

UNION OF CONCERNED SCIENTISTS

DOCKETED
USNRC

1346 Connecticut Avenue, N.W. • S. 1101 • Washington, DC 20036 • (202) 296-5600

'84 APR 19 PM 2:24

April 18, 1984

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH
Nunzio J. Palladino, Chairman
James Asselstine, Commissioner
Frederick Bernthal, Commissioner
Victor Gilinsky, Commissioner
Thomas Roberts, Commissioner
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Gentlemen:

You were sent a letter dated April 6, 1984, addressed to Mr. Chilk from counsel for GPU. The letter is, in essence, an impermissible reply to UCS' Reply Brief on Review of ALAB-729 and ALAB-744. The letter claims that UCS "ignored" GPU's recent withdrawal of its position that TMI-1 is safe to operate with unqualified Bailey E/P converters for the emergency feedwater flow control valves because of reliance on feed and bleed and/or asserted low probability of an accident.

Let me note at the outset that UCS ignored nothing. GPU's amended response to UCS' Show Cause Petition on the TMI-1 EFW System, which withdrew the above arguments in favor of a promise to replace the defective equipment, was dated March 26, 1984, and was mailed to UCS Counsel at an address vacated on March 30, 1984. It was forwarded by the Postal Service and received after our Reply Brief was filed with the Commission.

In any case, it is abundantly clear that GPU withdrew its indefensible position only after it had become obvious that it would not get away with it. The point we attempted to make in our brief remains true: the fact that GPU would advance such arguments as justification for safe operation when one unquestionably violates the criteria established years ago and the other is in direct conflict with the ruling of the Appeal Board indicates an unacceptable degree of intransigence and/or ignorance of the Commission's rules. See UCS' Brief on the Commission's Review of ALAB-729, March 19, 1984, at 9; UCS' Reply Brief on Review of ALAB-729 and ALAB-744, April 3, 1984, at 9.

Moreover, it is only because of UCS' Show Cause Petition on the TMI-1 EFW System that GPU has withdrawn its position and "improved" its schedule for installing new converters. The fact is that GPU has known since 1981 that the converters were not environmentally qualified and would have to be replaced. See System Component Evaluation Worksheets for the EFW system (submitted in response to IE Bulletin 79-01), sheets 7 & 9 of 28. GPU claimed all this time that they had justification for continued safe operation, and the Staff accepted that claim until, solely because of UCS' show cause petition, the Staff began belatedly to review the basis for the claim. When presented with the Staff's position at a meeting on March 8, 1984, that GPU would have to

DS03
8404200057 840418
PDR ADOCK 05000289
G PDR

provide a great deal of supporting information and analyses on feed and bleed in order to support a conclusion that that cooling mode can be relied upon for design basis accident mitigation (See UCS Reply Brief at 19-23), only then did GPU retreat from reliance on feed and bleed and find the means to accelerate its schedule for replacement of the converters, bowing to the inevitable. The history of this issue scarcely does credit to either GPU or the Staff. If anything this reinforces our belief that the only way these questions of environmental qualification will ever be properly addressed is in a hearing.

Counsel for GPU cites UCS' Reply Brief at 7-9 and 19-23, claiming that these sections ignore GPU's amended response. Pages 7-9 state facts which no party has contested. GPU's last-minute change in position is simply the coda.

Pages 19-23 of UCS' Reply Brief, also cited by GPU, deal with the viability of feed and bleed, which the Staff has asserted will provide "further assurance" of safety. Even if GPU replaces the Bailey Converters with qualified converters (and they have simply asserted to this point that they will do so -- no information has been supplied justifying a conclusion that the replacements are, in fact, qualified) that would not make the EFW System safety grade. For all of the reasons that we have discussed in our show cause petition, the EFW system fails to meet the single failure criterion, is not seismically qualified, and so on. Our comments on the viability of feed and bleed remain correct.

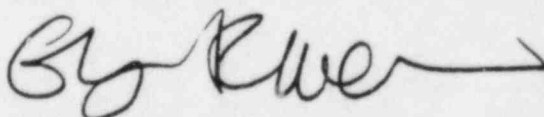
Finally, in December, 1983, the NRC Staff urged the Commission to approve restart of TMI-1. In January, 1984, UCS filed its show cause petition documenting the deficiencies in the TMI-1 emergency feedwater system. Only then, after being directed by the Commission to respond expeditiously to the petition, did the NRC Staff seek to learn whether the system will meet NRC's safety regulations at restart.

MR. VAN VLIET: Our principal concern with the [UCS show cause] petition would be at the time of restart will the plant meet the existing regulations?

Transcript of March 8, 1984 meeting, p. 142.

We find this situation shocking. It is inconceivable to UCS that the NRC Staff could have taken the position that the decay heat removal systems at TMI-1 are adequate for full power operation without knowing whether the emergency feedwater system meets NRC safety rules or in what respects it fails to do so. Given the critical nature of decay heat removal reliability to the restart proceeding, and to overall plant safety, the Staff's failure to know this basic information makes one wonder what it based its recommendation to the Commission upon.

Very truly yours,



Ellyn R. Weiss
General Counsel
Union of Concerned Scientists

cc: TMI-1 Service List