

April 28, 1983

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD :26

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

LICENSEE'S REPLY TO THE
NRC STAFF'S PROPOSED OPINION, FINDINGS OF FACT,
AND CONCLUSIONS OF LAW IN THE REOPENED HEARING

In accordance with the schedule established by the Appeal Board during the reopened hearing on decay heat removal capability, the Staff filed its "Proposed Opinion, Findings of Fact and Conclusions of Law . . ." (hereafter "Staff Findings") on April 12, 1983. Although the Appeal Board provided no express authorization for the filing of replies to the parties' April 12, 1983 submittals, Licensee is compelled to respond to one aspect of the Staff Findings which to some extent represents a new proposal unavailable for previous comment by Licensee.

The Staff has proposed that a license condition be imposed on TMI-1 requiring that an auxiliary operator be dispatched to the EFW flow control valve location on auto-start of the EFW pumps and that the auxiliary operator have as his only duty the manipulation of the flow control valves.^{1/} Staff

^{1/} This license condition would be required pending the full upgrade of the TMI-1 EFW system during the Cycle 6 refueling outage. Staff Findings at 6.

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Findings at 6. Licensee does not object to a license condition requiring the dispatch of an auxiliary operator to the EFW flow control valves upon auto-start of the EFW pumps. The station emergency operating procedures currently require this action. See ALAB-708, 16 N.R.C. ____, slip op. at 13 (Dec. 29, 1982); Licensee's Response to Appeal Board Memorandum and Order of November 5, 1982 at 14, 15 (Nov. 22, 1982); Tr. 337 (Judge Edles).

Licensee does object, however, to the apparently open-ended nature of the Staff's proposed condition, which could be read to limit the flexibility of the operating staff by prohibiting the auxiliary operator from subsequently performing any other duties. It is not desirable to require the auxiliary operator to remain stationed at the flow control valves indefinitely during an event if EFW flow has been established via the ICS or the manual control station in the control room. Then the operator may usefully perform other functions after assuring EFW flow and, as with the initiating event, the operator is subject to recall to the valves if the need arises. Licensee would not oppose a license condition limiting the auxiliary operator's responsibilities to being available for manipulation of the EFW flow control valves until such time that EFW flow to the steam generators is verified by the control room operators. Thus, Licensee proposes that the Staff's proposed license condition be modified as follows:

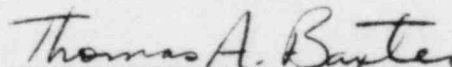
Upon any EFW pump auto-start condition prior to the Cycle 6 refueling outage, an auxiliary operator shall be dispatched to the EFW flow

control valve area and shall not be required to perform any other duties until the control room operators verify that EFW flow is being delivered to the steam generators under ICS control or control through the manual control station in the control room.

Licensee submits that the above proposed condition will satisfy the Appeal Board's concern raised in its Memorandum and Order of November 5, 1982, while allowing the licensed control room operators to direct the auxiliary operator to undertake other necessary actions following verification of EFW system performance. The undersigned has discussed the substance of this reply with counsel for the Staff, who has authorized the undersigned to represent that the Staff has no objection to Licensee's suggested qualification to the Staff's proposal.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE


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CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Reply to the NRC Staff's Proposed Opinion, Findings of Fact, and Conclusions of Law in the Reopened Hearing" were served this 28th day of April, 1983, by deposit in the U.S. mail, first class, postage prepaid, to the parties on the attached Service List.

Thomas A. Baxter
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