Oyster Creek

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SEP 7 1973

TO: James P. O'Reilly, Director
Directorate of Regulatory Operations, Region I

THRU: J. P. Stohr, Senior, Environmental Protection and Special Programs Section, Directorate of Regulatory Operations, Region I

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

In response to Mr. Thornburg's memo dated August 13, 1973 on the above referenced subject, it appears that the areas of concern discussed in my evaluation memorandum have been adequately responded to.

During my review of the subject memo for resolution of technical issues, my attention was directed also to comments on report writing, areas inspections should concentrate on and our discussion during the telephone conversation immediately after learning that the Inspector's Evaluation had been released to the press. I disagree to varying degrees with these comments and/or felt that they may be misleading.

Without belaboring the issue:

1. With respect to the two items which are not inspection/enforcement matters, I believe that these matters may have affected our overall relationships with the licensee. Prior to the release of this memo there was little cooperation by management in the area of environmental matters. Recently, I have heard from various sources that Jersey Central Power and Light personnel are now "falling over themselves" to be cooperative. If true, this represents a big step from a statement by GPU representatives that they would hold off as long as possible until DL directed them as to what to do.

2. As far as the second item is concerned relating to the proprietary report, I suppose that out of context it might appear that we, the AEC, were guarding the licensee. In the context of the evaluation memo itself, however, especially the last line of that same paragraph, I believe this to be unlikely. When this proprietary report was first read, I discussed the matter with the other inspector at the site; then I personally decided to inform the licensee of the matter. I did this so that our report would not be delayed due to the correspondence that would have ensued between the AEC and Jersey Central Power and Light.

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3. I, of course, disagree with the statement that the report and evaluation memo are extremely wordy. If it were not for the detail in the report, the evaluation memo would not have been based on sufficient information. The fact that two air samplers were out for 10 months is one thing. The fact that Jersey Central Power and Light did not even know about it is another. In order to document all pertinent information relating to enforcement action, I included more detail. The problem with the licensee's program went deeper than simple noncompliance, and I believe that the report brings that out. One must remember that in conducting an environmental inspection, one entire facet of an operating reactor is reviewed at one time by one individual, and it is covered in one report. With respect to the second part of that paragraph, ("generally do not follow the basic concepts of our documentation procedures,") it should be noted that we feel that report and evaluation memo followed the guidelines and requirements set forth in PI 1000.

4. I agree that the implementation of a program should be evaluated. However, as professionals, we also will be making some evaluation of program content during the course of the inspection. We choose not to overlook obvious deficiencies which cause the program to not meet current standards. We do not "push" the licensee in regards to the recognized, content deficiency although it is discussed. Rather this information is passed on to DL for their review and subsequent incorporation into revised Technical Specifications as DL sees fit. Close contact is maintained between DRO and DL so that duplication is minimized but DRO inspectors are in a unique position in that they see a different aspect of the plant than does DL. As a matter of fact, when GAO accompanied this inspector recently, they were impressed by the fact that DRO had the expertise to evaluate the entire program and not only report facts with respect to implementation.

5. The last paragraph indicates that J. P. Stohr felt that evaluation memos should be tightened up. This is a misconception. J. P. Stohr and I discussed tightening up the dissemination of these memos but did not mean to imply that they be "sanitized."

6. As far as the last statement is concerned, I would like to say that this statement was made in jest and not meant to be taken literally. I do not want to convey to anyone that I am in the least bit afraid to write a similar report and similar evaluation

memo if the situation called for it. In talking to DL, I was told that my reports and memos were of assistance to their efforts. I have reviewed every report and memo written since coming with the Commission and have confirmed to myself that I was justified in writing what I did concerning Oyster Creek. I am afraid that Oyster Creek and Forked River will be a problem for some time to come but both my feet are firmly on the ground and not in my mouth. I believe that if a reactor is deficient in some aspect ever which I have control, then I too am deficient. In every environmental and emergency planning inspection that I have conducted, I have assumed the responsibility of seeing that these areas are being handled properly and will continue to do so.

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