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Regulatory Operations
THRU. C. W. Kuhlman, Assistant Director
Radiological, Environmental and
Materials Protection *WY 8/7/73*

ENFORCEMENT AND LICENSING ACTIONS RESULTING FROM INSPECTOR'S
EVALUATION FOR RO REPORT 50-219/73-03

This provides a summary of the issues raised in C. O. Gallina's evaluation memorandum. The attachment lists the issues which required enforcement or licensing action, how the issue is substantiated and the action that was or will be taken. Enforcement action has been taken. Licensing actions are covered in the Draft Environmental Statement for Oyster Creek. I was informed, by D. Muller, L:ADEP, and R. Bevin, L:EP (project manager for OC), that the inspection report and Gallina's memo will be used in formulating technical specifications for the full-term license.

Each issue is substantiated for the most part in the inspection report. Therefore, the inspection report is as critical of the licensee as the evaluation memo. However, two items in the evaluation are not inspection/enforcement matters and their disclosure could create problems. These matters could affect RO relationships with the licensee, i.e., the cooperative attitude of management. The matters may have some legal implications, I do not know. The two issues are quoted from the memo and followed with some remarks.

1. "The inspector was surprised when the OC Technical Supervisor had to be notified by the inspector that two of the five OC air particulate samplers had been inoperable for periods approaching 10 months. Throughout the inspection, the Technical Supervisor was very apologetic and made many excuses but at no time gave this inspector the impression that he (the Technical Supervisor) had a firm handle on what was going on with the environmental monitoring program. Even the OC Station Superintendent was taken back by the apparent lack of knowledge exhibited by the Technical Supervisor when the items of noncompliance were discussed at the management interview. (This, by the way, after the inspector had previously reviewed the items with the Technical Supervisor alone.)"

Remark: It is evident I think, of the kind of problem that this may cause in future relations with the licensee, specifically the Technical Supervisor. It could be used as the basis for disciplinary action against the Technical Supervisor by JCPL.

I listened to a reading of a press release in the Asbury Park Press presumably published August 3, 1973, which discussed the Inspector's Evaluation. The press release only mentioned information in the first sentence of the above quote. However, now that the evaluation is out, JCPL may want a copy of it.

2. "At one point, the inspectors were presented with a stack of consultant reports, one of which would have been quite damaging to JCPL with respect to a lawsuit filed against it involving the shipworm problem discussed in the report. Realizing the impact of the report I had just read, I asked the licensee if they wished the report or information therein be kept proprietary. The Manager of Nuclear Generating Stations, (JCPL), the Safety and Licensing Manager (GPU) and the Safety and Licensing Project Engineer (GPU) all admitted that they did not know what information the report contained, read the report at that time, and concurred with me that it definitely should be kept proprietary. This is but one example of the lack of control, supervisions, and awareness provided by management over environmental matters.

"(NOTE: Along the lines of current litigation in the aforementioned lawsuit, the licensee informally conceded that the utility was responsible for the ecological changes in Oyster Creek and the aggravation of the shipworm problem therein.)"

Remark:

- a. It is evident I think, of the kind of problem this could cause. The press release, as I recall, did not mention the litigation nor any access to proprietary information. It did state essentially that Dr. Charles O. Gallina substantiated the claim by marina owners that operation of Oyster Creek aggravated or caused shipworm problems which are harmful to marine owners.

- b. One can read into the above quote from the inspector's evaluation that the inspector was being protective toward the licensee, i.e., (quote) "Realizing the impact of the report I had just read, I asked the licensee if they wished the report or information therein be kept proprietary." (unquote) Further, after reading the report the licensee representatives (quote) "concurred with me that it definitely should be kept proprietary." (unquote)

The matters above could be used by intervenors in the hearing for the full-term license. One can only guess as to what extent, and the purpose for which they would be used. The overall impression gained from the report and evaluation is that a thorough inspection was performed. The docket shows that enforcement action has been taken. The Draft Environmental Statement, and discussion with Licensing reveal that licensing action has been initiated. The report and evaluation were prime movers in getting licensing action started; the report is referenced in the environmental statement.

I can find fault with general aspects of the report and evaluation.

1. The inspection report and evaluation memo are extremely wordy and generally do not follow the basic concepts of our documentation procedures. The report and evaluation memo could have been shortened considerably without any loss of their punch.
2. In this period of "backfitting" of NEPA requirements, i.e., preparing Environmental Statements for operating plants, the inspection process should be coordinated with the licensing process to eliminate any duplication of "evaluating" licensee programs. Evaluating here is directed to the content of programs and not implementation. The evaluation memo covered both program contents and implementation. We should concentrate on the latter; this is our job.

I discussed this entire matter with J. P. Stohr and C. O. Gallina by telephone on Friday evening, August 3. Stohr said, in effect, that one of his first reactions was that evaluation memos should be "tightened up". I told him that they should continue to be an expression of the inspector's feelings and opinions and should not be "santized" to any extent that would defeat their prime purpose. He seemed to agree with this. Gallina remarked that "The only purpose for which he would open his mouth in the future would be to change feet."

I am prepared to discuss any questions you may have on the contents of this memo. I will be discussing several minor matters relating to inspection and documentation which arise from the issue with H. D. Thornburg in the near future.



Leo B. Higginbotham, Acting Chief
Environmental Protection Branch

Enclosure:
As stated

cc: J. G. Davis
H. D. Thornburg
F. A. Dreher
J. G. Keppler
J. P. O'Reilly

ATTACHMENT 1

A SUMMARY AND REMARKS REGARDING THE
INSPECTOR'S EVALUATION FOR RO REPORT NO. 50-219/73-03

The following lists the issues raised in Dr. C. O. Gallina's evaluation memo for RO Inspection Report 50-219/73-03. The initial sentence(s) in the numbered items are quoted or paraphrased from the inspector's evaluation memo.

1. "My overall evaluation of the program is that it is essentially nonexistent."

Substantiation: Summary of findings and paragraph 3 to 18 of Report 73-03.

Enforcement action: Letter to licensee, June 12, 1973 and RO Report 73-08.

Licensing action: The RO Report 73-03 was discussed and referenced in the Draft Environmental Statement for Oyster Creek. While no specific mention was made that the implemented environmental program was deficient, the summary and conclusions of the Statement said, "Prior to the issuance of a full-term operating license, the applicant will define a comprehensive environmental monitoring program for inclusion in the Technical Specifications which is acceptable to the staff for determining environmental effects of plant operation." The Statement discusses three specific items under this that relates to control of discharge temperatures and fish kills. The statement also says, "If, in the course of time, harmful effects or irreversible damage due to plant operation are detected, the applicant will provide both an analysis of the problem and a proposed course of action to alleviate the problem."

I discussed the proposed specific licensing action that was to be taken to implement the above statements with Dan Muller, L:ADEP; and R. Bevin, L:EP, the project manager for Oyster Creek, on August 3, 1973. I was informed that a meeting was scheduled with Oyster Creek on August 27, 1973 to discuss the Environmental Statement and Technical Specifications. The discussion concerning Technical Specifications would include all the specific items raised in Gallina's evaluation and in the Inspection Report.

2. "The radiological program is apparently an extension of the preoperational program for the site and as such is in need of extensive upgrading."

Substantiation: Paragraphs 5 through 18 of Report 73-03, and in Report 73-08.

Enforcement Action: Referred to licensing and covered in Report 73-08, the results of the interview with licensee management.

Licensing Action: Same as item 1 above.

3. "Lack of manpower to undertake and run a meaningful environmental program at Oyster Creek."

Substantiation: Paragraphs 4, 6 - 7, 8, 10, 11 of Report 73-03.

Enforcement Action: Letter to licensee, June 12, 1973, and RO Report 73-08.

Licensing Action: Same as item 1 above.

4. "An apathetic attitude of management at both the site and at the corporate level of JCPL and GPU."

Substantiation: Paragraphs 3 through 18 of Report 73-08.

Enforcement Action: Letter to licensee, June 12, 1973; and paragraph 3 of Report 73-08.

Licensing Action: Not itemized specifically in the DES but the RO report was considered in preparing the item included in the Environmental Statement (item 1 above). This is covered in a report prepared by R. Bevin, L:EP project Manager to Dan Muller, L:ADEP as a result of this present matter wherein he states, "That the conditions at the plant, both with respect to unsatisfactory operating conditions and administrative apathy cited in RO Report 73-03, would be reflected in environmental tech specs that (will) be imposed upon the plant prior to issuance of a full term license."

5. "...the OC Technical Supervisor had to be notified by the inspector that two of the five OC air particulate samplers had been inoperable for periods approaching 10 months."

Substantiation: Paragraph 5 of Report 73-03.

Enforcement Action: Letter to the licensee, April 26, 1973, enclosure 1 items 2, 3 and 4.

Licensing Action: None required

6. "The non-radiological programs are also in very poor condition. Water quality parameters are only monitored (when monitored) three times a year."

Substantiation: Paragraph 16 of Report 73-03.

Enforcement Action: Letter to licensee, April 26, 1973.

Licensing Action: Same as item 1 and 4 above.

(Continued from item 6 above)

"Results from measurements such as this are meaningless. I would strongly recommend a detailed review in this area by DL since JCPL is planning to put a second unit on this same site."

Substantiation: This remark is directed to the monitoring in item 5 above, i.e., water quality monitoring.

Enforcement Action: No legal basis for this.

Licensing Action: Same as item 1 and 4 above. As a result of Report 73-03, the project manager (R. Bevin) made a trip to the OC site. This trip is covered in his report to Dan Muller.

7. "JCPL and GPU rely heavily on consultant reports but appeared to be totally ignorant of their contents."

Substantiation: Somewhat vague in paragraph 3 of Report 73-03, but mainly from inspector's evaluation.

Enforcement Action: Covered in general terms in the June 12, 1973 letter to the licensee and Report 73-08.

Licensing Action: No specific action required, but it should be corrected by imposing Technical Specifications as discussed in items 1 and 4 above.

8. "...I got the impression that public relations at JCPL is nonexistent also. The company (JCPL) appears to be insensitive to ... inquiries (from the marina owners) unless forced into it by adverse publicity."

Substantiation: Paragraph 22a of Report 73-03.

Enforcement Action: No legal basis; discussed informally with licensee

Licensing Action: None required

9. "The temperature problems have come up before and the way the upper limit of temperature is measured at the temperature buoy in Barnegat Bay virtually gives OC the freedom to discharge effluent at any temperature it desires provided the temperature at the buoy never exceed 95°F."

Substantiation: Paragraph 22c and 23e of Report 73-03.

Enforcement Action: None. Directed to Licensing.

Licensing Action: Discussed specifically in the Environmental Statement, section 5.2; and in the Summary and Conclusions which states that they will impose Technical Specifications acceptable to the staff.

10. "The shipworm problem appears to also be well founded based on my observations. According to the proprietary report I read by Dr. Wurtz to JCPL as mentioned earlier, the incidence of shipworms in Oyster Creek was a factor of two greater than in the control creek (Stout's Creek)."

Substantiation: Paragraph 22 of Report 73-03 and in the Inspector's Evaluation.

Enforcement Action: None. Directed to Licensing.

Licensing Action: Discussed specifically in the Environmental Statement in section 5.2. The discussion in the Statement does not specifically state that Licensing action will be taken. However, it is implicit in the Draft Environmental Statement, "If, in the course of time, harmful effects or irreversible damage due to plant operation are detected, the applicant will provide both an analysis of the problem and a proposed course of action to alleviate the problem."

11. "Looking at the overall inspection results, including observations by all three inspectors, I would make the following recommendations."

"A. The overall radiological environmental monitoring program be jointly reviewed by DRO, DL and the licensee in order to arrive at an acceptable monitoring program..."

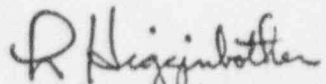
"B. The overall non-radiological environmental program should be reviewed by DRO, DL and the licensee in order to...etc."

Action: This is covered in the DES as quoted in item 1 above. Licensing has scheduled a meeting for this purpose on August 27, 1973. This meeting had been scheduled for an earlier date but has been delayed for various reasons.

"C. It is recommended that based on the number and nature of the items of noncompliance found, corporate management be called in to RO:I for a management meeting with the Director."

Enforcement Action: This was done and the results reported in a letter to the licensee dated June 12, 1973 and in Report 73-08.

Compiled ^{from} ~~by~~ information supplied by F. Dreher, J. P. Stohr, D. Muller, R. Bevin, and the documents referenced herein.


Leo B. Higginbotham

Memorandum to File

September 12, 1973

TELEPHONE CALL TO MR. DON ROSS, MANAGER OF NUCLEAR GENERATOR STATIONS,
JERSEY CENTRAL POWER & LIGHT COMPANY - DOCKET NO. 50-219

D. L. Caphton stated at about 8:20 a.m. - 9/12/73 - to Mr. Don Ross that he wished to convey his large concerns in the matter of the recent power outage that occurred on 9/8/73, and which was reported as an Abnormal Occurrence. It was further stated to Mr. Ross that the fact that the diesel generators were the only power source remaining at times during this incident, and in light of the number of prior problems with diesel generators failing to start, or inoperative diesel generators; this entire matter was considered to be very, very serious. Mr. Ross stated that he recognized the seriousness of the incident, and that Jersey Central had already proceeded to take measures to further improve the reliability of the diesel generators. He stated that at this very moment their GORB, off-site Safety Review Committee, was holding a meeting (note, this was a scheduled meeting), and discussing ways in which to improve the reliability and dependability of the diesel generators. It was stated to Mr. Ross that I personally consider OC-1 very, very lucky that they had two diesel generators operating at the time of this incident, particularly in view of the fact that the generators were jockeyed on an off-line and subjected to fault tripouts; the fact that both generators did not fault at the same time (except for one instance of about 15 seconds) during this specific incident was a fortuitous event. Mr. Ross stated that he did not consider it luck -- that there were other factors involved.

D. L. Caphton further stated to Mr. Ross that he was very, very concerned in the matter of the differential relay taps being connected incorrectly by out of plant relay people. Mr. Ross stated that action was being taken to correct this situation. He further added that he would suspect that other plants had this same situation of using outside relay people. It was stated that this was a clear example of the lack of a Quality Assurance & Control Program at this plant. D. L. Caphton stated that he was very much concerned that this facility appeared to be not meeting their requirements under the law of 10 CFR 50, Appendix B, QA criteria. It was further stated that these statements of opinion were based upon my visit to their plant two weeks ago, plus information that I am currently receiving from our inspector who is at the plant today. Mr. Ross spoke of having a staff now actively working on

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DATE ▶	9/14/73				

the QA Program and thought that they would have a program by next year.

D. L. Capton stated to Mr. Ross that the implementation of a QA Program was needed today and should be available within days. Mr. Ross stated that he would make a memorandum of Mr. Capton's comments and see to it that his management receives a copy of it, plus the personnel working on the QA Program. Mr. Ross added he reckoned that he would be hearing from us as a result of the inspection at their facility. I stated that this would be a fact.

The conversations with Mr. Ross were congenial and friendly; however, businesslike. Mr. Ross seemed to be responsive to the concerns raised. He also subsequently learned from our inspector at the site that the plant superintendent had been subsequently informed about this telecon.

D. L. Capton, Senior
Reactor Inspector, BWR

cc: James P. O'Reilly
R. T. Carlson
Edward G. Greenman
P. Nelson
M. Howard