenced portions of TMIA's Petition, the Staff has reviewed the arguments and finds generally that no new issue or significant new information is presented which previously has not been considered by the

^{1/} The Director, Office of Nuclear Reactor Regulation, will issue a separate Director's Decision on the TMIA Petition at a later date.

Staff in arriving at the Staff's position as stated in Staff's Brief. ^{2/}
In many cases, TMIA simply reaches conclusions different from the Staff's based on the same facts considered by the Staff. In some cases, TMIA does not balance the facts upon which they rely with other evidence considered by the Staff. All things considered, however, the Staff finds no reason to change its position based on TMIA's comments.

^{2/} Some new information, not previously considered by the Staff prior to the issuance of NUREG-0680, Supp. No. 5, is identified in TMIA's Comments. The Staff now has considered this material and finds that it does not modify the Staff's position on any of the issues to which these documents relate. The new information is as follows:

- (1) IE Inspection Report 50-289/84-12, dated August 14, 1984, as discussed on pages A-257 and A-258 of the TMIA Petition;
- (2) Attachment B of the TMIA Petition, as discussed on pages A-267 and A-268, concerning allegations of Licensee's use of unqualified welders;
- (3) Attachment C of the TMIA Petition, as discussed on page A-281, concerning a rebuttal of Staff's conclusions on the Parks/King/Gischel issue.
- (4) The Special Report of GPU's Reconstituted OARP Review Committee (not reviewed or relied upon by the Staff prior to the issuance of NUREG-0680, Supp. No. 5) as discussed on page 3 and in Attachment A of the TMIA Comments.

The Staff does not believe that this information, either separately or in conjunction with the other available information, raises a significant safety issue which could cause the Licensing Board to reach a different result on any restart issue. Therefore, reopening the record is not warranted.

On pages A-250 and A-251 of TMIA's Petition, TMIA characterizes Attachment A (concerning TMI-2 incomplete work items) to the TMIA Petition as new information. This document was reviewed and considered by the Staff prior to the issuance of NUREG-0680, Supp. No. 5.

B. TMIA Motion to Reopen the Record on Clean Up Allegations

On September 17, 1984, TMIA filed a motion to reopen the record on the allegations of harassment of certain TMI-2 employees, namely Messrs. Parks, King and Gischel. TMIA Motion to Reopen the Record on Clean Up Allegations, September 17, 1984 (TMIA Motion). TMIA filed this separate motion "to be considered as one aspect of its comments on the September 11 Order." TMIA Motion at 1. The Staff has reviewed TMIA's arguments and has not identified any new information on the allegations of harassment of Parks, King or Gischel. For the reasons set forth in Staff's Brief (section II.C.7) and the documents cited therein, the Staff does not believe that this matter raises a significant safety issue which would cause the Licensing Board to reach a different result on any issue in the restart proceeding.

C. UCS' Comments

UCS argues that reopening the record on integrity issues is warranted for reasons stated previously by UCS in submissions to the Commission. UCS Response to CLI-84-18, Need for Evidentiary Hearings in TMI-1 Proceeding, October 9, 1984 (UCS Comments), at 5-7. UCS also relies on the TMIA Petition. Id. at 6-7. UCS has not raised any new argument or identified any significant new information which previously

has not been considered by the Staff. ^{3/} The Staff, therefore, finds no reason to change its position based on UCS' comments.

D. Aamodts' Comments

The Aamodts' comments are devoted primarily to the Aamodts' allegation that radioactive releases from TMI-2 on the day of the accident were much greater than previously reported, that high levels of radiation are still present in the vicinity of TMI-2, and that there remain serious effects and threats from such radiation. Aamodt Comments Concerning Resolution of the Restart Proceeding In Response to Commission Order of September 11, 1984, October 4, 1984 (Aamodt Comments), at 1-6. This matter was raised previously by the Aamodts in an earlier motion and at the Commission's August 15, 1984 meeting on TMI-1 restart. See Aamodt

^{3/} Some new information, not previously considered by the Staff, was identified by UCS; however, the Staff does not consider the addition of this information significant enough to change the Staff's position on any of the related issues. The new information identified by UCS is as follows:

- (1) The Special Report of GPU's Reconstituted OARP Review Committee and related Licensee responses to interrogatories associated with the Special Report as discussed in UCS' Comments at 13-20.
- (2) UCS' reference to "H" being repaid the full amount of pay for the two weeks he was suspended, with 15% interest, as discussed in UCS' Comments at 25, 29.
- (3) UCS' reference to Mr. Hukill's withdrawal of Mr. Frederick's certification to retake the SRO Instructor Certification examination, as discussed in UCS' Comments at 30-32.

The Staff does not believe that this information, either separately or in conjunction with other available information, raises a significant safety issue which could cause the Licensing Board to reach a different result on any restart issue. Therefore, reopening the record is not warranted.

Motions for Investigation of Licensee's Reports of Radioactive Releases During the Initial Days of the TMI-2 Accident and Postponement of Restart Decision Pending Resolution of this Investigation, June 21, 1984. For the reasons stated in the NRC Staff Response to Aamodt Motions for Investigation of Licensee's Reports of Radioactive Releases During the Initial Days of the TMI-2 Accident and Postponement of Restart Decision Pending Resolution of this Investigation, July 11, 1984, the Staff does not believe that there is any basis to reopen the TMI-1 restart record arising from the Aamodts' allegations. ^{4/}

The Aamodts refer to "deliberate deception of the Staff concerning the falsification of leak rates at Unit 2." Aamodt Comments at 11. The Aamodts allege that the Staff attempted "to shield the leak rate matter from the Restart Proceeding." Id. As explained in Staff's Brief, only those Staff members who were involved in the suspended NRC investigation had any direct knowledge of the information which was being developed, and they were under instruction by the Department of Justice not to discuss the matter with others. Staff's Brief, Appendix § A at 3. See also Board Notification BN-84-143 dated August 15, 1984, which contains as Exhibit 3 a summary of the Hartman allegations investigation as of June 3, 1983. Therefore, there is absolutely no basis for the Aamodts' allegation of deception by the Staff.

^{4/} At the request of the Commission, the Staff provided additional information to the Commission on this matter in several memoranda subsequent to the Commission's August 15, 1984 meeting.

E. Commonwealth's Comments

The Commonwealth of Pennsylvania has not presented any new argument or identified any new information not considered by Staff in arriving at Staff's position.

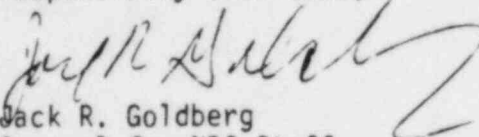
F. Licensee's Comments

Licensee's overall position is that there is no need for any further hearings on any of the issues addressed in ALAB-772, ALAB-738, and NUREG-0680, Supp. No. 5. For the reasons set forth in Staff's Brief, the Staff agrees, except that the Staff does not oppose a hearing on Licensee's training and testing program whose scope is as presently defined by the Licensing Board.

III. CONCLUSION

For the most part, the other parties' comments are restatements or rearguments of their previously-stated positions on the issues. Virtually no new argument or new information was presented which has not been thoroughly considered by the Staff. Therefore, the Staff continues to believe that none of the information on any of the matters identified in CLI-84-18 raises a significant safety issue which could cause the Licensing Board to reach a different result on any restart issue. However, the Staff does not oppose a hearing on Licensee's training and testing program whose scope is as presently defined by the Licensing Board.

Respectfully submitted,


Jack R. Goldberg
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 29th day of October, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
10/30/84

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BEFORE THE COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S REPLY TO OTHER PARTIES' COMMENTS IN RESPONSE TO CLI-84-18" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, by deposit in the Nuclear Regulatory Commission's internal mail system, this 29th day of October, 1984:

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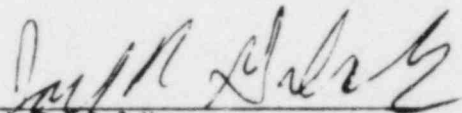
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