

November 13, 1984

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)	
)	
GPU NUCLEAR CORPORATION)	Docket No. 50-289
)	(10 C.F.R. 2.206)
(Three Mile Island Nuclear)	
Station, Unit No. 1))	

LICENSEE'S REPLY TO UNION OF
CONCERNED SCIENTISTS' PRELIMINARY
RESPONSE TO DIRECTOR'S DECISION
AND REQUEST FOR DEFERRAL

On November 2, 1984, the Union of Concerned Scientists filed with the Commission a pleading entitled "Union of Concerned Scientists' Preliminary Response to Director's Decision and Request for Deferral of November 6 Meeting, for Opportunity to Address Commission and for Production of Certain Documents" ("UCS Request"). In its essentials, this pleading requests that the Commission defer its decision on whether to take review of the Director's Decisions^{1/} denying UCS's 10

^{1/} The Director of Nuclear Reactor Regulation issued an Interim Decision (DD-84-12, 19 N.R.C. 1128) on April 27, 1984 which disposed of issues raised in the January 20, 1984 UCS Petition relating to the seismic qualification of the EPW system, the ability of the system to meet the single failure criterion, the accuracy of the EPW flow instruments and the adequacy of the Main Steam Line Rupture Detection System. On September 25, 1984, the

(Continued next page)

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C.F.R. § 2.206 petition until after UCS has an additional month to study the subject decisions and the underlying documents and to provide their comments on the Decisions to the Commission.

UCS has advanced no substantive basis for delaying the Commission's decision-making path on the petition.^{2/} Further, as discussed below, the UCS Request contains several misstatements of fact which should be brought to the Commission's attention prior to any decision being reached on the basis of these statements.

The UCS Request first questions the integrity of the Staff's finding that the environmental qualification of the EFW system has now been established, claiming that the Staff made a similar finding in its' June 1980 Restart SER (NUREG-0680) which later proved to be untrue. UCS Response at 2, 4. As UCS is well aware, however, the June 1980 Restart SER does not include an evaluation of Licensee's compliance with the environmental qualification regulations or IE Bulletin 79-01B. Indeed, Licensee's first response to IE Bulletin 79-01B was

(Continued)

Director issued a final decision (DD-84-22) which disposed of the remaining technical issue raised by UCS -- the environmental qualification of the EFW system -- and certain other ancillary issues and denied UCS's request that the TMI-1 Operating License be suspended.

^{2/} As the Commission is aware, UCS has no procedural right to comment on or request Commission review of the Director's Decisions. See 10 C.F.R. § 2.206(c)(2). Rather, the Commission may, on its own motion, review these Decisions to determine if the Director abused his discretion. 10 C.F.R. § 2.206(c)(1).

submitted, as required, in November 1980, some five months after the Restart SER was published. See Metropolitan Edison Company (Three Mile Island Nuclear Station, Unit No. 1), LBP-81-59, 14 N.R.C. 1211, 1400 (¶ 1149)(1981). Rather, as is clear from the Staff's evaluation, their findings were based on the TMI-1 Operating License stage review^{3/} of a postulated main steam line break:

7. Verification that a postulated break in the steam line to the turbine-driven EFW pumps will not result in adverse environmental conditions which would compromise operability of the motor-driven EFW pumps and their associated flow path.^{4/}

In response to this concern, the licensee has provided the motor qualification certification and calculations performed during the OL review of TMI-1 to support the assumed environmental conditions (323 degrees F) resulting from a postulated main steam line break in the Intermediate Building. The licensee has also provided arrangement drawings for the EFW system. We have reviewed this information and concur with the original staff conclusion that the motor-driven EFW pumps will start and operate under the worst postulated environmental conditions.

NUREG-0680 (June 1980) at C1-10 (emphasis added). Further,

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- ^{3/} Of course, the environmental qualification standards currently in effect (i.e., the DOR Guidelines and 10 C.F.R. § 50.49) are much more stringent and detailed than those against which TMI-1 was reviewed at the Operating License stage.
 - ^{4/} The stated concern was not one of the Commission's short-term EFW items included in its August 9, 1979 Order, but was included in the Restart SER as an outgrowth of the Staff's review of EFW reliability studies performed by Licensee and other B&W licensees. See NUREG-0680 at C1-8.

contrary to UCS's statement that the Staff found that the "EFW system was fully qualified" (UCS Request at 2), the Staff went on to note its concerns regarding the qualification of the EFW control valves and, in Supplement 3 to the SER, reported that these valves could not be qualified under the IE Bulletin 79-01B program and would be replaced upon receipt of qualified valves. Id.; NUREG-0680, Supp. 3 (April 1981) at 13-14. Thus, contrary to UCS's implications, it is clear that the 1980 Restart SER cannot be viewed as a Staff finding that the TMI-1 EFW system was then fully environmentally qualified.

UCS next claims that the Staff has no basis beyond only an "implicit" qualitative probabilistic analysis for allowing TMI-1 to operate for one cycle prior to the installation of fully safety-grade, redundant EFW flow control valves. This claim is totally unsupported; the short-term mechanical and administrative modifications made to the flow control valves were fully explained in the Interim Director's Decision (DD-84-12, 19 N.R.C. 1128, 1133-34) and were the subject of extensive review during the Restart Proceeding. See Metropolitan Edison Company (Three Mile Island Nuclear Station, Unit No. 1), ALAB-729, 17 N.R.C. 814, 833 (1983); see also DD-84-22, slip op. at 27-31. Further, UCS is attempting here to request Commission reconsideration of its previous decision, on review of ALAB-729, holding that the EFW system is sufficiently reliable for restart. Metropolitan Edison Company (Three Mile Island Nuclear Station, Unit No. 1), CLI-84-11,

slip op. at 10-14 (July 26, 1984). Simply because UCS disagrees with the conclusions of the Staff, the Director and the Appeal Board does not mean that those conclusions suffer from a lack of basis or integrity.

The last technical point regarding the EFW system raised by UCS concerns the lack of discussion in the Director's Decision of certain EFW enable/defeat switches. As stated by UCS,

we recently learned that the TMI-1 EFW system contains "four emergency feedwater enable/defeat selector switches." TMI-1 Operating Procedure 1102-11, "Plant Cooldown," Revision 47, 08/29/84, p. 9.0. Our recollection is that these switches were not discussed during the restart proceeding. Based on the limited information available at this time, these switches appear to violate the requirement of IEEE Std 279 (which is incorporated in 10 CFR 50.55a) which requires that bypasses of protective functions "be removed automatically whenever permissive conditions are not met." IEEE Std 279-1971, Section 4.12, "Operating Bypasses." These switches are not discussed in the Director's Decision or its supporting Safety Evaluation Report, leading UCS to question whether the Staff undertook a complete review of the TMI-1 EFW system to identify those features which do not meet the regulations applicable to safety grade systems or limited itself to responding to those identified in UCS's petition.

UCS Request at 9. While UCS may not "recall" these switches, they were on notice of their existence at least in early 1983:^{5/} Revision 40 of TMI-1 procedure OP 1102-11, which

^{5/} These bypass switches were also noted in Licensee's Restart Report, § 2.1.2.6, as early as November, 1979 (Amendment 6).

contains a similar reference to these switches, was provided to counsel for UCS prior to the reopened Appeal Board hearing in March 1983. See Attachment A (letter to E. Weiss dated March 2, 1983) and Attachment B (page 9.0 of OP 1102-11, Revision 40). Further, UCS has also overlooked the fact that NUREG-0737, Item II.E.1.2 (Part 1) requires that paragraph 4.12 of IEEE Standard 279-1971 be addressed in licensees' EFW design submittals. This manual bypass switch does indeed meet the criteria of IEEE-279. See Restart Report, Supp. 1, Part 2, drawings attached to response to Question 6.

Finally, a good deal of the UCS Request is devoted to a broadside attack on Licensee's schedule for completing the remaining EFW system long-term modifications. We would note here that UCS has previously attempted to require the completion of all long-term modifications prior to restart of TMI-1 and has been rebuffed by the Commission, which found that Licensee is only required to make and has made reasonable progress towards completion of these items. Metropolitan Edison Company (Three Mile Island Nuclear Station, Unit 1), CLI-84-7, 19 N.R.C. 1151 (1984). As stated in that decision, all relevant circumstances for each item must be considered (id. at 1152); the Staff has done so and Licensee stands by the Staff's discussion of this issue at the November 6, 1984 meeting.

In sum, then, Licensee contends that the Commission should disregard this latest UCS filing in that it sets forth no

issues which would cause the Commission to defer its review of the Director's Decisions and, further, should deny the UCS request to submit additional comments on the Director's Decisions.^{6/}

Respectfully submitted,

Thomas A. Baxter / lbb

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DATED: November 13, 1984

^{6/} This ruling would also deny UCS's "discovery" request to be given access to the documentation underlying the Staff's Safety Evaluation and Director's Decision. In any event, this latter request has been substantially satisfied by the granting of a Freedom of Information Act Request filed by UCS on May 2, 1984 regarding the Staff's resolution of the UCS § 2.206 petition. See letters dated July 13, 1984, July 27, 1984, July 31, 1984, and October 15, 1984 from J. M. Felton to E. Weiss (FOIA-84-339).

ATTACHMENT A

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In the Matter of
Metropolitan Edison Company
(Three Mile Island Nuclear Station, Unit No. 1)
Docket No. 50-289 (Restart)

Dear Ellyn:

This responds to your letter of February 24, 1983, which requested that I bring to the deposition on February 25, 1983, copies of nine TMI-1 plant procedures. As I have told you, because of the lateness of your request we were able to supply you with only four procedures at the deposition. We do not maintain a compilation of current TMI-1 procedures at our offices.

On February 25, 1983, I provided you with copies of the following:

EP 1202-6A, Rev. 10, 07/20/82
EP 1202-6B, Rev. 15, 12/07/82
EP 1202-26A, Rev. 14, 06/04/82
EP 1202-39, Rev. 10, 12/07/82

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Ellyn R. Weiss, Esquire
March 2, 1983
Page Two

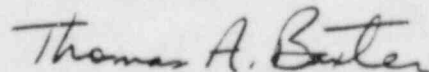
Enclosed are the following:

EP 1202-4, Rev. 23, 01/15/82
EP 1202-6A, Rev. 11, 02/06/83
EP 1202-29, Rev. 20, 11/09/82
OP 1102-11, Rev. 40, 02/06/83
OP 1102-16, Rev. 7, 02/20/82

I have provided you with copies of these procedures solely to avoid further disputes over discovery and to expedite the proceeding. I do not view any of this material to be relevant to the reopened proceeding. The Appeal Board, in its Order of January 26, 1983, denied the UCS request to expand the scope of the proceeding to include, inter alia, an inquiry into whether adequate procedures exist for decay heat removal.

I am not providing a copy, as you requested, of Emergency Procedure 1202-5 (OTSG Tube Leak/Rupture). In the proceedings before the Licensing Board, that procedure was marked for identification as UCS Exhibit 20 and Licensee Exhibit 46, but it was not received into evidence. That procedure is not relevant to the TMI-1 Restart proceeding.

Sincerely,



Thomas A. Baxter
Counsel for Licensee

TAB:jah

Enclosures

cc (w/o enc.): Service List attached

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

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)
METROPOLITAN EDISON COMPANY) Docket No. 50-289
) (Restart)
(Three Mile Island Nuclear)
Station, Unit No. 1))

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ATTACHMENT B

as per Operating Procedure 1103-4 and Figure 3. The combination of borated and demineralized water to effect makeup has been determined, also verify available boric acid solution is sufficient to maintain shutdown margin.

: NOTE: If the RCS is to be opened to R.B. atmosphere, i.e., :
: safety valve removed, head off, etc., and containment :
: integrity not maintained, it will be necessary to :
: borate to refueling shutdown concentration. :

- ____ 5. Pressurizer level indicator/controller is in auto, set to maintain pressurizer level at 220".
- ____ 6. Let down flow from RCS is secured.
- ____ 7. Verify or place all four emergency feedwater enable/defeat selector switches in defeat with the permission of the SS or SF.
- ____ 8. OTSG level maintained between 97 and 100 percent on operate range level indication to keep main F.W. nozzles submerged.

3.2 Cooldown

- ____ 1. Lineup borated and demineralized water addition systems to make up to MU system during cooldown. Perform the following operations while cooling down.
 - ____ A. Add borated water as required to maintain MU tank normal level.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE COMMISSION

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In the Matter of)
)
GPU NUCLEAR CORPORATION) Docket No. 50-289
) (10 C.F.R. 2.206)
(Three Mile Island Nuclear)
Station, Unit No. 1))

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Reply to Union of Concerned Scientists' Preliminary Response to Director's Decision and Request for Deferral" were served this 13th day of November, 1984, by deposit in the U.S. mail, first class, postage prepaid, upon the parties listed on the attached Service List.

Deborah B. Bauser
Deborah B. Bauser

Date: November 13, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
METROPOLITAN EDISON COMPANY) Docket No. 50-289
)
(Three Mile Island Nuclear)
Station, Unit No. 1))

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